

116TH CONGRESS
1ST SESSION

S. 2610

To reauthorize certain programs under the Office of Indian Energy Policy and Programs of the Department of Energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2019

Ms. MURKOWSKI (for herself and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To reauthorize certain programs under the Office of Indian Energy Policy and Programs of the Department of Energy, 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 Energy Reau-
5 thorization Act”.

6 **SEC. 2. INDIAN ENERGY.**

7 (a) DEFINITIONS.—Section 2601 of the Energy Pol-
8 icy Act of 1992 (25 U.S.C. 3501) is amended—

9 (1) in paragraph (4)—

1 (A) in subparagraph (A), by striking “25
2 U.S.C. 450b” and inserting “25 U.S.C. 5304”;
3 and

4 (B) in subparagraph (B), by striking
5 “paragraph (12) and”;

6 (2) by redesignating paragraphs (6) through
7 (13) as paragraphs (7) through (14), respectively;

8 (3) by inserting after paragraph (5) the fol-
9 lowing:

10 “(6) NATIVE.—The term ‘Native’ has the
11 meaning given the term in section 3 of the Alaska
12 Native Claims Settlement Act (43 U.S.C. 1602).”;

13 (4) in paragraph (13) (as so redesignated)—

14 (A) in subparagraph (A), by striking
15 “and” at the end;

16 (B) in subparagraph (B), by striking the
17 period at the end and inserting a semicolon;
18 and

19 (C) by adding at the end the following:

20 “(C) the Tribally designated housing entity
21 for an Indian tribe that would benefit from a
22 grant, loan, or other assistance provided under
23 section 2602; and

24 “(D) a nonprofit electric utility cooperative
25 that—

1 “(i) serves a population of which more
2 than 50 percent are members of an Indian
3 tribe or Natives; and

4 “(ii) has a governing body controlled
5 by members of an Indian tribe or Natives
6 that would benefit from a grant, loan, or
7 other assistance provided under this title.”;
8 and

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

10 “(15) TRIBALLY DESIGNATED HOUSING ENTI-
11 TY.—The term ‘Tribally designated housing entity’
12 has the meaning given the term ‘tribally designated
13 housing entity’ in section 4 of the Native American
14 Housing Assistance and Self-Determination Act of
15 1996 (25 U.S.C. 4103).”.

16 (b) DEPARTMENT OF ENERGY INDIAN ENERGY EDU-
17 CATION PLANNING AND MANAGEMENT ASSISTANCE PRO-
18 GRAM.—Section 2602(b) of the Energy Policy Act of 1992
19 (25 U.S.C. 3502(b)) is amended—

20 (1) in paragraph (1), by inserting “and tribal
21 energy development organizations” after “tribes”;

22 (2) in paragraph (2)—

23 (A) by redesignating subparagraphs (A)
24 through (E) as subclauses (I) through (V), re-
25 spectively, and indenting appropriately;

1 (B) in the matter preceding subclause (I)
2 (as so redesignated), by striking “organization
3 for” and inserting the following: “organiza-
4 tion—

5 “(i) that furthers programs described
6 in paragraphs (1) through (4) of section
7 217(b) of the Department of Energy Orga-
8 nization Act (42 U.S.C. 7144e(b)); and

9 “(ii) for”; and

10 (C) in clause (ii) (as so designated)—

11 (i) in subclause (II) (as so redesign-
12 ated), by striking “on Indian land” and
13 inserting “owned or occupied by an Indian
14 tribe, a member of an Indian tribe, or a
15 Native”;

16 (ii) in subclause (IV) (as so redesign-
17 ated), by striking “located on Indian
18 land” and inserting the following: “that—

19 “(aa) are located on Indian
20 land; or

21 “(bb) primarily serve homes
22 of members of an Indian tribe or
23 Natives that are located on In-
24 dian land or acquired, con-
25 structed, or improved wholly or

1 partially with Federal funds”;

2 and

3 (iii) in subclause (V) (as so redesignated), by striking “located on Indian
4 land” and inserting “that satisfy item (aa)
5 or (bb) of subclause (IV)”;

6 (D) by striking “(2) In carrying out” and
7 inserting the following:

8 “(2) GRANTS AUTHORIZED.—

9 “(A) IN GENERAL.—In carrying out”; and
10 (E) by adding at the end the following:

11 “(B) COST-SHARING.—

12 “(i) IN GENERAL.—In determining
13 any cost-share requirements for an Indian
14 tribe, intertribal organization, or tribal en-
15 ergy development organization that is ap-
16 plying for a grant under subparagraph (A),
17 the Director shall—

18 “(I) take into consideration the
19 fiscal ability of the Indian tribe, inter-
20 tribal organization, or tribal energy
21 development organization to meet a
22 cost-share requirement; and

23 “(II) if appropriate, offer flexi-
24 bility in the grant application process
25

1 with respect to the amount of cost-
 2 sharing to be required.

