



January 31, 2024

ATTORNEY WORK PRODUCT

To: Tribal Energy Clients
From: Pilar M. Thomas
Re: Status Update on Federal Energy Programs

Happy New Year!!! We want to thank you for your continued business and trust in us to keep you informed and assist with your energy-related legal matters. We look forward to continuing to support you in your clean energy development efforts.

This client alert provides up to date information about various federal energy, infrastructure, and other programs that may be relevant to your energy development projects and opportunities. The information includes: upcoming agency consultations or requests for comments, current funding opportunities, and a summary and status of Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) implementation for energy programs. Should you have any questions about any specific program, please feel free to contact me.

Recent Government Actions, Consultation and Request for Comments

DOE Grid Deployment Office announced an additional \$562 million for the third round of funding in FY 2024 for the Grid Resilience Formula Grants. DOE expects to issue the funding notice in January 2024. Tribes will have 90 days - until April 17 - to submit requests for additional allocations or new applications to receive an allocation. Updated tribal allocations were published in December and are [here](#).

DOE Office of Indian Energy announced a notice of intent to issue a funding announcement in spring 2024 for \$25 million in deployment grants.

DOE announced up to \$530 million in technical assistance competitive grants available for the adoption and implementation of the latest model energy codes, zero energy codes, building performance standards, and innovative codes that achieve equivalent energy savings to the latest model and zero energy codes. An information webinar was held Jan. 17. First round concept papers are due Feb. 9 and the full application is due April 30. This is a rolling application process, so future funding rounds may occur in late 2024 and early 2025. Tribes are eligible recipients. More information about this TA program is here: <https://www.energy.gov/articles/biden-harris-administration-announces-530-million-building-energy-efficiency-and>

DOE will hold its annual Tribal Energy Summit in February 2024. The Summit will take place Feb. 27-28 at Pechanga Resort in California. Summit information, and registration, is here: <https://www.energy.gov/indianenergy/2024-tribal-clean-energy-summit>

IRS launched the IRS Energy Credits Online [pre-filing registration tool](#) for applicable entities who intend to receive a direct payment for clean energy tax credits. Applicable Entities, including tribes, must use the IRS Energy Credits Online to complete a required pre-filing registration process and receive a registration number. The registration number must be included on the taxpayer’s annual return when making an elective payment for a clean energy credit. An IRS Energy Credits Online user guide can be found [here](#) and video tutorial [here](#). The IRS is also offering office hours (through Microsoft Teams) to help entities with the pre-filing registration process on the new IRA/CHIPS Pre-filing Registration Tool. Registration for office hours is now open. Registration is required and can be completed by clicking on the links below.

- [January 23, 2024 1-2 PM EST](#)
- [January 26, 2024 1-2 PM EST](#)
- [January 30, 2024 1-2 PM EST](#)
- [February 2, 2024 1-2 PM EST](#)
- [February 6, 2024 1-2 PM EST](#)
- [February 9, 2024 1-2 PM EST](#)

The IRS issued [Notice 2024-9](#) which provides initial guidance regarding the potential step down in elective payments for projects that begin construction in 2024 if domestic content requirements are not met and how to claim the statutory exemption from those requirements. We will have a separate client memo that summarizes this guidance and how to obtain a waiver, as allowed under the IRA.

The IRS issued [Notice 2024-20](#), which provides guidance and notice that the IRS will be issuing proposed regulations for the geographic location qualifications for alternative fuel and electric vehicle charging stations to receive tax credits equal to 30% (assuming the project meets prevailing market wage and apprenticeship requirements) of the cost or \$100,000 per each charging station, whichever is less. To qualify for the tax credits, an alternative fuel station or EV charging station must be located in an eligible census tract generally defined as any population census tract that is a low-income community or is not an urban area.

