
**Indian Tribal Energy Development and Self-Determination Act
Amendments of 2017**

(Public Law 115-325)

TITLE II – MISCELLANEOUS AMENDMENTS

Section 202. TRIBAL BIOMASS DEMONSTRATION PROJECT

- (a) **PURPOSE.** – The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.
- (b) **TRIBAL BIOMASS DEMONSTRATION PROJECT.** – The Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a set seq.) is amended –
- (1) in section 2(a), by striking “In this section” and inserting “In this Act”; and
 - (2) by adding at the end the following:

“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

“(a) **STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.**—For each of fiscal years 2017 through 2021, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

“(b) **DEMONSTRATION PROJECTS.**—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection(a).

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

“(1) containing such information as the Secretary may require; and

“(2) that includes a description of—

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

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

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

“(1) take into consideration—

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

“(B) whether a proposed project would—

“(i) increase the availability or reliability of local or regional energy;

“(ii) enhance the economic development of the Indian tribe;

“(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

“(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

“(v) demonstrate new investments in infrastructure; or

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

“(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

“(e) IMPLEMENTATION.—The Secretary shall—

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

“(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

“(f) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

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

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

“(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

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

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

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

(c) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

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

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and
(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(B) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C.5304).

(C) SECRETARY.—The term “Secretary” means—
(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and
(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(D) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into an agreement or contract with an Indian tribe or a tribal organization to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) by providing reliable supplies of woody biomass from Federal land.

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

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Indian tribe or tribal organization shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and
(B) that includes a description of the demonstration project proposed to be carried out by the Indian tribe or tribal organization.

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

(A) take into consideration whether a proposed project would—
(i) increase the availability or reliability of local or regional energy;

- (ii) enhance the economic development of the Indian tribe;
- (iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;
- (iv) improve the forest health or watersheds of Federal land or non-Federal land;
- (v) demonstrate new investments in infrastructure; or
- (vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

- (A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and
- (B) to the maximum extent practicable, consult with Indian tribes and appropriate tribal organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

- (A) each individual application received under this subsection; and
- (B) each contract and agreement entered into pursuant to this subsection.

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

- (A) shall be for a term of not more than 20 years; and
- (B) may be renewed in accordance with this subsection for not more than an additional 10 years.