

**CHAIRMAN’S MARK**  
**APRIL 25, 2003**

**TITLE III—INDIAN ENERGY**

1 **SEC. 301. SHORT TITLE.**

2 This title may be cited as the “Indian Tribal Energy Development and Self-Determination Act of  
3 2003”.

4 **SEC. 302. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.**

5 (a) IN GENERAL.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et  
6 seq.) is amended by adding at the end the following:

7 “OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

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

12 “(b) DUTIES OF DIRECTOR.—The Director shall in accordance with Federal policies promoting  
13 Indian self-determination and the purposes of this Act, provide, direct, foster, coordinate, and  
14 implement energy planning, education, management, conservation, and delivery programs of the  
15 Department that—

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

17 “(2) reduce or stabilize energy costs;

18 “(3) enhance and strengthen Indian tribal energy and economic infrastructure relating to  
19 natural resource development and electrification; and

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

21 “COMPREHENSIVE INDIAN ENERGY ACTIVITIES.

22 “SEC. 218. (a) INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.—

23 “(1) The Director shall establish programs within the Office of Indian Energy Policy and

1 Programs to assist Indian tribes in meeting energy education, research and development,  
2 planning, and management needs.

3 “(2) In carrying out this section, the Director may provide grants, on a competitive  
4 basis, to an Indian tribe or tribal consortium for use in carrying out—

5 “(A) energy, energy efficiency, and energy conservation programs;

6 “(B) studies and other activities supporting tribal acquisition of energy supplies,  
7 services, and facilities;

8 “(C) planning, construction, development, operation, maintenance, and  
9 improvement of tribal electrical generation, transmission, and distribution facilities  
10 located on Indian land; and

11 “(D) development, construction, and interconnection of electric power  
12 transmission facilities located on Indian land with other electric transmission facilities.

13 “(3)(A) The Director may develop, in consultation with Indian tribes, a formula for  
14 providing grants under this section.

15 “(B) In providing a grant under this subsection, the Director shall give priority to an  
16 application received from an Indian tribe with inadequate electric service (as determined by the  
17 Director).

18 “(4) The Secretary may promulgate such regulations as the Secretary determines are  
19 necessary to carry out this subsection.

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

22 “(b) LOAN GUARANTEE PROGRAM.—

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

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

1 “(A) a financial institution subject to examination by the Secretary; or

2 “(B) an Indian tribe, from funds of the Indian tribe.

3 “(3) The aggregate outstanding amount guaranteed by the Secretary at any time under  
4 this subsection shall not exceed \$2,000,000,000.

5 “(4) The Secretary may promulgate such regulations as the Secretary determines are  
6 necessary to carry out this subsection.

7 “(5) There are authorized to be appropriated such sums as are necessary to carry out  
8 this subsection, to remain available until expended.

9 “(6) Not later than 1 year from the date of enactment of this section, the Secretary shall  
10 report to the Congress on the financing requirements of Indian tribes for energy development on  
11 Indian land.

12 “(c) INDIAN ENERGY PREFERENCE.—

13 “(1) In purchasing electricity or any other energy product or byproduct, a Federal  
14 agency or department may give preference to an energy and resource production enterprise,  
15 partnership, consortium, corporation, or other type of business organization the majority of the  
16 interest in which is owned and controlled by 1 or more Indian tribes.

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

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

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

21 (b) CONFORMING AMENDMENTS.—

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

24 (A) in the item relating to section 209, by striking “Section” and inserting

25 “Sec.”; and

26 (B) by striking the items relating to sections 213 through 216 and inserting the  
27 following:



1 enactment of this paragraph;

2 “(B) a public domain Indian allotment;

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

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

6 “(E) a dependent Indian community located within the borders of the United  
7 States, regardless of whether the community is located—

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

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

10 “(4) The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian  
11 Self-Determination and Education Assistance Act (25 U.S.C. 450b).

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

14 “(6) The term ‘organization’ means a partnership, joint venture, limited liability  
15 company, or other unincorporated association or entity that is established to develop Indian  
16 energy resources.

17 “(7) The term ‘Program’ means the Indian energy resource development program  
18 established under section 2603(a).

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

20 “(9) The term ‘tribal consortium’ means an organization that consists of 2 or more  
21 entities, at least 1 of which is an Indian tribe.

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

26 “(11) The term ‘vertical integration of energy resources’ means any project or activity  
27 that promotes the location and operation of a facility (including any pipeline, gathering system,

1 transportation system or facility, or electric transmission facility), on or near Indian land to  
2 process, refine, generate electricity from, or otherwise develop energy resources on, Indian  
3 land.

