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REPT. 116–625
Part 1

TRIBAL POWER ACT

DECEMBER 8, 2020.—Ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 5541]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Power Act".

19–006

SEC. 2. INDIAN ENERGY.

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

(1) in subparagraph (B)(iii), by striking "and";

(2) in subparagraph (C), by striking "land." and inserting "land;"; and

(3) by adding at the end the following subparagraphs:

"(D) any land located in a census tract in which the majority of residents are Natives (as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b))); and

"(E) any land located in a census tract in which the majority of residents are persons who are enrolled members of a federally recognized Tribe or village.".

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

"(D) The Secretary of Energy may reduce any applicable cost share required of an Indian tribe, intertribal organization, or tribal energy development organization in order to receive a grant under this subsection to not less than 10 percent if the Indian tribe, intertribal organization, or tribal energy development organization meets criteria developed by the Secretary of Energy, including financial need.

"(E) Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall not apply to assistance provided under this subsection.".

(c) AUTHORIZATION.—Section 2602(b)(7) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amended by striking "$20,000,000 for each of fiscal years 2006 through 2016" and inserting "$30,000,000 for each of fiscal years 2021 through 2025".

SEC. 3. REPORT ON ELECTRICITY ACCESS AND RELIABILITY.

(a) ASSESSMENT.—The Secretary of Energy shall conduct an assessment of the status of access to electricity by households residing in Tribal communities or on Indian land, and the reliability of electric service available to households residing in Tribal communities or on Indian land, as compared to the status of access to and reliability of electricity within neighboring States or within the State in which Indian land is located.

(b) CONSULTATION.—The Secretary of Energy shall consult with Indian Tribes, Tribal organizations, the North American Electricity Reliability Corporation, and the Federal Energy Regulatory Commission in the development and conduct of the assessment under subsection (a). Indian Tribes and Tribal organizations shall have the opportunity to review and make recommendations regarding the development of the assessment and the findings of the assessment, prior to the submission of the report under subsection (c).

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

(1) a description of generation, transmission, and distribution assets available to provide electricity to households residing in Tribal communities or on Indian land;

(2) a survey of the retail and wholesale prices of electricity available to households residing in Tribal communities or on Indian land;

(3) a description of participation of Tribal members in the electric utility workforce, including the workforce for construction and maintenance of renewable energy resources and distributed energy resources;

(4) the percentage of households residing in Tribal communities or on Indian land that do not have access to electricity;

(5) the potential of distributed energy resources to provide electricity to households residing in Tribal communities or on Indian land;

(6) the potential for tribally-owned electric utilities or electric utility assets to participate in or benefit from regional electricity markets;

(7) a description of the barriers to providing access to electric service to households residing in Tribal communities or on Indian land; and

(8) recommendations to improve access to and reliability of electric service for households residing in Tribal communities or on Indian land.

(d) DEFINITIONS.—In this section:

(1) TRIBAL MEMBER.—The term "Tribal member" means a person who is an enrolled member of a federally recognized Tribe or village.

(2) TRIBAL COMMUNITY.—The term "Tribal community" means a community in a United States census tract in which the majority of residents are persons who are enrolled members of a federally recognized Tribe or village.

I. PURPOSE AND SUMMARY

Representatives Tom O'Halleran (D–AZ) and Markwayne Mullin (R–OK) introduced H.R. 5541, the Tribal Power Act, which reauthorizes the Indian Energy Education Planning and Management Assistance Program at the Department of Energy (DOE). It also amends the Energy Policy Act of 1992 to expand the definition of Indian land to make additional tribes eligible for assistance under the program and requires the DOE to conduct an assessment and issue a report on electricity access and reliability for households residing in Tribal communities or on Indian land.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The Indian Energy Education, Planning and Management Assistance program was first authorized in title V of the Energy Policy Act of 2005.[1] The purpose of the program is to provide funds to Tribal governments and organizations to carry out projects that would expand access to energy and provide jobs and economic development through development of energy resources on Indian land.

