

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Tribal Energy Development Capacity (TEDC) Grant; Solicitation of Proposals**

**AGENCY:** Bureau of Indian Affairs, Office of Trust Services

**ACTION:** Notice.

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**SUMMARY:** The Secretary of the Interior (“Secretary”), through the Division of Energy and Mineral Development (DEMD), Office of Trust Services, Bureau of Indian Affairs (BIA), is soliciting grant proposals from Federally recognized tribal entities to build Tribal capacity for energy resource regulation and management.

The Tribal Energy Development Capacity (TEDC) grant program seeks to develop the Tribal management, organizational and technical capacity needed to maximize the economic impact of energy resource development on Federally recognized tribal land. TEDC grants equip Federally recognized tribal entities to regulate and manage their energy resources through development of organizational and business structures and legal and regulatory infrastructure.

Examples of projects TEDC grants may fund include establishment of Tribal business charters under Federal, state, or Tribal law with a focus on energy resource development; adoption and/or implementation of a secured transactions code; feasibility studies on forming a Tribal utility authority; and development of Tribal energy regulations.

**DATES:** Grant application packages must be submitted into [Grants.gov](https://www.grants.gov) no later than 11:59 EST, on Thursday January 16th, 2025. DEMD will not consider proposals received after this time and date.

**ADDRESSES:** The required method of submitting proposals is through [Grants.gov](https://www.grants.gov). For information on how to enroll and apply for grants in Grants.gov, see the instructions available at <https://www.grants.gov/help/html/help/Applicants/HowToApplyForGrants.htm>. Proposals must be submitted to [Grants.gov](https://www.grants.gov) by the deadline established, no later than 11:59p.m. EST, on Thursday January 16th, 2025.

**FOR FURTHER INFORMATION CONTACT:** Division of Energy and Mineral Development, 13922 Denver West Pkwy, Suite 200, Lakewood, CO 80401; telephone: (303) 969-5270; e-mail: [tedcgrants@bia.gov](mailto:tedcgrants@bia.gov). If you have questions regarding the application process, please contact Jo Ann Metcalfe, telephone 410-703-3390 or e-mail [jo.metcalfe@bia.gov](mailto:jo.metcalfe@bia.gov).

### **Questions and Requests for Grant Assistance:**

DEMD staff may provide technical consultation, upon written request submitted to [tedcgrants@bia.gov](mailto:tedcgrants@bia.gov) at least three weeks before the deadline for submission. The request must clearly identify the type of assistance sought. Technical consultation does not include funding to prepare a grant proposal, grant writing assistance, or pre-determinations as to the likelihood that a proposal will be awarded. The applicant is solely responsible for preparing its grant proposal.

Technical consultation may include clarifying application requirements, reviewing draft applications, confirming whether an applicant previously submitted the same or similar proposal.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Additional Program information can be found at: <https://www.bia.gov/service/grants/tedc>.

Direct questions regarding registration information for SAM or ASAP to [tedcgrants@bia.gov](mailto:tedcgrants@bia.gov).

Allow at least three weeks to complete SAM and ASAP registration due to system requirements.

No exceptions can be made for applicants that do not have an active SAM and ASAP registration.

SUPPLEMENTARY INFORMATION:

- I. General Information
- II. Number of Projects Funded
- III. Background and Eligible Activities
- IV. Eligibility for Funding
- V. Who May Perform Studies Funded by TEDC Grants
- VI. Applicant Procurement Procedures
- VII. Limitations
- VIII. TEDC Application Guidance
- IX. Review and Selection Process
- X. Evaluation Criteria
- XI. Transfer of Funds
- XII. Reporting Requirements for Award Recipients
- XIII. Conflicts of Interest
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**I. General Information**

Award Ceiling: \$450,000

Award Floor: \$10,000

CFDA Number: 15.148

Cost Sharing or Matching Requirement: No

Number of Awards: 10-30

Category: Energy and Minerals

**II. Number of Projects Funded.** DEMD anticipates awards of approximately [ten (10) to thirty (30)] grants under this announcement ranging in value from approximately \$10,000 to \$450,000.