4 **“SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.**

5 “(a) IN GENERAL.—To assist Indian tribes in the development of energy resources and further  
6 the goal of Indian self-determination, the Secretary of Energy shall establish and implement an Indian  
7 energy resource development program to assist Indian tribes and tribal consortia in achieving the  
8 purposes of this title.

9 “(b) GRANTS AND LOANS.—In carrying out the Program, the Secretary of Energy shall—

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

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

16 “(3) provide low-interest loans to Indian tribes and tribal consortia for use in the  
17 promotion of energy resource development and vertical integration or energy resources on  
18 Indian land.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to  
20 carry out this section such sums as are necessary for each of fiscal years 2004 through 2014.

21 **“SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.**

22 “(a) GRANTS.—The Secretary may provide to Indian tribes and tribal consortia, on an annual  
23 basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including  
24 regulations) governing the development and management of energy resources on Indian land.

25 “(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an  
26 Indian tribe or tribal consortium for—

27 “(1) the development of a tribal energy resource inventory or tribal energy resource on  
28 Indian land;

1           “(2) the development of a feasibility study or other report necessary to the development  
2 of energy resources on Indian land;

3           “(3) the development and enforcement of tribal laws and the development of technical  
4 infrastructure to protect the environment under applicable law; or

5           “(4) the training of employees that—

6                   “(A) are engaged in the development of energy resources on Indian land; or

7                   “(B) are responsible for protecting the environment.

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

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

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

14           “(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for  
15 the purpose of energy development, including a lease or business agreement for—

16                   “(A) exploration for, extraction of, processing of, or other development of  
17 energy resources on tribal land; and

18                   “(B) construction or operation of an electric generation, transmission, or  
19 distribution facility located on tribal land; or a facility to process or refine energy  
20 resources developed on tribal land; and

21           “(2) a lease or business agreement described in paragraph (1) shall not require the  
22 approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any  
23 other provision of law, if—

24                   “(A) the lease or business agreement is executed in accordance with a tribal  
25 energy resource agreement approved by the Secretary under subsection (e);

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

27                           “(i) 30 years; or

28                           “(ii) in the case of a lease for the production of oil and gas resources,

1 10 years and as long thereafter as oil or gas is produced in paying quantities;

2 and

3 “(C) the Indian tribe has entered into a tribal energy resource agreement with  
4 the Secretary, as described in subsection (e), relating to the development of energy  
5 resources on tribal land (including an annual trust asset evaluation of the activities of the  
6 Indian tribe conducted in accordance with the agreement).

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

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

12 “(2) the term of the right-of-way does not exceed 30 years;

13 “(3) the pipeline or electric transmission or distribution line serves—

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

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

18 “(4) the Indian tribe has entered into a tribal energy resource agreement with the  
19 Secretary, as described in subsection (e), relating to the development of energy resources on  
20 tribal land (including an annual trust asset evaluation of the activities of the Indian tribe  
21 conducted in accordance with the agreement).

22 “(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an  
23 Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with  
24 this section.

25 “(d) VALIDITY.—No lease, business agreement, or right-of-way under this section shall be  
26 valid unless the lease, business agreement, or right-of-way is authorized in accordance with tribal  
27 regulations approved by the Secretary under subsection (e).

1 “(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

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

5 “(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal  
6 energy resource agreement submitted by an Indian tribe under paragraph (1) (or such later date  
7 as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or  
8 disapprove the tribal energy resource agreement.

9 “(B) The Secretary shall approve a tribal energy resource agreement submitted under  
10 paragraph (1) if—

11 “(i) the Secretary determines that the Indian tribe has demonstrated that the  
12 Indian tribe has sufficient capacity to regulate the development of energy resources of  
13 the Indian tribe; and

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

16 “(I) ensure the acquisition of necessary information from the applicant  
17 for the lease, business agreement, or right-of-way;

18 “(II) address the term of the lease or business agreement or the term of  
19 conveyance of the right-of-way;

20 “(III) address amendments and renewals;

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

23 “(V) address technical or other relevant requirements;

24 “(VI) establish requirements for environmental review in accordance  
25 with subparagraph (C);

26 “(VII) ensure compliance with all applicable environmental laws;

27 “(VIII) identify final approval authority;

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

2 “(X) establish a process for consultation with any affected States  
3 concerning potential off-reservation impacts associated with the lease, business  
4 agreement, or right-of-way; and

5 “(XI) describe the remedies for breach of the lease, agreement, or  
6 right-of-way.

7 “(C) Tribal energy resource agreements submitted under paragraph (1) shall establish,  
8 and include provisions to ensure compliance with, an environmental review process that, with  
9 respect to a lease, business agreement, or right-of-way under this section, provides for—

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

12 “(ii) the identification of proposed mitigation;

13 “(iii) a process for ensuring that the public is informed of and has an opportunity  
14 to comment on any proposed lease, business agreement, or right-of-way before tribal  
15 approval of the lease, business agreement, or right-of-way (or any amendment to or  
16 renewal of the lease, business agreement, or right-of-way); and

17 “(iv) sufficient administrative support and technical capability to carry out the  
18 environmental review process.