American Indian and Alaskan Native communities are more likely to have limited access to electricity and other forms of energy and to pay significantly higher prices for the energy available to them. A 2019 survey of rural Americans found that 27 percent of Native Americans living in rural areas experience problems with electricity in their homes.[2] Households on tribal lands are often spread out, raising the cost of extending utility distribution lines to remote residences in these areas to as much as $60,000 per mile.[3] Additionally, due to high unemployment and a higher proportion of households with low incomes, it is not feasible to cover the costs of energizing all homes on Tribal lands by increasing electricity rates.[4] Instead, communities must often rely on expensive diesel microgrids and generators to power homes and businesses.[5] Alaska Native villages pay some of the highest energy costs in the country, with diesel fuel prices reaching over $7 per gallon.[6]

The Tribal Power Act amends the definition of Indian land included in the Energy Policy Act of 1992.[7] Under the original definition, project funds can be awarded only to carry out projects on land owned by an Indian tribe or on Indian trust lands. The requirement limits the ability of Tribes to apply for funding through

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[1] Pub. L. No. 109–58 (2005).

[2] NPR/Robert Wood Johnson Foundation/Harvard T.H. Chan School of Public Health, *Life in Rural America Part II*, (May 2019) (media.npr.org/documents/2019/may/NPR-RWJF-HARVARD_Rural_Poll_Part_2.pdf).

[3] Rocky Mountain Institute, *Native Energy: Rural Electrification on Tribal Lands*, (June 2014) (rmi.org/blog_2014_06_24_native_energy_rural_electrification_on_tribal_lands/).

[4] NPR, *For Many Navajos, Getting Hooked Up To The Power Grid Can Be Life-Changing*, (May 2019) (www.npr.org/sections/health-shots/2019/05/29/726615238/for-many-navajos-getting-hooked-up-to-the-power-grid-can-be-life-changing).

[5] Rocky Mountain Institute, *Native Energy: Rural Electrification on Tribal Lands*, (June 2014) (rmi.org/blog_2014_06_24_native_energy_rural_electrification_on_tribal_lands/).

[6] NCAI, *Fiscal Year 2021 Indian Country Budget Request: Advancing Sovereignty Through Certainty & Security*, (2020) (www.ncai.org/resources/ncai-publications/indian-country-budget-request/Energy.pdf).

[7] Pub. L. No. 102–486 (1992).

the program for projects that would benefit Tribal households and communities that are not located on Tribal property.

H.R. 5541 expands the definition of Indian land to include any land located in a census tract in which the majority of residents are either Natives as defined in the Alaska Native Claims Settlement Act or persons who are enrolled members of a federally recognized Tribe or village. The expanded definition will enable the Indian Energy Education, Planning and Management Assistance program to fund projects that will reach more Tribal households and communities.

The U.S. Census Bureau employs a variety of measures to identify and enumerate such Tribal communities. These census tracts would include geographic entities designated by federally recognized Tribes that do not have a reservation or trust lands. These statistical geographies have varied from census to census to include different types of Native American and Alaska Native Areas, to increase the types of data collected for Native Americans, and to enumerate them more accurately.[8] The Indian Energy Education, Planning and Management Assistance program is an important avenue for reducing these disparities and assist Tribal households and communities to gain access to affordable, reliable energy supplies. H.R. 5541 will enable the Office of Indian Energy at the Department of Energy to support additional efforts by tribes to develop Tribal-owned businesses and career opportunities for Tribal members to promote greater self-sufficiency and economic benefits to the individuals and families in these communities.

H.R. 5541 reauthorizes the program at $30 million for five years beginning in fiscal year 2021.

III. Committee Hearings

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearings were used to develop or consider H.R. 5541:

On May 22, 2019, the Committee on Energy and Commerce held a hearing entitled, "LIFT America: Modernizing Our Infrastructure for the Future." The Committee received testimony from the following witnesses:

- Mignon L. Clyburn, Principal, MLC Strategies, LLC
- John Auerbach, President and CEO, Trust for America's Health
- Jessica Eckdish, Legislative Director, BlueGreen Alliance
- The Honorable Brian C. Wahler, Mayor, Piscataway Township, New Jersey
- Daniel Lyons, Visiting Fellow, American Enterprise Institute
- Christopher Guith, Acting President, Global Energy Institute, U.S. Chamber of Commerce

On July 8, 2020, the Committee on Energy and Commerce held a hearing entitled, "Addressing the Urgent Needs of Our Tribal Communities." The Committee received testimony from the following witnesses:

[8] U.S. Census Bureau, *American Indian and Alaska Native Areas* (accessed www2.census.gov/geo/pdfs/reference/GARM/Ch5GARM.pdf).

