

116TH CONGRESS
2^D SESSION

H. R. 5541

[Report No. 116-]

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

JULY --, 2020

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 7, 2020]

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”.*

5 **SEC. 2. INDIAN ENERGY.**

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

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

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

11 *and inserting “land;”; and*

12 *(3) by adding at the end the following subpara-*
13 *graphs:*

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

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

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

1 *of electricity within neighboring States or within the State*
2 *in which Indian land is located.*

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

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

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

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

1 (3) a description of participation of Tribal mem-
2 bers in the electric utility workforce, including the
3 workforce for construction and maintenance of renew-
4 able energy resources and distributed energy re-
5 sources;

6 (4) the percentage of households residing in Trib-
7 al communities or on Indian land that do not have
8 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 Tribal
17 communities or on Indian land; and

18 (8) recommendations to improve access to and
19 reliability of electric service for households residing in
20 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 a*
24 *federally recognized Tribe or village.*

1 (2) *TRIBAL COMMUNITY.*—*The term “Tribal com-*
2 *munity” means a community in a United States cen-*
3 *sus tract in which the majority of residents are per-*
4 *sons who are enrolled members of a federally recog-*
5 *nized Tribe or village.*