

**AMENDMENT TO H.R. 3043, AS REPORTED
OFFERED BY MR. RUIZ OF CALIFORNIA**

Page 18, line 17, insert “or an Indian tribe” after “Secretary”.

Page 19, line 7, insert “or Indian tribe” after “Secretary”.

Page 19, line 10, insert “or Indian tribe” after “Secretary”.

Page 21, line 22, insert “or Indian tribe” after “Secretary”.

Page 22, line 5, insert “or Indian tribe” after “Secretary”.

Page 22, line 12, insert “or Indian tribe” after “Secretary”.

Page 22, line 21, insert “or Indian tribe” after “Secretary”.

Page 22, line 24, strike “Secretary to facilitate interagency” and insert “Secretary or Indian tribe to facilitate”.

Page 23, line 3, insert “or Indian tribe” after “Secretary”.

At the end of the bill, add the following new section:

1 **SEC. 5. TRIBAL MANDATORY CONDITIONS.**

2 (a) IN GENERAL.—Section 4 of the Federal Power
3 Act (16 U.S.C. 797) is amended—

4 (1) in subsection (e), in the first proviso, by in-
5 sserting “, or, in the case of tribal land, subject to
6 subsection (h), the Indian tribe having jurisdiction
7 over the tribal land,” after “under whose supervision
8 such reservation falls”; and

9 (2) by adding at the end the following:

10 “(h) TRIBAL MANDATORY CONDITIONS.—

11 “(1) CRITERIA.—An Indian tribe may deter-
12 mine conditions necessary under the first proviso of
13 subsection (e) only if the Secretary of the Interior
14 (referred to in this subsection as the ‘Secretary’) de-
15 termines that the Indian tribe has—

16 “(A) confirmed the intent of the Indian
17 tribe to determine conditions necessary under
18 the first proviso of subsection (e) by resolution
19 or other official action by the governing body of
20 the Indian tribe;

21 “(B) demonstrated financial stability and
22 financial management capability over the 3-fis-

1 cal-year period preceding the date of the deter-
2 mination of the Secretary under this paragraph;
3 and

4 “(C) demonstrated the ability to plan, con-
5 duct, and administer all services, functions, and
6 activities that would otherwise be administered
7 by the Secretary with respect to determining
8 conditions necessary on tribal land under the
9 first proviso of subsection (e).

10 “(2) DETERMINATION ON REQUEST.—On re-
11 quest of an Indian tribe, not later than 1 year after
12 the date on which the Secretary receives the request,
13 the Secretary shall make the determination under
14 paragraph (1).

15 “(3) WITHDRAWAL OF DETERMINATION.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), if the Secretary determines that an
18 Indian tribe no longer meets the criteria under
19 paragraph (1), the Secretary may withdraw the
20 determination under paragraph (2).

21 “(B) NOTICE AND OPPORTUNITY TO RE-
22 SPOND.—Before withdrawing a determination
23 under subparagraph (A), the Secretary shall
24 provide to the Indian tribe—

1 “(i) notice of the proposed with-
2 drawal; and

3 “(ii) an opportunity to respond and, if
4 necessary, redress the deficiencies identi-
5 fied by the Secretary.”.

6 (b) ALTERNATIVE CONDITIONS.—Section 33(a) of
7 the Federal Power Act (16 U.S.C. 823d(a)) is further
8 amended—

9 (1) in paragraph (1), by inserting “or an In-
10 dian tribe” after “(referred to in this subsection as
11 the ‘Secretary’)”;

12 (2) in paragraph (2), by inserting “or Indian
13 tribe” after “the Secretary” each place it appears;
14 and

15 (3) in paragraph (3), by inserting “or Indian
16 tribe” after “the Secretary” each place it appears.

