

The Tribal Energy Reauthorization Act of 2019

Background: There are 573 federally recognized tribes in the United States, including 231 in Alaska. Our country's American Indian and Alaska Native communities are faced with extremely challenging energy realities, and pay some of the nation's highest prices for energy and electricity. According to the Department of Energy (DOE), for example, in the Southwest, 14.2 percent of Navajo and Hopi homes are not grid-connected (compared to the national average of 1.4 percent). In Alaska, rural residents and villages are faced with electricity rates about 800% higher than the national average.

DOE's Office of Indian Energy (OIE) is tasked with promoting tribal energy development, efficiency, and use; reducing and stabilizing energy costs; enhancing tribal energy natural resources; strengthening economic infrastructure; and electrifying Indian lands and homes. OIE was established in the Energy Policy Act of 2005. While the original program authorization expired at the end of fiscal year (FY) 2016, Congress has continued to make appropriations available to OIE each year (\$18 million in FY 2019).

The Tribal Energy Reauthorization Act reauthorizes OIE (\$50 million per FY) through FY2030, addresses overly restrictive Indian land requirements for energy project grants, allows non-profit electric cooperatives to apply for OIE funding, provides for cost-share requirement flexibility, encourages OIE to foster relationships with and utilize local and community expertise, ensures OIE will more consistently make tribes aware of relevant funding opportunities across all Federal agencies, and requires OIE to develop a forward-looking energy strategy for Indian communities in the Arctic that takes into account the effects of climate change.

Section-by-section:

Section 1. Short title. Provides the title of the legislation as the "Tribal Energy Reauthorization Act."

Section 2. Indian energy. Section 2(a) amends definitions in section 2601 of the Energy Policy Act of 1992 to include the term "Native" as defined in section 3 of the Alaska Native Claims Settlement Act. It also amends the definition of a "tribal energy development organization" to include appropriate non-profit electric cooperatives.

Subsection (b) amends section 2602(b) of the Energy Policy Act of 1992 to allow the OIE Director to award grants for energy projects that promote electrification, energy development, and energy efficiency even if a proposed project is not located entirely on Indian land. It also provides flexibility for the Director to take into consideration a tribe's fiscal ability to meet cost-share requirements.

Finally, this subsection authorizes \$50 million for each of fiscal years 2020 through 2030.

Subsection (c) amends section 2602(c) of the Energy Policy Act of 1992 to authorize \$30 million for each of fiscal years 2020 through 2030 for the Tribal Energy Loan Guarantee Program.

Subsection (d) amends section 217 of the Department of Energy Organization Act to encourage OIE to give priority to partnering with local and regional organizations when providing technical assistance to tribes. It also requires the Director to designate appropriate OIE staff to serve as a liaison to tribes to ensure maximum awareness of relevant grant and funding opportunities across the Federal government. Finally, this subsection requires within 180 days of enactment that OIE submit to Congress a report entitled the "Indian Energy in the Arctic Strategy" that shall apply through calendar year 2030 and include recommendations for how best to prepare Indian communities in the Arctic for energy challenges relating to climate change.