

118TH CONGRESS
2D SESSION

S. 5635

To amend the Energy Policy Act of 1992 with respect to the Department of Energy Tribal loan guarantee program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Policy Act of 1992 with respect to the Department of Energy Tribal loan guarantee program, 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 Fair-
5 ness Act of 2024”.

6 **SEC. 2. DEPARTMENT OF ENERGY TRIBAL ENERGY PRO-**
7 **GRAMS.**

8 (a) DEPARTMENT OF ENERGY TRIBAL LOAN GUAR-
9 ANTEE PROGRAM.—

1 (1) IN GENERAL.—Section 2602(c) of the En-
2 ergy Policy Act of 1992 (25 U.S.C. 3502(c)) is
3 amended by adding at the end the following:

4 “(8)(A) At the request of an applicant, and
5 subject to subparagraph (B), the Secretary of En-
6 ergy may use funds appropriated to the Secretary of
7 Energy to carry out financial and technical assess-
8 ments, and related activities, in connection with ap-
9 plications for loans and loan guarantees under this
10 subsection to support eligible projects, including re-
11 newable energy and transmission projects on or near
12 Indian land and eligible projects carried out outside
13 Indian land.

14 “(B) The Secretary of Energy may use not
15 more than \$500,000 to carry out financial and tech-
16 nical assessments under subparagraph (A) for any 1
17 application for a loan or loan guarantee under this
18 subsection.”.

19 (2) DENIAL OF DOUBLE BENEFIT RESTRIC-
20 TION.—

21 (A) IN GENERAL.—Section 50145(a) of
22 Public Law 117–169 (136 Stat. 2045) is
23 amended by striking “, subject to the limita-
24 tions that apply to loan guarantees under sec-
25 tion 50141(d)”.

1 (B) ADDITIONAL DOE TRIBAL PRO-
 2 GRAMS.—Section 50141(d)(3) of Public Law
 3 117–169 (136 Stat. 2043) is amended—

4 (i) in subparagraph (C), by striking
 5 “or” at the end;

6 (ii) in subparagraph (D), by striking
 7 the period at the end and inserting “; or”;
 8 and

9 (iii) by adding at the end the fol-
 10 lowing:

11 “(E) projects carried out by an Indian
 12 Tribe on or near Indian land or outside Indian
 13 land.”.

14 (b) PREVENTING OUTAGES AND ENHANCING THE
 15 RESILIENCE OF THE ELECTRIC GRID.—Section 40101 of
 16 the Infrastructure Investment and Jobs Act (42 U.S.C.
 17 18711) is amended—

18 (1) in subsection (d)—

19 (A) in paragraph (2)—

20 (i) by striking subparagraph (A) and
 21 inserting the following:

22 “(A) IN GENERAL.—For each fiscal year,
 23 to be eligible to receive a grant under this sub-
 24 section—

1 “(i) a State shall submit to the Sec-
 2 retary an application that includes a plan
 3 described in subparagraph (B); and

4 “(ii) an Indian Tribe shall submit to
 5 the Secretary an application, which shall
 6 include—

7 “(I) a plan that describes how
 8 the Indian Tribe will use the proposed
 9 funding for projects if the Indian
 10 Tribe will be executing the projects; or

11 “(II) a plan described in sub-
 12 paragraph (B), if the Indian Tribe in-
 13 tends to award grants to eligible enti-
 14 ties with amounts made available to
 15 the Indian Tribe under this sub-
 16 section.”; and

17 (ii) in subparagraph (B)—

18 (I) in the subparagraph heading,
 19 by striking “REQUIRED” and inserting
 20 “DESCRIBED”;

21 (II) in the matter preceding
 22 clause (i), by inserting “, as applica-
 23 ble,” after “Indian Tribe”; and

1 (III) in clause (iii), by inserting
 2 “, as applicable” after “Indian
 3 Tribe”;

4 (B) by striking paragraph (4) and insert-
 5 ing the following:

6 “(4) OVERSIGHT.—The Secretary shall ensure
 7 that each grant provided to a State or an Indian
 8 Tribe, if the Indian Tribe intends to award grants
 9 to eligible entities with those grants funds, under the
 10 program is allocated pursuant to the applicable plan
 11 of the State or Indian Tribe, as applicable.”;

12 (C) in paragraph (5), by inserting “, as
 13 applicable,” after “made available to the appli-
 14 cable State or Indian Tribe”;

15 (D) in paragraph (6), by inserting “, as
 16 applicable,” after “made available to the State
 17 or Indian Tribe”;

18 (E) in paragraph (7), in the matter pre-
 19 ceding subparagraph (A), by striking “or In-
 20 dian Tribe” each place it appears;

21 (F) in paragraph (8)—

22 (i) by striking “and Indian Tribe”;

23 and

24 (ii) by striking “or Indian Tribe”; and

25 (G) by adding at the end the following:

1 “(9) SAVINGS PROVISION.—Nothing in this sub-
 2 section requires an Indian Tribe to award grants to
 3 eligible entities described in any of subparagraphs
 4 (A) through (F) of subsection (a)(2) with amounts
 5 made available to the Indian Tribe under this sub-
 6 section.”;

7 (2) in subsection (e)—

8 (A) in paragraph (1)—

9 (i) in the matter preceding subpara-
 10 graph (A), by inserting “Indian Tribe or”
 11 before “eligible entity”; and

12 (ii) in subparagraph (H)—

13 (I) in clause (i), by striking
 14 “and” at the end;

15 (II) in clause (ii), by adding
 16 “and” at the end; and

17 (III) by adding at the end the
 18 following:

19 “(iii) distributed generation;”; and

20 (B) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) in the matter preceding clause
 23 (i), by inserting “Indian Tribe or” be-
 24 fore “eligible entity”; and

1 (II) in clause (i)(I), by inserting
 2 “transmission system-connected” be-
 3 fore “electric generating”; and

4 (ii) in subparagraph (B)—

5 (I) in clause (i), by inserting “In-
 6 dian Tribe or” before “eligible enti-
 7 ty”; and

8 (II) in clause (ii), by inserting
 9 “Indian Tribe or” before “eligible en-
 10 tity”; and

11 (3) in subsection (h)—

12 (A) in paragraph (1), by striking “para-
 13 graph (2)” and inserting “paragraphs (2) and
 14 (3)”; and

15 (B) by adding at the end the following:

16 “(3) INDIAN TRIBES.—An Indian Tribe that re-
 17 ceives or awards a grant under subsection (d) or an
 18 eligible entity described in subsection (a)(2) that is
 19 owned by an Indian Tribe and receives a grant
 20 under subsection (c) shall not be required to match
 21 any amount of the applicable grant.”.

22 (c) COST-SHARING EXEMPTION UNDER THE ENERGY
 23 POLICY ACT OF 2005.—Section 988(f) of the Energy Pol-
 24 icy Act of 2005 (42 U.S.C. 16352(f)) is amended—

1 (1) in paragraph (2), by striking “or” at the
2 end;

3 (2) in paragraph (3)(B), by striking the period
4 at the end and inserting “; or”; and

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

6 “(4) a grant awarded to an Indian Tribe under
7 section 40101(d) of the Infrastructure Investment
8 and Jobs Act (42 U.S.C. 18711(d)).”.

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