



## The Secretary of Energy

Washington, DC 20585

December 4, 2023

### MEMORANDUM FOR DEPARTMENT HEADS AND SENIOR PROCUREMENT OFFICIALS

FROM: JENNIFER GRANHOLM

A handwritten signature in black ink, appearing to read "J. Granholm", written over the printed name.

SUBJECT: Department of Energy's Commitment to Implementation of Indian Energy Purchase Preference

Native communities and resources have played a significant role in powering our country's growth and security in the past century; however, Tribes have not always shared equitably in the benefits of energy development. As part of the Biden-Harris Administration's commitment to a just transition to carbon pollution-free electricity, the Department of Energy (DOE) is committed to ensuring Tribes have opportunities to be involved in the transition.<sup>1</sup>

One contribution to this effort is the robust implementation of the Indian Energy Purchase Preference [IEPP, 25 U.S.C. §3502(d), Title V of the Energy Policy Act of 2005], which provides Federal agencies, including DOE, with the authority to give preference to Tribal majority owned business organizations when purchasing electricity, or any other energy products and byproducts. IEPP has the potential to support clean energy development by Tribes while supporting the acquisition and use of carbon pollution-free electricity pursuant to Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*.<sup>2</sup>

Despite this potential, no agencies, including DOE, have previously awarded a contract using the IEPP.<sup>3</sup> The Senate Committee on Indian Affairs highlighted the lack of implementation of the policy in a hearing on March 16, 2022, and President Biden announced a renewed focus to exercise this Preference at the Tribal Nations Summit on November 30, 2022.<sup>4</sup> In this announcement, DOE was called to coordinate with the White House Council on Native American Affairs, Department of Defense (DoD), and General Services Administration (GSA) to increase Federal agencies' use of the Preference.

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<sup>1</sup> [Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships | The White House](#)

<sup>2</sup> [Executive Order on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability | The White House](#)

<sup>3</sup> [Tribal Energy: Opportunities Exist to Increase Federal Agencies' Use of the Tribal Preference Authority | U.S. GAO](#)

<sup>4</sup> [FACT SHEET: Biden-Harris Administration Announces New Actions to Support Indian Country and Native Communities Ahead of the Administration's Second Tribal Nations Summit | The White House](#)

With this memorandum, I reaffirm DOE's commitment to exercising its authority to purchase electricity, or energy products or byproducts from Tribal majority owned businesses. In order to implement the IEPP, I direct DOE to further this work in the following ways:

- Use DOE authorities to the maximum extent practicable to get Tribal electric generation projects connected to the grid and accessible for Federal procurement, including:
  - Engaging Tribes in long-term energy planning and clean energy initiatives at DOE facilities that are near Tribal Nations.
  - Ensuring transmission and distribution operators that both serve Tribes and receive DOE funds are meaningfully engaging Tribes through community benefits agreements and other mechanisms.
- Expand application of the IEPP to the full range of electricity, and energy products and byproducts as authorized by Congress, including:
  - Updating acquisition policies to include carbon pollution-free electricity as defined in Executive Order 14057.
  - Piloting the acquisition of energy related products and services, beyond electricity, from Tribal majority owned businesses to inform additional updates of acquisition policies.

Collaboration and engagement with Indian Tribes are not just a legal obligation, but also a strategic imperative. DOE is committed to fostering meaningful partnerships and ensuring the benefits of clean energy reach all communities. Together, we can harness innovation and inclusivity to create a cleaner and more equitable energy future.