



Department of Energy

Washington, DC 20585

May 9, 2023

Dear Tribal Leader:

This letter seeks your input and represents the first step towards action on the Biden-Harris Administration [initiative announced on November 30, 2022](#) at the White House Tribal Nations Summit, to increase Federal Agencies' purchase of clean energy from tribal majority owned businesses . Federal agencies have a 100 percent carbon pollution-free (CFE) electricity goal by 2030 ([E.O. 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, December 7, 2021](#)) and will increase CFE purchases to meet the goal. In purchasing electricity or other energy products, a Federal Agency may give preference to tribal majority owned businesses¹ in selecting a vendor. It is my honor to invite you for a listening session dedicated to exploring any interest, issues, and potential solutions relating to the Tribal Preference and selling electricity to the Federal Government.

DOE's Office of Indian Energy and Federal Energy Management Program (FEMP) in partnership with General Services Administration (GSA) and Department of Defense (DOD), and in coordination with the White House Council on Native American Affairs (WHCNAA), are hosting the Tribal Power Preference Listening Session scheduled virtually for May 18th, 2023, 2:30pm- 4:30pm Eastern Time.

The goal of the listening session will be to gain important insight directly from Tribes, tribally owned businesses, tribal utilities, and tribal entrepreneurs regarding any interest, availability, development, or challenges associated with generating and selling electricity to the Federal Government using the Preference.

Your participation is critically important in helping us develop an effective strategy which reflects your input and addresses any issues. During the listening session, we will engage participants through a series of questions to obtain your feedback. In addition to leadership attendance, departmental staff from energy, planning, natural resources, or other relevant positions are encouraged to attend.

Please confirm your virtual attendance by registering [here](#). Please review the polling questions attached to the email prior to the event to best prepare you for engagement during the session. If you have any questions, please submit them to IndianEnergy@hq.doe.gov. Please visit our [website](#) for more information about the Office of Indian Energy. Logistics such as the calendar invitation, call-in number, and join link will be sent once registered.

For more information, please see the following resources:

- See attached questions for discussion during listening session
- [FACT SHEET: Biden-Harris Administration Announces New Actions to Support Indian Country and Native Communities Ahead of the Administration's Second Tribal Nations Summit \(November 30, 2022\)](#)
- [Executive Order 14057 on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability \(December 7, 2021\)](#)
- Excerpt of Statutory language regarding the Preference enacted by the Energy Policy Act of 2005 and codified at 25 U.S.C. § 3502(d) (see below)
- Sample Agency Policy on the Preference
 - [Department Memorandum for Senior Procurement Executives](#) and [related materials](#) including an [Acquisition Letter](#) and [Policy Flash](#)

¹ A tribal majority owned business organization includes an "energy and resource production enterprise, partnership, consortium, corporation or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes." 25 U.S.C. § 3502(d), "Preference".



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Sincerely,

Wahleah Johns
Director, Office of Indian Energy
U.S. Department of Energy

Mary Sotos
Director, Federal Energy Management Program
U.S. Department of Energy



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ATTACHMENTS

25 U.S. Code § 3502 – INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT

(d) Preference

- (1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.
- (2) In carrying out this subsection, a Federal agency or department shall not—
 - (A) pay more than the prevailing market price for an energy product or byproduct; or
 - (B) obtain less than prevailing market terms and conditions.