

## HR 3973

### Native American Energy Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Native Americans

**Introduced:** Feb 7, 2012

**Current Status:** Placed on the Union Calendar, Calendar No. 506.

**Latest Action:** Placed on the Union Calendar, Calendar No. 506. (Oct 23, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3973>

## Sponsor

**Name:** Rep. Young, Don [R-AK-At Large]

**Party:** Republican • **State:** AK • **Chamber:** House

## Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Gosar, Paul A. [R-AZ-1]	R · AZ		Feb 14, 2012
Rep. Berg, Rick [R-ND-At Large]	R · ND		May 30, 2012

## Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Hearings By (subcommittee)	Feb 15, 2012
Natural Resources Committee	House	Discharged from	May 16, 2012

## Subjects & Policy Tags

### Policy Area:

Native Americans

## Related Bills

No related bills are listed.

Native American Energy Act - (Sec. 3) Amends the Energy Policy Act of 1992 to allow the Secretary of the Interior, an affected Indian tribe, or a certified third-party appraiser under contract with the Indian tribe to appraise Indian land or trust assets involved in a transaction requiring the Secretary's approval.

Gives the Secretary 30 days after receipt of the appraisal to review it and provide the Indian tribe with written notice of its approval or disapproval. Deems the appraisal to be approved after 60 days go by without the Secretary's approval or disapproval.

Gives tribes the option of waiving such appraisals, but they must also waive any claims for damages they might have against the federal government due to the lack of an appraisal.

(Sec. 4) Requires each agency within the Department of the Interior involved in the review of oil and gas activities on Indian lands to use a uniform system of reference numbers and tracking systems for oil and gas wells.

(Sec. 5) Amends the National Environmental Policy Act of 1969 to make the environmental impact statement for major federal action on Indian lands available for review and comment only to the affected Indian tribe and individuals residing within the affected area.

(Sec. 6) Amends the Energy Policy Act of 1992 to direct the Secretary to establish at least five Indian Energy Development Offices, each within a regional or agency office of the Bureau of Indian Affairs (BIA), to assist the Secretary in carrying out the Indian energy resource development program.

Requires the Director of each Indian Energy Development Office to: (1) provide energy-related information and resources to Indian tribes and tribal members; (2) coordinate meetings and outreach among Indian tribes, tribal members, energy companies, and relevant federal, state, and tribal agencies; (3) oversee, and ensure the timely processing of, Indian energy applications, permits, licenses, and other documents by government agencies; and (4) consult with Indian tribes to determine what services, information, facilities, or programs would best expedite the responsible development of energy resources.

(Sec. 7) Prohibits the Secretary from collecting a fee for: (1) applying for a permit to drill on Indian land, (2) oil or gas inspection activities on such lands, or (3) any oil or gas lease for nonproducing acreage on Indian land.

(Sec. 8) Requires plaintiffs who obtain a preliminary injunction or administrative stay in Indian energy related actions to post bond. Subjects them to liability for a defendant's harm should they not ultimately prevail on the merits of the energy related action. Prohibits plaintiffs in Indian energy related actions against the federal government from receiving certain federal payments for their fees or expenses.

(Sec. 9) Amends the Tribal Forest Protection Act of 2004 to direct the Secretary to enter into agreements with Indian tribes to carry out demonstration projects that promote biomass energy production on Indian forest land and in nearby communities by providing tribes with reliable supplies of woody biomass from federal lands.

Requires the Secretary to initiate at least four new demonstration projects in each fiscal year from FY2013-FY2017.

Requires those agreements, to the extent practicable, to include management plans in effect on the Indian forest land or rangeland of the respective Indian tribe.

Limits the agreements to an initial term of no more than 20 years, but allows their renewal for up to 10 additional years.

(Sec. 10) Considers activities conducted or resources harvested or produced pursuant to a tribal resource management plan or an integrated resource management plan approved by the Secretary to be a sustainable when sustainability is federally required.

(Sec. 11) Amends the Long-Term Leasing Act to authorize the Navajo Nation to enter into commercial or agricultural leases of up to 99 years on their restricted lands without the Secretary's approval, provided they are executed under tribal regulations approved by the Secretary. (Currently, those leases may not exceed 25 years, but may include an option to renew for up to 2 additional terms, neither of which may exceed 25 years.)

Allows the Navajo Nation to enter into mineral resource leases on their restricted lands without the Secretary's approval if they are executed under approved tribal regulations and do not exceed 25 years, though they may include a renewal option for one additional term not exceeding 25 years.

(Sec. 12) Prohibits any Department of the Interior rule regarding hydraulic fracturing, used in oil and gas development or production, from having any effect on land held in trust or restricted status for Indians, except with the express consent of its Indian beneficiaries.

## **Actions Timeline**

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- **Oct 23, 2012:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 112-692.
- **Oct 23, 2012:** Placed on the Union Calendar, Calendar No. 506.
- **May 16, 2012:** Subcommittee Indian and Alaska Native Affairs Discharged.
- **May 16, 2012:** Committee Consideration and Mark-up Session Held.
- **May 16, 2012:** Ordered to be Reported (Amended) by Voice Vote.
- **Feb 15, 2012:** Subcommittee Hearings Held.
- **Feb 10, 2012:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Feb 10, 2012:** Referred to the Subcommittee Indian and Alaska Native Affairs.
- **Feb 7, 2012:** Introduced in House
- **Feb 7, 2012:** Referred to the House Committee on Natural Resources.