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## Indian Energy Programs at the Department of Energy

Indian energy programs at the Department of Energy (DOE) are carried out primarily by the Office of Indian Energy Policy and Programs (IE) and the Loan Programs Office (LPO). IE funds various activities that assist Indian tribes and Alaska Native Corporations with energy development, energy-related capacity building, reduction of energy costs, and electrification of tribal lands and homes. LPO provides loan guarantees and direct lending to Indian tribes for energy development. Tribes and Alaska Native Corporations may be eligible for funding through other DOE programs as well. An overview of IE's and LPO's relevant legislative and administrative history is provided below. These programs continue to be of interest to Congress, with multiple laws passed by the 119<sup>th</sup> Congress relating to funding for these programs.

### Indian Energy Programs Under IE

Section 2606 of the Energy Policy Act of 1992 (EPA 1992; P.L. 102-486) authorized DOE to grant financial assistance to "Indian tribal governments." Through legislative and administrative action, these programs have changed over time. IE provides financial assistance, technical assistance, and education and capacity building to address barriers to developing energy resources and energy efficiency projects on tribal lands. IE funding for FY2026 totaled \$75 million (P.L. 119-74), \$25 million more than DOE requested. DOE's FY2026 budget request stated that neither financial nor technical IE assistance will "support work on solar, wind, or battery technologies." H.Rept. 119-213 directs IE "to advance an all of the above strategy that supports all energy generation technologies." For comparison, all budget requests from the Biden Administration included financial assistance for renewable energy. For example, for FY2025 DOE requested funding for assistance to transition tribal colleges and universities to renewable energy and to continue the Clean Energy Innovator Fellows Program. DOE piloted a tribal cohort in the program in 2023 and 2024, during which it placed 14 fellows in tribes and intertribal organizations to assist with clean energy solutions.

### Financial Assistance

Financial assistance constitutes IE's primary form of support for energy technology deployment on tribal lands. DOE's FY2026 budget request explained that financial assistance is available for energy infrastructure projects that "increase affordable, reliable and secure power." In the FY2025 budget request, DOE reported that from 2010 through 2022, financial assistance totaled nearly \$120 million for more than 210 tribal energy projects, plus cost shares by grant recipients totaling over \$93 million.

### Technical Assistance

IE technical assistance is intended to help overcome obstacles or fulfill needs in developing and implementing

tribal energy projects. DOE's FY2026 budget request does not discuss how the program would evaluate applications for technical assistance requests. Types of technical assistance provided by IE have included education and outreach, technical analysis, financial analysis, and strategic energy planning for tribal energy projects. DOE noted in the FY2025 budget request that more than 445 technical assistance requests had been completed between FY2010 and FY2023.

### Loan Guarantee Program Under LPO

Section 503 of the Energy Policy Act of 2005 (EPA 2005; P.L. 109-58), among other provisions, authorized DOE to guarantee up to 90% of a loan (including principal and interest) made to an Indian tribe or a tribal energy development organization for energy development. Aggregate outstanding guaranteed loans cannot exceed \$20 billion at any time. As with all federal credit programs, loans guaranteed under this program are statutorily required to include a "subsidy cost" payment (a share of estimated program-wide losses) prior to finalizing the loan guarantee agreement. Subsidy costs can be paid through appropriations, by the applicant, or a combination thereof. Congress provided non-expiring funding to the program in FY2017 (P.L. 115-31), including \$8.5 million for loan guarantee subsidy costs. The FY2023 appropriations law (P.L. 117-328) provided an additional \$2 million for subsidy costs. DOE first issued a solicitation for the Tribal Energy Loan Guarantee Program (TELGP) in 2018. DOE has amended and reissued the solicitation multiple times since 2018. The most recent supplement, Supplement IV, modifies the solicitation to conform to changes mandated by P.L. 117-169, often referred to as the Inflation Reduction Act of 2022 or IRA. Submissions are due August 31, 2028.

The FY2022 appropriations law (P.L. 117-103) provided authority for the Secretary of Energy to provide direct loans, and required that such loans be made through the Federal Financing Bank (via the LPO). Authority to provide direct loans was also granted for funds appropriated previously. Section 50145 of the IRA provided permanent direct lending authority for TELGP and eliminated the 90% limit for loan guarantees. The law also appropriated \$75 million through September 30, 2028, and expanded the loan guarantee authority from \$2 billion to \$20 billion. At the time of publication, one loan guarantee has been issued under this program, for \$72.8 million for the Viejas Microgrid project in California. In the 119<sup>th</sup> Congress, P.L. 119-21 (Section 50402) rescinded unobligated funding provided to TELGP by the IRA, leaving \$10.5 million for the loan subsidy. The FY2026 appropriations law provided \$6.3 million for administrative expenses for TELGP.