- Charles Grim, D.D.S., M.H.S.A., Secretary, Chickasaw Nation Department of Health
- Jonathan Nez, President, Navajo Nation
- The Honorable Christine Sage, Chairman, Southern Ute Indian Tribe
- Fawn Sharp, President, National Congress of American Indians
- Pilar M. Thomas, Partner, Quarles & Brady, LLP

IV. Committee Consideration

H.R. 5541 was introduced on January 7, 2020, and referred to the Committee on Natural Resources and the Committee on Energy and Commerce. The bill was subsequently referred to the Subcommittee on Energy on January 8, 2020. The full Committee held hearing related to this legislation before and after the introduction of the bill.

The Subcommittee on Energy met in open markup session on January 9, 2020, to consider H.R. 5541. No amendments were offered to the bill during its consideration and therefore the Subcommittee on Energy agreed to a motion offered by Mr. Rush, Chairman of the subcommittee, to forward H.R. 5541 favorably to the full Committee, without amendment, by a voice vote.

The full Committee met in virtual open markup session, pursuant to notice, on July 15, 2020, to consider H.R. 5541. Mr. O'Halleran, on behalf of himself and Mr. Mullin, offered a Manager's Amendment to the bill. The amendment was agreed to by voice vote. At the conclusion of consideration of the bill, the Committee on Energy and Commerce agreed to a motion on final passage by Mr. Pallone, Chairman of the committee, to order H.R. 5541 reported favorably to the House, amended, by a voice vote, a quorum being present.

V. Committee Votes

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 5541.

VI. Oversight Findings

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. New Budget Authority, Entitlement Authority, and Tax Expenditures

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

VIII. Congressional Budget Office Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, October 29, 2020.

Hon. Frank Pallone, Jr.,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5541, the Tribal Power Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aaron Krupkin.

Sincerely,

Phillip L. Swagel,
Director.

Enclosure.

H.R. 5541, Tribal Power Act
As ordered reported by the House Committee on Energy and Commerce on July 15, 2020

By Fiscal Year, Millions of Dollars	2021	2021-2025	2021-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	2	79	128

		Mandate Effects	
Statutory pay-as-you-go procedures apply?	No		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 5541 would reauthorize and expand programs sponsored by the Department of Energy's (DOE's) Office of Indian Energy. Under the bill, DOE would provide grants and technical assistance to Native American tribes, intertribal organizations, and tribal energy development organizations for energy efficiency programs, electric infrastructure projects, and other related activities. The bill would authorize the appropriation of $30 million annually from 2021 through 2025 for those purposes.

In addition, H.R. 5541 would require DOE to study the electricity access and reliability of households residing in tribal communities or on Native American land.

In 2020, the Congress appropriated $22 million for the Office of Indian Energy. Because CBO estimates the budgetary effects under continuing resolutions on an annualized basis, in 2021 CBO assumes that the same amount will be available under the current continuing resolution (Public Law 116–159). As a result, CBO estimates that the bill would authorize an increase in spending subject to appropriation in 2021 of $8 million, the difference between the authorized amount and the annualized amount provided under the continuing resolution.

Based on historical spending patterns for similar activities, and assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 5541 would cost $79 million over the 2021–2025 period and $49 million after 2025. The costs of the legislation (detailed in Table 1) fall within budget function 270 (energy).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 5541

	By fiscal year, millions of dollars—					
	2021	2022	2023	2024	2025	2021–2025
Authorization [a]	8	30	30	30	30	128
Estimated Outlays	2	8	17	24	28	79

[a] H.R. 5541 would authorize the appropriation of $30 million annually through 2025 for programs sponsored by the Department of Energy's Office of Indian Energy. In 2020, the Congress appropriated $22 million for those purposes. Because CBO estimates the budgetary effects under continuing resolutions on an annualized basis, in 2021 CBO assumes that the same amount will be available under the current continuing resolution (Public Law 116–159). As a result, CBO estimates that the bill would authorize an increase in spending subject to appropriation in 2021 of $8 million, the difference between the authorized amount and the annualized amount provided under the continuing resolution.

The CBO staff contact for this estimate is Aaron Krupkin. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

IX. Federal Mandates Statement

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

X. Statement of General Performance Goals and Objectives

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to reauthorize the Indian Energy Education, Planning and Management program at the Department of Energy, to provide technical assistance and to support Tribal government efforts to develop their energy resources.