Current Funding Opportunities

Agency / Amount	Program & Description	Key Dates	Project Type
DOE Building Energy Code – TA Program \$530 million	Technical assistance competitive grants available for the adoption and implementation of the latest model energy codes, zero energy codes, building performance standards, and innovative codes that achieve equivalent energy savings to the latest model and zero energy codes. Applicants encouraged to include tribes.	First round concept paper due Feb. 9; full application due Apr. 30 NOFO is open until Mar. 2025	Housing and building energy efficiency

<p>EPA Climate Pollution Reduction Grant</p> <p>\$300 million tribal set aside</p> <p>\$4.3 billion for general program</p>	<p>Funding to implement measures identified in climate pollution reduction plans. Measures related to the transportation, building, residential, agricultural, water, industrial and commercial sectors are included.</p>	<p>Tribal program optional notice of intent due Mar. 1; applications due May 1, 2024</p> <p>General program optional notice of intent due Feb. 1, applications due Apr. 1</p>	<p>Rooftop solar; distributed energy; transportation; electrification</p>
<p>DOE – Tribal Home Electrification Rebate Program (IRA)</p> <p>\$225 million</p>	<p>Formula grants allocated to every tribe for appliance upgrades, energy efficiency, electric wiring; limited to LMI (max 150% of AMI); rebate amounts by type of upgrade; maximum \$14,000 per home</p>	<p>Applications accepted on rolling basis until May 2025</p> <p>Every tribe received an allocation</p>	<p>Home electrification</p>
<p>EPA Environmental and Climate Justice Grants</p> <p>\$2 billion</p> <p>\$150 million for tribes in Alaska</p> <p>\$300 million for lower 48 tribes</p>	<p>Grant funding to support community-driven projects that deploy clean energy, strengthen climate resilience, and build capacity for communities to tackle environmental and climate justice challenges.</p>	<p>NOFO will be open for a year, closing on November 21, 2024, and EPA will review applications on a rolling basis</p> <p>Eligible entities: partnerships between community-based non-profit and tribal governments</p>	<p>Planning, buildings</p>
<p>DOE - Grid Resiliency Formula Grant program (BIL)</p> <p>\$525 million for FY 2024</p>	<p>Grant program to: Supplement existing hardening efforts of the eligible entity planned for any given year; and reduce the risk of any power lines owned or operated by the eligible entity causing a wildfire; or increase the ability of the eligible entity to reduce the likelihood and consequences of disruptive events.</p> <p>Grants to Tribes, based on the statutory formula, which can then grant to eligible entities; 15% match requirement; 5% admin/TA costs</p>	<p>Tribal allocations issued Dec. 2023</p> <p>Applications for funding due Apr. 17</p>	<p>infrastructure</p>
<p>USDA REAP</p>	<p>Grant and/or loan program for renewable energy and energy efficiency projects for</p>	<p>Applications due quarterly, starting June 30</p>	<p>Rooftop solar; distributed</p>

\$1 billion	<p>agricultural and rural enterprises; grant program for energy efficiency audits and development support</p> <p>Tribal utilities and enterprises are eligible if meet SBA size standards</p> <p>50% cost match required for grant 75% loan guarantee 75% of project costs if both grant and loan</p>	<p>Max grant \$1 million for energy project</p> <p>Max grant \$500,000 for energy efficiency</p>	<p>wind; energy storage</p> <p>Enterprise buildings; maybe housing</p>
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Summary and Status of Energy Programs in BIL and IRA – By Sector (Housing, Government, Enterprise, Transportation, Infrastructure)

Housing

Agency / Program	Description	Amount	Status of Implementation
DOE - Home energy and electrification rebate program (IRA)	<p>Grants to Tribes and States for appliance upgrades, energy efficiency, electric wiring; limited to LMI (max 150% of AMI); rebate amounts by type of upgrade; maximum \$14,000 per home</p> <p>State "whole home" rebate programs - \$2000 - \$4000 per home; \$400,000 for multi-family.</p>	<p>States - \$9 billion</p> <p>Tribes - \$225 million</p>	<p>DOE announced updated tribal allocation formula and allocation amounts</p> <p>Tribal applications open until May 2025</p>
DOE - Energy Efficiency and Conservation Block Grant (EECBG) (BIL)	<p>Additional program authorities to include: financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure), capital investments, projects, and programs, which may include loan programs and performance contracting programs, for leveraging of additional public and private sector funds, and programs that allow rebates, grants, or</p>	<p>\$550 million</p> <p>Statutory 2% set aside for tribes (\$8.8 million)</p>	<p>Program closed in July 2023</p>

