

Federal and State Energy Policy and Legislation: Leveraging Tribal Sovereign Status

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NM Tribal Solar Economic Forum

October 14 - 15, 2021

Santa Ana Pueblo, NM

Key Federal and State Actions Relevant to Energy

- Federal
 - Executive
 - Legislative
- State
 - Regulatory
 - Legislative

DPC Guidance – Justice40 Initiative

- 40% of overall benefits of federal investments "flow to disadvantaged communities"
 - Does not explicitly include tribes in the definition
- Covered programs - climate change, clean energy and energy efficiency, training and workforce development
- Covered investments – financial assistance, direct payments, federal procurement
- 21 pilot programs – WAP, BRIC, SETO, DERA, LIHEAP, REAP

COVID Recovery – Energy Intersection

- Fiscal Recovery Funds – governmental services
- Consistency Funds – governmental purposes
- Homeowners Assistance – energy efficiency, weatherization
- HUD - ICDBG
- Commerce – EDA
- LIHEAP

Federal Legislative Actions

- FY 2022 Appropriations Bills
 - Energy program funding increases across the board
- Senate Infrastructure Bill
 - Tribes eligible for almost all energy programs and funding
 - FAST-21 expedited permitting
- Senate Reconciliation Bill
 - Instructions include Native energy programs and funding
- Sen. Lujan – Community Solar Programs Act
 - Amends PURPA to require state regulatory agencies to "consider" a requirement for regulated utilities to offer a community solar program; excludes tribal utilities
- Access to Solar Coalition
 - Promoting distributed energy, community solar funding and policies – includes tribes and tribal communities
- Indian Energy Development Act

Bipartisan Infrastructure Act – Key Energy

- EV Charging Stations
- Grid Resiliency
- Battery Manufacturing and Recycling
- Pumped Storage Hydro
- Regional Hydrogen
- Weatherization Assistance
- Energy Efficiency (EECBG)

Reconciliation Bill

- Who knows?

Access to Solar Coalition – Major Asks

- Grant Funding for deployment of rooftop and community solar to benefit low and moderate income families.
 - The House’s Build Back Better Act includes \$2.5 billion for the Department of Energy.
 - The bipartisan Infrastructure Investment and Jobs Act includes \$3.5 billion for WAP..
 - A minimum portion of the Clean Electricity Payment Program’s (CEPP) annual clean energy requirements should come from distributed generation sources and ensure prioritization of low-income communities sufficient to meet Justice40 goals.
- Tax Provisions
 - A 10% bonus credit for solar projects sited in low-income and tribal communities; and a 20% bonus credit for projects in low-income and tribal residential building projects
 - Inclusion of interconnection costs as eligible for the ITC for all distributed generation projects up to 5 MW in size.
 - Access to the Investment Tax Credit (ITC) for non-taxable entities including tribes, schools, non-profits, and local governments and territories.
 - A direct pay option for the residential ITC, section 25D.
 - 10 year extension of the 30% solar and storage Investment Tax Credit (ITC).
 - Direct pay option for the commercial ITC, Section 48.

Indian Energy Act

- Amend DOE grant programs
- Amend PMA authorities
- Amend energy purchase preference
- Amend DOE loan guarantee program
- Amend ROW and Trade & Intercourse Act
- Amend Internal Revenue Code
- Amend Federal Power Act and PURPA

State Energy Policy/Regulation

- PRC Community Solar Act implementation
- ETA implementation
- 30 Day Budget Session
 - Capital Projects Funds – energy projects