XI. Duplication of Federal Programs

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 5541 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XII. Committee Cost Estimate

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XIII. Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 5541 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIV. Advisory Committee Statement

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XV. Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XVI. Section-by-Section Analysis of the Legislation

Section 1. Short title

Section 1 designates that the short title may be cited as the "Tribal Power Act".

Sec. 2. Indian energy

Section 2(a) amends section 2601(2) of the Energy Policy Act of 1992 by adding two new subparagraphs to the definition of Indian land. Subparagraph (D) adds any land located in a census tract in which the majority of residents are Natives as defined in the Alaskan Native Claims Settlement Act. Subparagraph (E) adds any land located in a census tract in which the majority of residents are persons who are enrolled members of a federally recognized Tribe or village.

Section 2(b) amends section 2602(b)(5) of the Energy Policy Act of 1992 to provide the Secretary of Energy with discretion to reduce any applicable cost-share requirement associated with receiving a grant under the program for an eligible applicant to not less than 10 percent.

Section 2(c) reauthorizes the Department of Energy's Indian Energy Education Planning and Management Assistance program to provide $30,000,000 per year for the period from fiscal year 2021 through 2025.

Sec. 3. Report on electricity access and reliability

Section 3 requires the Secretary of Energy to conduct an assessment and produce a report to Congress on electricity access and reliability for households residing in Tribal communities and on Indian land within 18 months of enactment. The Secretary is directed to consult with Indian tribes, Tribal organizations, the North American Electricity Reliability Corporation, and the Federal Energy Regulatory Commission on the assessment and in the production of the report. Section 3 also defines the terms Tribal Member and Tribal Community as used in the section.

XVII. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ENERGY POLICY ACT OF 1992

* * * * * * *

TITLE XXVI—INDIAN ENERGY

SEC. 2601. DEFINITIONS.

In this title:

(1) The term "Director" means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

(2) The term "Indian land" means—

(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community; [and]

(C) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or that was conveyed by the United States to a Native Corporation in exchange for such [land.] *land;*

(D) any land located in a census tract in which the majority of residents are Natives (as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b))); and

(E) any land located in a census tract in which the majority of residents are persons who are enrolled members of a federally recognized Tribe or village.

(3) The term "Indian reservation" includes—

(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

(B) a public domain Indian allotment; and

(C) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

(i) on original or acquired territory of the community; or

(ii) within or outside the boundaries of any State or States.

(4)(A) 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. 450b).

(B) For the purpose of paragraph (12) and sections 2603(b)(1)(C) and 2604, the term "Indian tribe" does not include any Native Corporation.

(5) The term "integration of energy resources" means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission or distribu-

tion facility) on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

(6) The term "Native Corporation" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(7) The term "organization" means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

(8) The term "Program" means the Indian energy resource development program established under section 2602(a).

(9) The term "qualified Indian tribe" means an Indian tribe that has—

(A) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe.

(10) The term "Secretary" means the Secretary of the Interior.

(11) The term "sequestration" means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

(12) The term "tribal energy development organization" means—

(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17 of the Act of June 18, 1934 (25 U.S.C. 5124) (commonly known as the "Indian Reorganization Act") or section 3 of the Act of June 26, 1936 (49 Stat. 1967, chapter 831) (commonly known as the "Oklahoma Indian Welfare Act")); and

(B) any organization of two or more entities, at least one of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.

(13) The term "tribal land" means any land or interests in land owned by any Indian tribe, title to which is held in trust

by the United States, or is subject to a restriction against alienation under laws of the United States.

SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) DEPARTMENT OF THE INTERIOR PROGRAM.—

(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist consenting Indian tribes and tribal energy development organizations in achieving the purposes of this title.

(2) In carrying out the Program, the Secretary shall—

(A) provide development grants to Indian tribes and tribal energy development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;

(B) provide grants to Indian tribes and tribal energy development organizations for use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources, on Indian land;

(C) provide low-interest loans to Indian tribes and tribal energy development organizations for use in the promotion of energy resource development on Indian land and integration of energy resources;

(D) provide grants and technical assistance to an appropriate tribal environmental organization, as determined by the Secretary, that represents multiple Indian tribes to establish a national resource center to develop tribal capacity to establish and carry out tribal environmental programs in support of energy-related programs and activities under this title, including—

(i) training programs for tribal environmental officials, program managers, and other governmental representatives;

(ii) the development of model environmental policies and tribal laws, including tribal environmental review codes, and the creation and maintenance of a clearinghouse of best environmental management practices; and

(iii) recommended standards for reviewing the implementation of tribal environmental laws and policies within tribal judicial or other tribal appeals systems; and

(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe.

