

116TH CONGRESS
2D SESSION

H. R. 5541

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2020

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

3 **SEC. 2. INDIAN ENERGY.**

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

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

8 (2) in subparagraph (C), by striking “land.”

9 and inserting “land;”; and

10 (3) by adding at the end the following subpara-
11 graphs:

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

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

21 (b) REDUCTION OF COST SHARE.—Section
22 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C.
23 3502(b)(5)) is amended by adding at the end the following
24 subparagraphs:

25 “(D) The Secretary of Energy may reduce any
26 applicable cost share required of an Indian tribe,

1 intertribal organization, or tribal energy development
2 organization in order to receive a grant under this
3 subsection to not less than 10 percent if the Indian
4 tribe, intertribal organization, or tribal energy devel-
5 opment organization meets criteria developed by the
6 Secretary of Energy, including financial need.

7 “(E) Section 988 of the Energy Policy Act of
8 2005 (42 U.S.C. 16352) shall not apply to assist-
9 ance provided under this subsection.”.

10 (c) AUTHORIZATION.—Section 2602(b)(7) of the En-
11 ergy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amend-
12 ed by striking “\$20,000,000 for each of fiscal years 2006
13 through 2016” and inserting “\$30,000,000 for each of fis-
14 cal years 2021 through 2025”.

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

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

1 (b) CONSULTATION.—The Secretary of Energy shall
2 consult with Indian Tribes, Tribal organizations, the
3 North American Electricity Reliability Corporation, and
4 the Federal Energy Regulatory Commission in the devel-
5 opment and conduct of the assessment under subsection
6 (a). Indian Tribes and Tribal organizations shall have the
7 opportunity to review and make recommendations regard-
8 ing the development of the assessment and the findings
9 of the assessment, prior to the submission of the report
10 under subsection (c).

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

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

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

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

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

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

12 (6) the potential for tribally-owned electric utili-
13 ties or electric utility assets to participate in or ben-
14 efit from regional electricity markets;

15 (7) a description of the barriers to providing ac-
16 cess to electric service to households residing in
17 Tribal communities or on Indian land; and

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

21 (d) DEFINITIONS.—In this section:

22 (1) TRIBAL MEMBER.—The term “Tribal mem-
23 ber” means a person who is an enrolled member of
24 a federally recognized Tribe or village.

Attest: **CHERYL L. JOHNSON,**
Clerk.