DEMD will use a competitive evaluation process based on criteria described in the Evaluation Criteria section (section X of this notice).

**III. Background and Eligible Activities.** DEMD administers the TEDC grant program. This solicitation seeks proposals for increasing the managerial and technical capacity of Federally recognized tribal entities to manage and regulate their energy resources. The energy project(s) for which the applicant seeks to build Tribal capacity can be existing or planned.

Capacity developing activities include, but are not limited to:

- A. Establishing of organizational structure(s) and/or business entity structure(s) capable of engaging in commercial energy development or management activities, including leasing property, meeting lending requirements, participate in standard business contracts, and forming joint venture partnerships; such as development of interconnection, creating an energy office, and electric vehicle business structure planning;
- B. Establishing Tribal business charters under Federal law; corporations formed under Federal, state or Tribal incorporation codes; and Tribal utility authorities formed under Federal, state or Tribal codes;
- C. Developing or enhancing Tribal energy policies; enacting Tribal energy regulations, such as leasing of surface land for energy development, establishing legal infrastructure for business formation, enacting ordinances to regulate or develop energy resources, and adopting a secured transactions code or a memorandum of understanding, compact, or letter of intent with the state to register liens attached pursuant to such a code;
- D. Developing energy or fuel management strategies to plan for circumstances that put a significant financial and safety burden on Tribes.

The program provides funding on a one-time basis and for projects that can be completed within the period of performance of the award. The period of performance is one-year for this

solicitation. The funding periods and amounts referenced in this solicitation are subject to the availability of funds at the time of award, as well as the Department of the Interior (the Department) and the BIA priorities at the time of the award. Publication of this solicitation does not obligate the Department or the BIA to award any specific grant or to obligate all or any part of available funds. Future funding is subject to the availability of appropriations and cannot be guaranteed. The Department or the BIA may cancel or withdraw this solicitation at any time.

**IV. Eligibility for Funding.** Only Indian Tribes and Tribal Energy Development Organizations (TEDOs) are eligible to receive TEDC grants for projects on Indian land, as provided under the Energy Policy Act of 1992, as amended and codified under section 3502 of title 25 of the United States Code (25 U.S.C. § 3502 (a)). TEDC grants may only fund projects occurring on Indian land as defined in the under 25 U.S.C. § 3502. All grant applications must be accompanied by a Tribal resolution stating the Tribe's commitment to fully comply with grant award requirements and identifying the Tribal grant lead point of contact. If there exists within the Tribal government a policy, procedure, or other business rule that clearly establishes said authority to commit the Tribe a complying with the terms of grant awards and accompanied by a written statement from the authorized Tribal POC explicitly committing the Tribe to fully complying with the terms of the TEDC award as stated in this Notice of Funding Opportunity (NOFO). In this case only, grant applications may be accompanied by a written Tribal statement of commitment other than but of like effect to a Tribal resolution only. Upon successful award of the grant, the Department shall direct all grant funding to the successful Tribal grantee. The Tribal grantee will then be responsible for distributing monies within the Tribe, Tribal Energy Development Organization, or other Tribal grant management office as needed.

## **V. Who may Perform Studies Funded by TEDC Grants.**

The applicant determines who will conduct its study. An applicant has several choices, including but not limited to:

- Qualified tribal or TEDO personnel;
- Universities and colleges;
- Private consulting firms; and
- Other appropriate entities with capacity to perform the work.

Please note, Federal Agencies are not allowed to perform work on these grants or to receive funding from awarded grant funds.

**VI. Applicant Procurement Procedures.** The applicant is subject to the procurement standards under 2 CFR 200.318 through 200.326. In accordance with 2 CFR 200.318, an applicant must use its own documented procurement procedures which reflect Tribal laws and regulations, provided that the procurements conform to applicable Federal law and standards identified in Part 2 of the Code of Federal Regulations. Budget amounts for all printed and digital copies to be delivered in accordance with the grant agreement and, the contract should specify that all products generated by the vendor belong to the grantee and cannot be released to the public without the grantee's written approval. Products include, but are not limited to, all reports and technical data obtained, maps, status reports, and the final report.