3 “(ii) NONAPPLICABILITY OF CERTAIN
 4 REQUIREMENTS.—Section 988 of the En-
 5 ergy Policy Act of 2005 (42 U.S.C. 16352)
 6 shall not apply to grants awarded under
 7 this paragraph.”;

8 (3) in paragraph (5)—

9 (A) in subparagraph (B), by inserting “or
 10 tribal energy development organization” after
 11 “tribe”; and

12 (B) by striking subparagraph (C) and in-
 13 serting the following:

14 “(C) GRANTS FOR PROVIDING OR EXPAND-
 15 ING PROVISION OF ELECTRICITY.—

16 “(i) IN GENERAL.—In providing a
 17 grant under this subsection for an activity
 18 described in clause (ii), the Director shall
 19 encourage cooperative arrangements be-
 20 tween Indian tribes, tribal energy develop-
 21 ment organizations, and utilities that pro-
 22 vide service to Indian tribes, as the Direc-
 23 tor determines to be appropriate.

24 “(ii) ACTIVITY DESCRIBED.—An ac-
 25 tivity referred to in clause (i) is an activity

1 to provide, or to expand the provision of,
2 electricity primarily to—

3 “(I) Indian land; or

4 “(II) homes of members of an In-
5 dian tribe or Natives that are located
6 on Indian land or are acquired, con-
7 structed, or improved wholly or par-
8 tially with Federal funds.”; and

9 (4) in paragraph (7), by striking “\$20,000,000
10 for each of fiscal years 2006 through 2016” and in-
11 serting “\$50,000,000 for each of fiscal years 2020
12 through 2030”.

13 (c) DEPARTMENT OF ENERGY LOAN GUARANTEE
14 PROGRAM.—Section 2602(c) of the Energy Policy Act of
15 1992 (25 U.S.C. 3502(c)) is amended by striking para-
16 graph (6) and inserting the following:

17 “(6) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to carry out
19 this subsection \$30,000,000 for each of fiscal years
20 2020 through 2030.”.

21 (d) OFFICE OF INDIAN ENERGY POLICY AND PRO-
22 GRAMS.—Section 217 of the Department of Energy Orga-
23 nization Act (42 U.S.C. 7144e) is amended by adding at
24 the end the following:

1 “(c) LOCAL PARTNERSHIPS FOR TECHNICAL ASSIST-
2 ANCE.—To the maximum extent practicable, in providing
3 technical assistance under the programs of the Office, the
4 Director shall—

5 “(1) give priority to partnering with State and
6 local organizations rather than national or other or-
7 ganizations that do not have comparable local expe-
8 rience, relationships, and knowledge; and

9 “(2) with respect to technical assistance pro-
10 vided to Indian tribes and Native villages (as defined
11 in section 3 of the Alaska Native Claims Settlement
12 Act (43 U.S.C. 1602)), partner with local and re-
13 gional organizations.

14 “(d) FEDERAL GOVERNMENT GRANTS AND OPPOR-
15 TUNITIES LIAISON FOR INDIAN TRIBES AND ALASKA NA-
16 TIVES.—To the maximum extent practicable, in providing
17 technical assistance under the programs of the Office, the
18 Director shall designate appropriate staff to serve as a li-
19 aison to Indian tribes and Native villages (as defined in
20 section 3 of the Alaska Native Claims Settlement Act (43
21 U.S.C. 1602)) to ensure that Indian tribes and Native vil-
22 lages are aware of relevant grants and funding opportuni-
23 ties across all Federal agencies.

24 “(e) INDIAN ENERGY IN THE ARCTIC STRATEGY.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of the Tribal Energy Re-
3 authorization Act, the Director shall develop, and
4 submit to Congress a report describing, a strategy,
5 to be known as the ‘Indian Energy in the Arctic
6 Strategy’.

7 “(2) REQUIREMENTS.—The strategy developed
8 under paragraph (1) shall—

9 “(A) apply through calendar year 2030;

10 “(B) include recommendations for how
11 best to prepare Indian communities in the Ar-
12 tic for energy challenges relating to climate
13 change;

14 “(C) plan for how the Office can best as-
15 sist Indian communities in the Arctic with the
16 mission of the Office to drive down energy
17 prices for those communities, while anticipating
18 the effects of a changing Arctic as the climate
19 changes; and

20 “(D) build on, and incorporate as appro-
21 priate, the report by the Office entitled ‘Na-
22 tional Strategy for the Arctic Region (NSAR)—
23 Ten Year Renewable Energy Plan’ and dated
24 April 2015.”.

○