

TITLE 25 - INDIANS
CHAPTER 37 - INDIAN ENERGY RESOURCES

§ 3505. Indian Energy Resource Commission

(a) Establishment

There is hereby established the Indian Energy Resource Commission (hereafter in this section referred to as the “Commission”).

(b) Membership

The Commission shall consist of—

- (1) 8 members appointed by the Secretary of the Interior from recommendations submitted by Indian tribes with developable energy resources, at least 4 of whom shall be elected tribal leaders;
- (2) 3 members appointed by the Secretary of the Interior from recommendations submitted by the Governors of States that have Indian reservations with developable energy resources;
- (3) 2 members appointed by the Secretary of the Interior from among individuals in the private sector with expertise in tribal and State taxation of energy resources;
- (4) 2 members appointed by the Secretary of the Interior from individuals with expertise in oil and gas royalty management administration, including auditing and accounting;
- (5) 2 members appointed by the Secretary of the Interior from individuals in the private sector with expertise in energy development;
- (6) 1 member appointed by the Secretary of the Interior from recommendations submitted by National environmental organizations;
- (7) the Secretary of the Interior, or his designee; and
- (8) the Secretary of Energy, or his designee.

(c) Appointments

Members of the Commission shall be appointed not later than 60 days after October 24, 1992.

(d) Vacancies

A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect the powers of the Commission.

(e) Chairperson

The members of the Commission shall elect a Chairperson from among the members of the Commission.

(f) Quorum

Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) Organizational meeting

The Commission shall hold an organizational meeting to establish the rules and procedures of the Commission not later than 30 days after the members are first appointed to the Commission.

(h) Compensation

Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate established by the Commission, not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation.

(i) Travel

While away from their homes or regular places of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at a rate established by the Commission not to exceed the rates authorized for employees under sections 5702 and 5703 of title 5.

(j) Commission staff

(1) Executive Director

The Commission shall appoint an Executive Director who shall be compensated at a rate established by the Commission not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5.

(2) Additional personnel

With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission. Such appointments shall be made in accordance with the provisions of title 5 governing appointments in the competitive service, but at rates not to exceed the rate of basic pay payable for level 15 of the General Schedule.

(3) Experts and consultants

Subject to such rules as may be issued by the Commission, the Chairperson may procure temporary and intermittent services of experts and consultants to the same extent as is authorized by section 3109 of title 5, but at rates not to exceed \$200 a day for individuals.

(4) Personnel detail authorized

Upon the request of the Chairperson, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this chapter. Such detail shall be without interruption or loss of civil service status or privilege.

(k) Duties of Commission

The Commission shall—

- (1) develop proposals to address the dual taxation by Indian tribes and States of the extraction of mineral resources on Indian reservations;
- (2) make recommendations to improve the management, administration, accounting and auditing of royalties associated with the production of oil and gas on Indian reservations;
- (3) develop alternatives for the collection and distribution of royalties associated with production of oil and gas on Indian reservations;
- (4) develop proposals on incentives to foster the development of energy resources on Indian reservations;
- (5) identify barriers or obstacles to the development of energy resources on Indian reservations, and make recommendations designed to foster the development of energy resources on Indian reservations and promote economic development;
- (6) develop proposals for the promotion of vertical integration of the development of energy resources on Indian reservations; and
- (7) develop proposals on taxation incentives to foster the development of energy resources on Indian reservations including, but not limited to, investment tax credits and enterprise zone credits.

(l) Powers of Commission

The powers of the Commission shall include the following:

- (1) For the purpose of carrying out its duties under this section, the Commission may hold hearings, take testimony, and receive evidence at such times and places as the Commission

NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2005 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out its duties under this section.

(m) Commission report

(1) In general

The Commission shall, within 12 months after funds are made available to carry out this section, prepare and transmit to the President, the Committee on Natural Resources of the House of Representatives, the Committee on Indian Affairs of the Senate, and the Committee on Energy and Natural Resources of the Senate, a report containing the recommendations and proposals specified in subsection (k) of this section.

(2) Review and comment

Prior to submission of the report required under this section, the Chairman¹ shall circulate a draft of the report to Indian tribes and States that have Indian reservations with developable energy resources and other interested tribes and States for review and comment.

(n) Authorization of appropriations

There are authorized to be appropriated to the Commission \$1,000,000 to carry out this section. Such sum shall remain available, without fiscal year limitation, until expended.

(o) Termination

The Commission shall terminate 30 days after submitting the final report required by subsection (m) of this section.

Footnotes

¹ So in original. Probably should be "Chairperson".

(Pub. L. 102-486, title XXVI, § 2605, Oct. 24, 1992, 106 Stat. 3115; Pub. L. 103-437, § 10(e)(1), (2)(D), Nov. 2, 1994, 108 Stat. 4589.)

References in Text

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (j)(2), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (j)(2), is set out under section 5332 of Title 5.

Amendments

1994—Subsec. (m)(1). Pub. L. 103-437 substituted "Committee on Indian" for "Select Committee on Indian" and "Natural Resources" for "Interior and Insular Affairs".

Change of Name

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.