

## HR 538

### Native American Energy Act

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

**Policy Area:** Native Americans

**Introduced:** Jan 26, 2015

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Indian Affairs.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Indian Affairs. (Oct 19, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/538>

### Sponsor

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

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

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Sep 10, 2015

### Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Referred To	Oct 19, 2015
Natural Resources Committee	House	Discharged from	Sep 10, 2015
Natural Resources Committee	House	Discharged from	Sep 10, 2015

### Subjects & Policy Tags

#### Policy Area:

Native Americans

### Related Bills

Bill	Relationship	Last Action
114 HR 3682	Related bill	Sep 30, 2016: Referred to the Subcommittee on Research and Technology.
114 S 2012	Related bill	Sep 8, 2016: Conference held.
114 HRES 466	Related bill	Oct 8, 2015: Motion to reconsider laid on the table Agreed to without objection.
114 HR 1487	Related bill	Apr 8, 2015: Referred to the Subcommittee on Indian, Insular and Alaska Native Affairs.
114 S 791	Related bill	Mar 18, 2015: Read twice and referred to the Committee on Energy and Natural Resources.

## Native American Energy Act

(Sec. 2) This bill amends the Energy Policy Act of 1992 to allow the Department 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 Interior approval. (Currently, Interior sets appraisal requirements.)

Interior must approve or disapprove an appraisal within 60 days or the appraisal is deemed approved.

A tribe may waive the requirement for an appraisal if it also waives any claims for damages it might have against the United States as a result of the lack of an appraisal.

(Sec. 3) Each agency within Interior involved in the review of oil and gas activities on Indian lands must use a uniform system of reference numbers and tracking systems for oil and gas wells.

(Sec. 4) This bill amends the National Environmental Policy Act of 1969 to make the environmental impact statement for a major federal action (excluding an action related to gaming) on Indian lands available for review and comment only to the affected tribe, individuals residing within the affected area, and state, tribal, and local governments within the affected area.

(Sec. 5) This bill sets forth provisions for the judicial review of a cause of action related to energy development on Indian land.

(Sec. 6) This bill amends the Tribal Forest Protection Act of 2004 to direct Interior, for land under Bureau of Land Management jurisdiction, and the Department of Agriculture (USDA), for land under Forest Service jurisdiction, 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. Interior and USDA may carry out demonstration projects by which tribes may perform the functions of programs under the Tribal Forest Protection Act of 2004.

(Sec. 7) Activity pursuant to a tribal resource management plan or an integrated resource management plan approved by Interior under the National Indian Forest Resources Management Act or the American Indian Agricultural Resource Management Act is considered to be a sustainable management practice.

(Sec. 8) This bill amends the Long-Term Leasing Act to allow the Navajo Nation to enter into mineral resource leases on their restricted lands without Interior's approval. The maximum term of a Navajo Nation lease that does not require Interior's approval is extended for commercial and agricultural leases and established for mineral resource leases.

(Sec. 9) Interior rules regarding hydraulic fracturing do not apply on land held in trust for Indians or on restricted Indian land, except with the express consent of the Indian beneficiaries. Hydraulic fracturing or fracking is a process to extract underground resources such as oil or gas from a geologic formation by injecting water, a propping agent (e.g., sand), and chemical additives into a well under enough pressure to fracture the geological formation.

## Actions Timeline

---

- **Oct 19, 2015:** Received in the Senate and Read twice and referred to the Committee on Indian Affairs.
- **Oct 8, 2015:** Considered under the provisions of rule H. Res. 466. (consideration: CR H6911-6920)
- **Oct 8, 2015:** For H.R. 538, resolution provides for one hour of debate, makes specified amendments in order and allows one motion to recommit, with or without instructions. For H.R. 702, resolution provides for one hour of debate, makes specified amendments in order and allows one motion to recommit, with or without instructions.
- **Oct 8, 2015:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 466 and Rule XVIII.
- **Oct 8, 2015:** The Speaker designated the Honorable David Rouzer to act as Chairman of the Committee.
- **Oct 8, 2015:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 538.
- **Oct 8, 2015:** DEBATE - Pursuant to the provisions of H. Res. 466, the Committee of the Whole proceeded with 10 minutes of debate on the Young (AK) Part A amendment no. 1.
- **Oct 8, 2015:** DEBATE - Pursuant to the provisions of H. Res. 466, the Committee of the Whole proceeded with 10 minutes of debate on the Lujan Grisham (NM) Part A amendment no. 2.
- **Oct 8, 2015:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 538.
- **Oct 8, 2015:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H6916-6917)
- **Oct 8, 2015:** Mr. Lujan, Ben Ray (NM) moved to recommit with instructions to the Committee on Natural Resources. (consideration: CR H6918-6919; text: CR H6918)
- **Oct 8, 2015:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Ben Ray Lujan (NM) motion to recommit with instructions. The instructions in the motion seek to report the same back to the House forthwith with an amendment to ensure that nothing in the underlying legislation will infringe on the authority of the President to protect any sacred or ceremonial Native American tribal site.
- **Oct 8, 2015:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H6919)
- **Oct 8, 2015:** On motion to recommit with instructions Failed by the Yeas and Nays: 184 - 239 (Roll no. 543). (consideration: CR H6919)
- **Oct 8, 2015:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 254 - 173 (Roll no. 544).
- **Oct 8, 2015:** On passage Passed by the Yeas and Nays: 254 - 173 (Roll no. 544).
- **Oct 8, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 7, 2015:** Rules Committee Resolution H. Res. 466 Reported to House. For H.R. 538, resolution provides for one hour of debate, makes specified amendments in order and allows one motion to recommit, with or without instructions. For H.R. 702, resolution provides for one hour of debate, makes specified amendments in order and allows one motion to recommit, with or without instructions.
- **Oct 1, 2015:** Reported by the Committee on Natural Resources. H. Rept. 114-276.
- **Oct 1, 2015:** Placed on the Union Calendar, Calendar No. 208.
- **Sep 10, 2015:** Committee Consideration and Mark-up Session Held.
- **Sep 10, 2015:** Ordered to be Reported by the Yeas and Nays: 23 - 12.
- **Sep 10, 2015:** Subcommittee on Indian, Insular and Alaska Native Affairs Discharged.
- **Sep 10, 2015:** Subcommittee on Energy and Mineral Resources Discharged.
- **Sep 9, 2015:** Committee Consideration and Mark-up Session Held.
- **Mar 2, 2015:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Mar 2, 2015:** Referred to the Subcommittee on Indian, Insular and Alaska Native Affairs.
- **Jan 26, 2015:** Introduced in House
- **Jan 26, 2015:** Referred to the House Committee on Natural Resources.