19 “(D) A tribal energy resource agreement negotiated between the Secretary and an  
20 Indian tribe in accordance with this subsection shall include—

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

24 “(ii) in the case of a finding by the Secretary of imminent jeopardy to a physical  
25 trust asset, provisions authorizing the Secretary to reassume responsibility for activities  
26 associated with the development of energy resources on tribal land.

27 “(3) The Secretary shall provide notice and opportunity for public comment on tribal

1 energy resource agreements submitted under paragraph (1).

2 “(4) If the Secretary disapproves a tribal energy resource agreement submitted by an  
3 Indian tribe under paragraph (1), the Secretary shall—

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

5 “(B) identify what changes or other actions are required to address the  
6 concerns of the Secretary; and

7 “(C) provide the Indian tribe with an opportunity to revise and resubmit the  
8 tribal energy resource agreement.

9 “(5) If an Indian tribe executes a lease or business agreement or grants a right-of-way  
10 in accordance with a tribal energy resource agreement approved under this subsection, the  
11 Indian tribe shall, in accordance with the process and requirements set forth in the Secretary’s  
12 regulations adopted pursuant to subsection (e)(9), provide to the Secretary—

13 “(A) a copy of the lease, business agreement, or right-of-way document  
14 (including all amendments to and renewals of the document); and

15 “(B) in the case of a tribal energy resource agreement or a lease, business  
16 agreement, or right-of-way that permits payment to be made directly to the Indian tribe,  
17 documentation of those payments sufficient to enable the Secretary to discharge the  
18 trust responsibility of the United States as appropriate under applicable law.

19 “(6) In the case of a violation of the terms of a lease, business agreement, or  
20 right-of-way under this title by any non-Indian party, the Secretary shall continue to have a trust  
21 obligation to ensure that the rights of each Indian tribe that is a party to the lease, business  
22 agreement, or right-of-way are protected.

23 “(7)(A) The United States shall not be liable for any loss or injury sustained by any  
24 party (including an Indian tribe or any member of an Indian tribe) to a lease, business  
25 agreement, or right-of-way executed in accordance with tribal energy resource agreements  
26 approved under this subsection.

27 “(B) On approval of a tribal energy resource agreement of an Indian tribe under

1 paragraph (1), the Indian tribe shall be estopped from asserting a claim against the United  
2 States on the ground that Secretary should not have approved the Tribal energy resource  
3 agreement.

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

8 “(B) After exhaustion of tribal remedies, and in accordance with the process and  
9 requirements set forth in regulations adopted by the Secretary pursuant to subsection (e)(9), an  
10 interested party may submit to the Secretary a petition to review compliance of an Indian tribe  
11 with a tribal energy resource agreement of the Indian tribe approved under this subsection.

12 “(C) If the Secretary determines that an Indian tribe is not in compliance with a tribal  
13 energy resource agreement approved under this subsection, the Secretary shall take such action  
14 as is necessary to compel compliance, including—

15 “(i) suspending a lease, business agreement, or right-of-way under this section  
16 until an Indian tribe is in compliance with the approved tribal energy resource  
17 agreement; and

18 “(ii) rescinding approval of the tribal regulations and reassuming the  
19 responsibility for approval of any future leases, business agreements, or rights-of-way  
20 associated with an energy pipeline or distribution line described in subsections (a) and  
21 (b).

22 “(D) If the Secretary seeks to compel compliance of an Indian tribe with an approved  
23 tribal energy resource agreement under subparagraph (C)(ii), the Secretary shall—

24 “(i) make a written determination that describes the manner in which the tribal  
25 energy resource agreement has been violated;

26 “(ii) provide the Indian tribe with a written notice of the violation together with  
27 the written determination; and

1           “(iii) before taking any action described in subparagraph (C)(ii) or seeking any  
2 other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to  
3 attain compliance with the tribal energy resource agreement.

4           “(E)(i) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as  
5 provided in regulations promulgated by the Secretary.

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

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

11           “(A) criteria to be used in determining the capacity of an Indian tribe described  
12 in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural  
13 resources and financial and administrative resources available for use by the Indian tribe  
14 in implementing the approved tribal energy resource agreement of the Indian tribe; and

15           “(B) a process and requirements in accordance with which an Indian tribe  
16 may—

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

19           “(ii) return to the Secretary the responsibility to approve any future  
20 leases, business agreements, and rights-of-way described in this subsection.

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

22           “(1) any Federal environmental law;

23           “(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et  
24 seq.); or

25           “(3) except as otherwise provided in this title, the Indian Mineral Development Act of  
26 1982 (25 U.S.C. 2101 et seq.).