## Legislative History of Indian Energy Programs

Sections 502 and 503 of EAct 2005 established IE within DOE. In addition, EAct 2005 broadened the DOE tribal financial assistance program to a wider range of energy projects. This included a grant program to assist tribes in meeting energy-related needs, with an authorization of appropriations of \$20 million annually for FY2006 through FY2016. CRS estimates approximately \$64 million was appropriated during this period. The Energy Act of 2020 (Division Z of P.L. 116-260) reauthorized funding for this program at \$30 million annually for FY2021 through FY2025. Title V of EAct 2005 established electricity purchasing authority of tribal energy by the federal government. In August 2024, the Biden Administration announced the first such purchase, for certificates matching the net annual usage for 185 buildings in 12 states with “100% carbon pollution-free electricity.”

In the 115<sup>th</sup> Congress, P.L. 115-325 made several adjustments to DOE’s Indian energy programs, including the following changes that are still in effect:

- expanded eligibility for DOE’s tribal energy grant program to include intertribal organizations;
- expanded program activities to include a broader array of energy development projects, beyond renewable and energy efficiency projects;
- allowed grants to be used to increase the capacity of tribes to manage energy programs;
- expanded eligibility for TELGP to include tribal energy development organizations; and
- made DOE technical and scientific resources more available for tribal energy activities and projects.

In addition, Section 8013 of the Energy Act of 2020 amended Indian energy programs by allowing the Secretary of Energy to reduce any required recipient’s cost share for grants from 50% to 10%.

## Administrative History

### Tribal Energy Program

From FY1994 through FY2003, DOE administered financial assistance to tribes for energy projects under activities with various names, including Tribal Energy Grants, Tribal Energy Assistance, and Renewable Indian Energy Resources. In FY2004, DOE established the Tribal Energy Program (TEP) (sometimes referred to as “Tribal Energy Activities”). The TEP operated within the Weatherization and Intergovernmental Activities Program of the Office of Energy Efficiency and Renewable Energy (EERE). Following the establishment of IE in 2005, the TEP continued to operate separately and receive funding through EERE. In FY2015, the TEP transferred from EERE to IE and was renamed the Indian Energy Program.

### Office of Indian Energy Policy and Programs

Congress first appropriated funding for IE in FY2009. The explanatory statement for the FY2009 omnibus appropriations law (P.L. 111-8) included \$1.5 million “to establish an Office of Indian Energy Policy and Programs,

as authorized in section 502 of the Energy Policy Act of 2005.” Congress appropriated funding to IE under DOE’s Departmental Administration (DA) appropriations account. IE formally opened in FY2011 after appointing a director and hiring administrative staff. DOE established IE under the Office of Congressional and Intergovernmental Affairs. Until FY2012, IE received its funding through this office, which is funded through the DA appropriation. In the FY2012 budget justification, DOE requested that IE be a separate funding category within DA.

In the Consolidated and Further Continuing Appropriations Act of 2015 (P.L. 113-235), Congress eliminated funding for TEP within EERE and provided funding to TEP only under the consolidated IE office, which remained within the DA appropriations account. For FY2016, FY2017, and FY2018, Congress continued to fund IE through the DA account. Congress provided a separate appropriations account for IE for the first time in the FY2019 appropriations act (P.L. 115-244), and has continued that practice through FY2026.

**Table 1** lists the authorizing statutes for the Tribal Energy Program, the Office of Indian Energy, and TELGP.

**Table 1. Department of Energy Indian Energy Programs and Authorizing Legislation**

Program Name	Authorizing Legislation	Subsequent Amendments
Tribal Energy Program	P.L. 102-486, Title XXVI, §2606	P.L. 109-58, Title V, §503
Office of Indian Energy Policy and Programs	P.L. 109-58, Title V, §§502, 503	P.L. 115-325, Title I, §§101, 104, 105; P.L. 116-260, Division Z, §8013
Tribal Energy Loan Guarantee Program	P.L. 109-58, Title V, §503	P.L. 115-325, Title I, §101; P.L. 117-169, Title V, §50145

**Notes:** The Tribal Energy Program (now Indian Energy Program) was transferred from the Office of Energy Efficiency and Renewable Energy to the Office of Indian Energy Policy and Programs in FY2015.

## FY2026 Funding

Congress remains interested in the implementation and effectiveness of these energy programs for Indian tribes and Alaska Native Corporations. As noted above, P.L. 119-21 rescinded unobligated funding provided to TELGP by the IRA. For FY2026, the DOE budget request proposed canceling the TELGP loan subsidy (\$10.5 million) and reducing funding for IE by 29% from the FY2025 enacted level. Instead, Congress increased funding for IE in FY2026 by approximately 7% from the FY2025 enacted level, and did not take action on the TELGP loan subsidy.

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