	other incentives for the purchase and installation of energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) measures		
DOE Rural and Remote (BIL)	Federal financial assistance to rural or remote areas (cities, towns, unincorporated area less than 10,000) for the purpose of (A) overall cost-effectiveness of energy generation, transmission, or distribution systems; siting or upgrading transmission and distribution lines; reducing greenhouse gas emissions from energy generation by rural or remote areas; providing or modernizing electric generation facilities; developing microgrids; and increasing energy efficiency.	\$1 billion Split between community-scale and large-scale projects \$50 million focused on community-driven projects, between 10 – 100 grants for \$500k - \$5 million	First round of funding completed
DOI - Electrification program (IRA)	Grants through PL 638 contracts to: (i) provide electricity to homes lacking electricity; (ii) transition to zero-emissions energy systems; and/or (iii) complete home repairs and retrofitting necessary to install and prepare for zero-emissions energy systems.	\$145 million	First round of funding opportunity closed
EPA - GHG Emission Reduction Fund	Authorizes EPA to invest - through non-profit, state and local financial institutions - in projects the reduce greenhouse gas emissions, include clean energy project States, tribes, municipalities, and non-profits are eligible for \$7 billion in competitive grants to fund projects	\$27 billion = \$14 B for National Clean Investment Fund \$6 B for Clean Communities Investment Accelerator	Application closed on Oct. 12 EPA expects to announce selections in March 2024

		\$7 B for Solar for All	
EPA - Environmental and Climate Justice Block Grant	Funds projects in disadvantaged communities to address environmental and public health harms; for pollution monitoring and reduction technologies; mitigation of climate and health risks from extreme heat; climate resilience and adaptation; reducing indoor toxics and pollution	\$ 2.8 billion \$150 million for Alaska Native villages \$300 million for lower 48 tribes	NOFO announced, application period open until Nov. 2024
HUD ONAP ICDBG	Competitive grant program that supports community development efforts in tribal communities. Supports various types of projects, including rehabilitation (energy efficiency/electrification), climate change resiliency and carbon reduction efforts.	\$75 million for FY 2023 Min. \$500k – max \$2/\$5 million	Applications closed on October 5, 2023
Treasury - Tax Credits	Investment Tax Credits Elective Pay Residential Tax Credits Electric Vehicle Tax Credits EV Charging Station Tax Credits	Tax Credits can range from 6% - 70% for tribal housing projects	Treasury has issued final/rules for: <ul style="list-style-type: none"> • Low Income Bonus Credit • Prevailing market wage • Energy Communities • Domestic Content • Investment Tax Credit
DOT Thriving Communities Technical Assistance (BIL)	Technical assistance, planning, and capacity building support to teams of community partners that may lack the staffing or technical expertise to scope, fund, and develop infrastructure projects that advance broader community goals. Plan and develop a pipeline of comprehensive	No cost TA 2 years of deep-dive assistance and 3 years of facilitated peer learning support	2 nd round of implementation Notice of Interest was due Nov. 15 Annual TA program

	transportation, housing, and community revitalization activities.		
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Government / Community Buildings