27           **“SEC. 2605. FEDERAL POWER MARKETING ADMINISTRATIONS.**

28           “(a) DEFINITIONS.—In this section:

1           “(1) The term ‘Administrator’ means the Administrator of the Bonneville Power  
2 Administration and the Administrator of the Western Area Power Administration.

3           “(2) The term ‘power marketing administration’ means—

4                   “(A) the Bonneville Power Administration;

5                   “(B) the Western Area Power Administration; and

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

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

12           “(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section—

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

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

18                   “(3) the Administrator of the Western Area Power Administration may purchase power  
19 from Indian tribes to meet the firming and reserve requirements of the Western Area Power  
20 Administration; and

21                   “(4) each Administrator shall not pay more than the prevailing market price for an  
22 energy product nor obtain less than prevailing market terms and conditions.

23           “(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

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

26                   “(2) The costs of technical assistance provided under paragraph (1) shall be funded by  
27 the Administrator using nonreimbursable funds appropriated for that purpose, or by the

1 applicable Indian tribes.

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

5 “(1) describes the use by Indian tribes of Federal power allocations of the Western  
6 Area Power Administration (or power sold by the Southwestern Power Administration) and  
7 the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of  
8 those administrations; and

9 “(2) identifies—

10 “(A) the quantity of power allocated to Indian tribes by the Western Area  
11 Power Administration;

12 “(B) the quantity of power sold to Indian tribes by other power marketing  
13 administrations; and

14 “(C) barriers that impede tribal access to and use of Federal power, including  
15 an assessment of opportunities to remove those barriers and improve the ability of  
16 power marketing administrations to facilitate the use of Federal power by Indian tribes.

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

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

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

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

25 “(1) the results of the review;

26 “(2) recommendations to ensure that Indian tribes have the opportunity to develop  
27 Indian energy resources; and

28 “(3) an analysis of the barriers to the development of energy resources on Indian land

1 (including legal, fiscal, market, and other barriers), along with recommendations for the removal  
2 of those barriers.

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

4 “(a) **STUDY.**—The Secretary, in coordination with the Secretary of the Army and the Secretary  
5 of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project  
6 that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps  
7 of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

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

9 “(1) determine the feasibility of the blending of wind energy and hydropower generated  
10 from the Missouri River dams operated by the Army Corps of Engineers;

11 “(2) review historical purchase requirements and projected purchase requirements for  
12 firming and the patterns of availability and use of firming energy;

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

15 “(4) determine seasonal capacity needs and associated transmission upgrades for  
16 integration of tribal wind generation; and

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

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

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

23 “(2) an evaluation of whether a combined wind and hydropower system can reduce  
24 reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri  
25 River management flexibility;

26 “(3) recommendations for a demonstration project that could be carried out by the  
27 Western Area Power Administration in partnership with an Indian tribal government or tribal  
28 consortium to demonstrate the feasibility and potential of using wind energy produced on Indian

1 land to supply firming energy to the Western Area Power Administration or any other Federal  
2 power marketing agency; and

3 “(4) an identification of—

4 “(A) the economic and environmental costs or benefits to be realized through  
5 such a Federal-tribal partnership; and

6 “(B) the manner in which such a partnership could contribute to the energy  
7 security of the United States.

8 “(d) FUNDING.—

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

11 “(2) Costs incurred by the Secretary in carrying out this section shall be  
12 nonreimbursable.”.

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

14 The Dine Power Authority, an enterprise of the Navajo Nation, shall be eligible to receive  
15 grants and other assistance as authorized by section 302 of this title and section 2602 of the Energy  
16 Policy Act of 1992, as amended by this title, for activities associated with the development of a  
17 transmission line from the Four Corners Area to southern Nevada, including related power generation  
18 opportunities.

19 **SEC. 305. ENERGY EFFICIENCY IN FEDERALLY-ASSISTED HOUSING.**

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

22 (1) the use of energy-efficient technologies and innovations (including the procurement  
23 of energy-efficient refrigerators and other appliances);

24 (2) the promotion of shared savings contracts; and

25 (3) the use and implementation of such other similar technologies and innovations as the  
26 Secretary of Housing and Urban Development considers to be appropriate.

27 (b) AMENDMENT.—Section 202(2) of the Native American Housing and Self-Determination  
28 Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting ‘improvement to achieve greater energy

1 efficiency,' after 'planning,'.

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

3           In carrying out this Act and the amendments made by this Act, the Secretary of Energy and the  
4 Secretary shall, as appropriate and to the maximum extent practicable, involve and consult with Indian  
5 tribes in a manner that is consistent with the Federal trust and the government-to-government  
6 relationships between Indian tribes and the United States.