(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2006 through 2016.

(4) PLANNING.—

(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

(i) plans for electrification;

(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission planning, water planning, and other planning relating to energy issues;

(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—

(1) The Director shall establish programs to assist consenting Indian tribes in meeting energy education, research and development, planning, and management needs.

(2) In carrying out this subsection, the Director may provide grants, on a competitive basis, to an Indian tribe, intertribal organization, or tribal energy development organization for use in carrying out—

(A) energy, energy efficiency, and energy conservation programs;

(B) studies and other activities supporting tribal acquisitions of energy supplies, services, and facilities, including the creation of tribal utilities to assist in securing electricity to promote electrification of homes and businesses on Indian land;

(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;

(D) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

(E) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.

(4)(A) The Director shall develop a program to support and implement research projects that provide Indian tribes with opportunities to participate in carbon sequestration practices on Indian land, including—

(i) geologic sequestration;

(ii) forest sequestration;

(iii) agricultural sequestration; and

(iv) any other sequestration opportunities the Director considers to be appropriate.

(B) The activities carried out under subparagraph (A) shall be—

(i) coordinated with other carbon sequestration research and development programs conducted by the Secretary of Energy;

(ii) conducted to determine methods consistent with existing standardized measurement protocols to account and report the quantity of carbon dioxide or other greenhouse gases sequestered in projects that may be implemented on Indian land; and

(iii) reviewed periodically to collect and distribute to Indian tribes information on carbon sequestration practices that will increase the sequestration of carbon without threatening the social and economic well-being of Indian tribes.

(5)(A) The Director, in consultation with Indian tribes, may develop a formula for providing grants under this subsection.

(B) In providing a grant under this subsection, the Director shall give priority to any application received from an Indian tribe with inadequate electric service (as determined by the Director).

(C) In providing a grant under this subsection for an activity to provide, or expand the provision of, electricity on Indian land, the Director shall encourage cooperative arrangements between Indian tribes and utilities that provide service to Indian tribes, as the Director determines to be appropriate.

(D) The Secretary of Energy may reduce any applicable cost share required of an Indian tribe, intertribal organization, or tribal energy development organization in order to receive a grant under this subsection to not less than 10 percent if the Indian tribe, intertribal organization, or tribal energy development organization meets criteria developed by the Secretary of Energy, including financial need.

(E) Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall not apply to assistance provided under this subsection.

(6) The Secretary of Energy may issue such regulations as the Secretary determines to be necessary to carry out this subsection.

(7) There is authorized to be appropriated to carry out this subsection **[**$20,000,000 for each of fiscal years 2006 through 2016**]** *$30,000,000 for each of fiscal years 2021 through 2025.*

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—

(1) Subject to paragraphs (2) and (4), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for an amount equal to not more than 90 percent of the unpaid principal and interest due on any loan made to an Indian tribe or a tribal energy development organization for energy development.

(2) In providing a loan guarantee under this subsection for an activity to provide, or expand the provision of, electricity on Indian land, the Secretary of Energy shall encourage cooperative arrangements between Indian tribes and utilities that pro-

vide service to Indian tribes, as the Secretary determines to be appropriate.

(3) A loan guaranteed under this subsection shall be made by—

(A) a financial institution subject to examination by the Secretary of Energy;

(B) an Indian tribe, from funds of the Indian tribe; or

(C) a tribal energy development organization, from funds of the tribal energy development organization.

(4) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

(5) Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, the Secretary of Energy shall issue such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

(6) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

(7) Not later than 1 year after the date of enactment of this section, the Secretary of Energy shall submit to Congress a report on the financing requirements of Indian tribes for energy development on Indian land.

(d) PREFERENCE.—

(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

(2) In carrying out this subsection, a Federal agency or department shall not—

(A) pay more than the prevailing market price for an energy product or byproduct; or

(B) obtain less than prevailing market terms and conditions.

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