Agency / Program	Description	Amount	Status of Implementation
DOE Rural and Remote (BIL)	Federal financial assistance to rural or remote areas (cities, towns, unincorporated area less than 10,000) for the purpose of (A) overall cost-effectiveness of energy generation, transmission, or distribution systems; siting or upgrading transmission and distribution lines; reducing greenhouse gas emissions from energy generation by rural or remote areas; providing or modernizing electric generation facilities; developing microgrids; and increasing energy efficiency.	\$1 billion Split between community-scale and large-scale projects \$50 million focused on community-driven projects, between 10 – 100 grants for \$500k - \$5 million	First round of funding completed
DOE - Transmission Siting Permitting Support	Grants to State and Tribes to support regulatory and administrative permitting processes for transmission lines.	\$745 million	DOE announced \$300 million funding opportunity; concept papers were due Nov. 17; full applications due Apr. 5, 2024
DOE- Energy Efficiency-Building Codes	Secretary shall award grants on a competitive basis to eligible entities to enable sustained cost-effective implementation of updated building energy codes Grant used to implement updates in energy codes for new residential and commercial buildings (including multifamily buildings); and additions and alterations to existing residential and commercial	\$ 225 million \$530 million for TA support	NOFO issued Dec. 2023; open until Mar. 2025 First round concept paper due Feb. 9; full application due Apr. 30

	buildings (including multifamily buildings)		
DOI - Climate resilience fund (IRA)	Grants for climate resilience and adaptation programs	\$220 million	Conducted tribal consultation in January.
EPA - GHG Emission Reduction Fund	Authorizes EPA to invest - through non-profit, state and local financial institutions - in projects the reduce greenhouse gas emissions, include clean energy project States, tribes, municipalities, and non-profits are eligible for \$7 billion in competitive grants to fund projects	\$27 billion = \$14 B for National Clean Investment Fund \$6 B for Clean Communities Investment Accelerator	Applications closed Oct. 12 EPA expects to announce selections in March 2024
EPA - Environmental and Climate Justice Block Grant	Funds projects in disadvantaged communities to address environmental and public health harms; for pollution monitoring and reduction technologies; mitigation of climate and health risks from extreme heat; climate resilience and adaptation; reducing indoor toxics and pollution	\$ 2.8 billion \$150 million for Alaska Native villages \$300 million for lower 48 tribes	NOFO opened, applications accepted until Nov. 2024
EPA - Climate Pollution Reduction Grants	Funding to implement grants for programs, policies and measures to achieve or facilitate GHG emission reductions. Only Tribes that received planning grants are eligible to apply for implementation grants	\$4.75 billion \$300 million set aside for tribal implementation grants; \$4.3 billion for general grant program	NOFO issued Sept. 20 Tribal applications due May 1, 2024
USDA - RUS Loan Forgiveness (PACE)	\$1 billion RUS loan program for renewable energy projects, including wind, solar, hydropower, geothermal, biomass, renewable energy storage projects. Energy must be used to serve rural areas. Loans are partially forgivable.	\$1 billion Tribes eligible, can receive up to 60% loan forgiveness \$1 million minimum; \$100 million maximum loan size	Letter of Intent was due Sept 29

	Tribes or tribal enterprises are eligible to apply, and may qualify for up to 60% loan forgiveness. Up to \$300 million is committed to tribal loans.		
DOE - Energy Efficient Schools (BIL)	Grant program for K-12 schools for energy efficiency, renewable energy, alternative fuel/EV infrastructure, indoor air; Eligible Uses: Energy efficiency (envelope, HVAC, lighting, controls, etc.), ventilation, renewable energy, alternative vehicles, and alternative fuel vehicle infrastructure improvements	\$500 million	Second round of funding expected in Spring 2024
HUD ONAP ICDBG	Competitive grant program that supports community development efforts in tribal communities. Supports various types of projects, including rehabilitation (energy efficiency/electrification), climate change resiliency and carbon reduction efforts.	\$75 million for FY 2023 Min. \$500k – max \$2/\$5 million	Applications closed Oct. 5, 2023
Treasury - Tax Credits	Investment Tax Credits Production Tax Credits Commercial EV Tax Credits EV Charging Station Tax Credits Elective Pay	Tax credits can range from 6% - 60%	Treasury has issued final rules for: <ul style="list-style-type: none"> • Low Income Bonus Credits • Energy communities Proposed rules for: <ul style="list-style-type: none"> • elective pay • prevailing wage requirements and safe harbor • domestic content • investment tax credits

