

116TH CONGRESS
2D SESSION

H. R. 5541

To amend the Energy Policy Act of 1992 to reauthorize programs to assist consenting Indian Tribes in meeting energy education, planning, and management needs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2020

Mr. O'HALLERAN (for himself and Mr. MULLIN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Energy Policy Act of 1992 to reauthorize programs to assist consenting Indian Tribes in meeting energy education, planning, and management needs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Power Act”.

1 **SEC. 2. INDIAN ENERGY.**

2 (a) DEFINITION OF INDIAN LAND.—Section 2601(2)
3 of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))
4 is amended—

5 (1) in subparagraph (B)(iii), by striking “and”;

6 (2) in subparagraph (C), by striking “land.”
7 and inserting “land; and”; and

8 (3) by adding at the end the following subpara-
9 graph:

10 “(D) any land in a census tract in which
11 the majority of the residents are Natives (as de-
12 fined in section 3(b) of the Alaska Native
13 Claims Settlement Act (43 U.S.C. 1602(b))).”.

14 (b) REDUCTION OF COST SHARE.—Section
15 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C.
16 3502(b)(5)) is amended by adding at the end the following
17 subparagraph:

18 “(D) The Director may reduce any applicable
19 cost share required of an Indian tribe in order to re-
20 ceive a grant under this subsection to not less than
21 10 percent if the Indian tribe meets criteria devel-
22 oped by the Director, including financial need.”.

23 (c) AUTHORIZATION.—Section 2602(b)(7) of the En-
24 ergy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amend-
25 ed by striking “\$20,000,000 for each of fiscal years 2006

1 through 2016” and inserting “\$30,000,000 for each of fis-
2 cal years 2021 through 2025”.

3 **SEC. 3. REPORT ON ELECTRICITY ACCESS AND RELI-**
4 **ABILITY.**

5 (a) ASSESSMENT.—The Secretary of Energy shall, in
6 consultation with Tribal governments, the North Amer-
7 ican Electricity Reliability Corporation, and the Federal
8 Energy Regulatory Commission, conduct an assessment of
9 the status of access to electricity by residents on Indian
10 land, and the reliability of electric service available to resi-
11 dents on Indian land, as compared to the status of access
12 to and reliability of electricity within neighboring States
13 or within the State in which Indian land is located.

14 (b) REPORT.—Not later than 18 months after the
15 date of enactment of this Act, the Secretary of Energy
16 shall submit to the Committee on Energy and Commerce
17 of the House of Representatives and the Committee on
18 Energy and Natural Resources of the Senate a report on
19 the results of the assessment conducted under subsection
20 (a), which shall include—

21 (1) a description of generation, transmission,
22 and distribution assets available to provide electricity
23 to Tribal communities;

1 (2) percentage of households residing in Tribal
2 communities or on Indian land that do not have ac-
3 cess to electricity;

4 (3) the potential of distributed energy resources
5 to provide electricity to residents of Tribal commu-
6 nities or households residing on Indian land;

7 (4) the potential for tribally owned utilities or
8 electric utility assets to participate in or benefit
9 from regional electricity markets;

10 (5) a description of the barriers to providing ac-
11 cess to electric service to households residing in
12 Tribal communities or on Indian land; and

13 (6) recommendations to improve access to and
14 reliability of electric service for residents of Tribal
15 communities or households residing on Indian land.

○