Enterprise

Agency / Program	Description	Amount	Status of Implementation
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DOE Rural and Remote (BIL)	Federal financial assistance to rural or remote areas (cities, towns, unincorporated area less than 10,000) for the purpose of (A) overall cost-effectiveness of energy generation, transmission, or distribution systems; siting or upgrading transmission and distribution lines; reducing greenhouse gas emissions from energy generation by rural or remote areas; providing or modernizing electric generation facilities; developing microgrids; and increasing energy efficiency.	\$1 billion Split between community-scale and large-scale projects \$50 million focused on community-driven projects, between 10 – 100 grants for \$500k - \$5 million	First round of funding completed
DOE - Energy Efficient Transformer Rebates (BIL)	To provide rebates to industrial or manufacturing facility owners, commercial building owners, multifamily building owners, utilities, or energy service companies for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.	\$10 million Prioritize disadvantaged communities Max \$25,000 per year	Issued final guidance on Dec. 28 Application period now open
EPA - GHG Emission Reduction Fund	Authorizes EPA to invest - through non-profit, state and local financial institutions - in projects the reduce greenhouse gas emissions, include clean energy project States, tribes, municipalities, and non-profits are eligible for \$7 billion in competitive grants to fund projects	\$27 billion = \$14 B for National Clean Investment Fund \$6 B for Clean Communities Investment Accelerator	Applications closed Oct. 12
USDA – REAP	Loan and grant program for renewable energy and energy efficiency projects for agricultural and rural enterprises 50% cost match required for grant	\$2 billion Max grant \$1 million for energy project; max \$500,000 for energy efficiency	Applications due quarterly, starting July 15 through Sept. 30, 2024
USDA – PACE RUS Loan Forgiveness	\$1 billion RUS loan program for renewable energy	\$1 billion	Letter of Intent was due Sept 29.

	<p>projects, including wind, solar, hydropower, geothermal, biomass, renewable energy storage projects. Energy must be used to serve rural areas. Loans are partially forgivable.</p> <p>Tribes or tribal enterprises are eligible to apply, and may qualify for up to 60% loan forgiveness. Up to \$300 million is committed to tribal loans.</p> <p>\$1 million minimum loan amount; \$100 million maximum loan amount</p>	Tribes eligible, can receive up to 60% loan forgiveness	
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Transportation

Agency / Program	Description	Amount	Status of Implementation
EPA - GHG Emission Reduction Fund	<p>Authorizes EPA to invest - through non-profit, state and local financial institutions - in projects the reduce greenhouse gas emissions, include clean energy project</p> <p>States, tribes, municipalities, and non-profits are eligible for \$7 billion in competitive grants to fund projects</p>	<p>\$27 billion =</p> <p>\$14 B for National Clean Investment Fund</p> <p>\$6 B for Clean Communities Investment Accelerator</p>	Applications closed Oct. 12
DOT - EV Charging Station infrastructure (BIL)	<p>Charging station grant program: establish a grant program to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations that will be accessible to all drivers of</p>	<p>\$ 5 billion to states</p> <p>\$1.25 billion to underserved communities and tribe</p> <p>\$1.25 billion for alternative fuel corridors</p>	<p>States submitted plans; DOE/DOT has approved all state plans</p> <p>First round of funding for communities is complete.</p>

	electric vehicles, hydrogen vehicles, propane vehicles, and natural gas vehicles	Max grant \$15 million 20% cost share	
Treasury – IRA Tax Credits	Commercial EV Tax Credits EV Charging Station Tax Credits Elective Pay	30% tax credit or \$7500 - \$40,000 for vehicles 30% tax credit or \$100,000 per charging station	IRS has issued guidance for commercial vehicle tax credit, proposed rules for Elective Pay, and guidance for electric vehicle charging stations
DOT Thriving Communities Technical Assistance (BIL)	Technical assistance, planning, and capacity building support to teams of community partners that may lack the staffing or technical expertise to scope, fund, and develop infrastructure projects that advance broader community goals. Plan and develop a pipeline of comprehensive transportation, housing, and community revitalization activities.	No cost TA 2 years of deep-dive assistance and 3 years of facilitated peer learning support	Annual TA program Current year notice of interest was due Nov. 15
EPA Clean Heavy Duty Vehicle	Funding to help Tribal, state, and local governments and other entities offset the cost of replacing heavy-duty Class 6 and 7 commercial vehicles with zero-emission vehicles, deploy supporting infrastructure, and train and develop the necessary workforce.	\$1 billion At least \$400 million must go to areas not meeting national air quality standards	NOFO expected Spring 2024

Infrastructure

Agency / Program	Description	Amount	Status of Implementation
DOE - Grid Resiliency Formula Grant program (BIL)	Grant program to: Supplement existing hardening efforts of the eligible entity planned for any given year; and	\$ 5 billion 50% to eligible entities 50% to states/tribes	Applications period closed Aug. 31, 2023 Notice of Intent for FY 2024;

	<p>reduce the risk of any power lines owned or operated by the eligible entity causing a wildfire; or increase the ability of the eligible entity to reduce the likelihood and consequences of disruptive events.</p> <p>Grants to Tribes, based on the statutory formula, which can then grant to eligible entities; 15% match requirement; 5% admin/TA costs</p>	DOE has issued allocations for every tribe for Year 1 and Year 2.	application period expected to open Jan. 2024
DOE Transmission Line Siting, Permitting and Econ Dev Projects	Funding to support state, local and tribal governments in siting, permitting and economic development projects associated with transmission line development and deployment	\$300 million \$100 million for siting, permitting \$200 million for economic development projects	Concept paper was due Nov. 17; application due Apr. 5, 2024
DOE – Transmission Facilitation Program (BIL)	<p>Transmission Facilitation Program - “eligible project” means a project (including any related facility)— to construct a new or replace an existing eligible electric power transmission line; to increase the transmission capacity of an existing eligible electric power transmission line; or to connect an isolated microgrid to an existing transmission, transportation, or telecommunications infrastructure corridor located in Alaska, Hawaii, or a territory of the United States.</p> <p>Loan program - can be forgivable</p>	<p>\$2.5 billion</p> <p>DOE can use funds for “capacity contracts”, public-private partnership projects, and direct loans</p>	DOE announced “capacity contracts” for three power lines
DOE Grid Resiliency and Innovation	Smart Grid Grants program that will advance “innovative and ambitious uses of cutting-edge, market-ready technologies” using new	\$3.4 billion	<p>Concept paper due Jan. 12, 2024</p> <p>Applications due Apr. 17, 2025</p>

	<p>devices, materials, engineering designs, or software tools</p> <p>Grid Innovation Grant program that will focus on technical and/or non-technical approaches that improve grid reliability and resilience on the local, regional, and interregional scales.</p>		
DOE Rural and Remote (BIL)	<p>Federal financial assistance to rural or remote areas (cities, towns, unincorporated area less than 10,000) for the purpose of (A) overall cost-effectiveness of energy generation, transmission, or distribution systems; siting or upgrading transmission and distribution lines; reducing greenhouse gas emissions from energy generation by rural or remote areas; providing or modernizing electric generation facilities; developing microgrids; and increasing energy efficiency.</p>	<p>\$1 billion</p> <p>Split between community-scale and large-scale projects</p> <p>\$50 million focused on community-driven projects, between 10 – 100 grants for \$500k - \$5 million</p>	<p>First round funding completed</p>
DOE - Clean Hydrogen Manufacturing and Recycling (BIL)	<p>Secretary shall award multiyear grants to, and enter into contracts, cooperative agreements, or any other agreements authorized under this Act or other Federal law with, eligible entities for research, development, and demonstration projects to advance new clean hydrogen production, processing, delivery, storage, and use equipment manufacturing technologies and techniques.</p> <p>Shall give priority to clean hydrogen equipment</p>	<p>\$1 billion</p>	

	manufacturing projects that—operate in partnership with tribal energy development organizations, Indian Tribes, Tribal organizations, Native Hawaiian community-based organizations, or territories or freely associated States		
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