**VII. Limitations.** TEDC grant funding must be expended in accordance with applicable statutory and regulatory requirements, including 2 CFR part 200. DEMD will monitor all TEDC grant awards for statutory and regulatory compliance. Tribes that misuse funds may forfeit remaining funds in that and future TEDC years. Neither the Department nor the BIA will be held responsible for proposal or application preparation costs.

As part of the grant application review process, DEMD may conduct a review of an

applicant's prior DEMD grant award(s). New grant application ranking may reflect the status of the applicant's grant funding from prior years. DEMD will consider pertinent factors with respect to prior year funding. For instance, if expenditure of prior year grant funds were delayed through no fault of the applicant, and the prior year project is not complete for that reason, a new TEDC grant proposal may still receive funding.

Applicants that are currently under BIA sanction Level 2 or higher resulting from non-compliance with the Single Audit Act are ineligible for a TEDC award. Applicants at Sanction Level 1 will be considered for funding.

The purpose of TEDC grants is to increase tribal technical capacity to manage and regulate energy resources only. Proposed projects generally must meet the following requirements to be deemed eligible to awarded TEDC funds:

- Applicants must be an eligible Indian Tribe or Tribal Energy Development Organization, as described in Section IV, above.
- Projects must occur on Indian Land as described in Section IV, above.
- Projects must be designed for a one-year period of performance.
- Project activities must be clearly described in the project narrative and pertinent to increasing tribal technical capacity to manage and regulate energy resources. Activities unrelated to the purpose of the TEDC are not eligible. Activities funded under Energy and Mineral Development Program (EMDP), such as resource assessments, or resource development feasibility studies, are not eligible.
- All project costs must be clearly described in the budget narrative, in line with Cost Principles outlined in 2 CFR Part 200, and pertinent to increasing tribal technical capacity to manage and regulate energy resources. Purchase of equipment, permitting fees, contract negotiation fees, professional credentialing fees, attending conventions,

and international travel are not eligible project costs under the TEDC.

- Requests for Tribal salaries must be clearly described in the budget narrative, including the scope of work tasks and deliverables that will be performed for the project.

Employee qualifications to perform the work must be provided in the key personnel section. Salaries for employees not directly performing tasks outlined in the scope of work and payment of salaries beyond the period of performance are not eligible. Vague requests to establish and staff a Tribal office, are not eligible.

- Training requests must be pertinent to the proposed project and details on the specific training must be provided within the budget narrative.
- Equipment leasing requests, such as computers software, vehicles, field gear, etc., must be clearly described in the budget narrative and pertinent to the proposed project. Purchase of equipment is not eligible.
- Legal fees must be pertinent and clearly described in the budget narrative. Legal fees associated with litigation are not eligible.
- Requests for Indirect Costs must be in line with Cost Principles outlined in 2 CFR Part 200 and application must include a current negotiated indirect cost agreement.
- Any other activities not authorized by the grant award letter are not eligible.

**VIII. TEDC Application Guidance.** All applications must be submitted in digital form to grants.gov. For instructions, see

<https://www.grants.gov/help/html/help/Applicants/HowToApplyForGrants.htm>.

All TEDC applicants must submit the standard forms “package” as outlined in this section. These forms can be found under the “package” tab on the TEDC grant listing at [www.grants.gov](http://www.grants.gov).

Incomplete applications will not be accepted. All forms listed in the announcement must be submitted in grants.gov. Contact Jo Metcalfe, Jo.Metcalfe@bia.gov, no later than three weeks prior



to the submission deadline regarding any issues associated with the application process. Links to the mandatory components that must be included in each proposal package can be found under the “package” tab on the TEDC grant opportunity page at [www.grants.gov](http://www.grants.gov), listed below:

- A. Application for Federal Assistance (SF-424) [V3.0]**
- B. Budget Information for Non-Construction Programs (SF-424A) [V1.0]**
- C. Budget Narrative Attachment Form [V1.2]**
- D. Project Abstract Summary [V2.0]**
- E. Project Narrative Attachment Form [V1.2]**
- F. Attachments [V1.2]**
  - **Resolution**
  - **Critical Information Sheet**
- G. Key Contacts [V2.0]**
  - **Tribal Administrative Official – for financial reporting**
  - **Tribal Program Official – directly oversees project**

A detailed description of the completion requirements the above-named mandatory component documents is provided below:

- A. Application for Federal Assistance SF-424.** All applicants must complete the Application for Federal Assistance SF-424. Use a descriptive file name that includes Tribal name and project description. For example: TEDCSF424.[Tribalname].Project
- B. Budget Information for Non-Construction Programs (SF-424A) [V1.0].** The budget must be submitted using both a SF-424 and a SF-424A form. Use a descriptive file name that includes Tribal name and project description. For example: TEDC Budget.[Tribalname].Project.
- C. Budget Narrative Attachment Form [V1.2].** The budget narrative must identify the

amount of grant funding requested. The project scope and budget must be broken into defined tasks such as contracted personnel fees, consulting fees (hourly or fixed), travel costs, data collection and analysis costs, computer rentals, report generation, drafting, advertising costs for a proposed project and other relevant project expenses, and their subcomponents. The budget must include the following detailed activity descriptions as applicable:

- Travel costs must be itemized by airfare, vehicle rental, lodging, and per diem, based on the current Federal government per diem schedule.
- Data collection and analysis costs must be itemized in sufficient detail for the DEMD review committee to evaluate the charges.
- Indirect costs, if requested
- Other expenses may include computer rental, report generation, drafting, and advertising costs for a proposed project.

**D. Project Abstract Summary.** Provide a one-page overview and technical summary of the project. Mandatory elements include:

- description of the elements of the proposed project
- need for the project
- description of the objectives
- anticipated outcomes that will result if the project were to be funded
- total funding amount requested
- designated Tribal project lead authorized to make decisions on the day-to-day grant activities.

**E. Project Narrative Attachment Form.** It is recommended that the Project Narrative is 20 pages or less, not including attachments. At a minimum, the Project Narrative should

include the following sections and are used to evaluate the proposal (the evaluation criteria are described in Section X):

- The Project Objective, Technical Description, and Motivation
  - Describe the projects goals and objectives and how this proposal will meet the goals of the TEDC.
  - Describe the Tribe's current business and/or regulatory capacity for energy development, including regulations and other measures already in place and the extent to which they are being implemented. If the proposal is related to establishing organizational business entity structure, describe the extent to which the Tribe is capable of engaging in development or management activities, and to what extent the proposed project will increase the Tribe's capacity to manage and/or regulate its energy resources.
  - Describe which business and/or regulatory capacities need enhancement, such as: Tribal code development, regulation or ordinance development, commercial code development, financial and revenue management, land lease management (including evaluation, negotiation, and enforcement of terms), and regulatory monitoring (Federal, state, and Tribal environmental and safety regulations).
  - Describe how the project would assist the Tribe in developing the capacity needed to maximize the economic impact of energy or mineral resource development on Indian land, and to what extent would that affect the overall economy of the Tribe.
  - List all previous or on-going energy or mineral resource development capacity-building projects involving the Tribe. If applicable, describe

challenges and lessons learned on past projects where they fell short in completion.

- Describe the Tribe's motivation to implement the business or regulatory framework that would be developed or enhanced through TEDC funding. Framework project urgency and how the funding will help address the need or solve the described problem. Justify the need through examples.
- **Tribal Utility Authority:** If the project is focused on studying the feasibility of a Tribal Utility Authority (TUA), or some other electric utility structure including micro grids, please provide a brief discussion (one page or less) that includes the following; reason/need for chartering a TUA or micro grid formation, the relationship between the Tribe and incumbent utility, annual expenditure by the Tribe on electricity, electricity pricing (\$/kWh) and/or power quality issues, utility policy issues that are hindering the Tribe from proper management of its energy assets or hindering the development of energy projects (i.e. net metering policies) and how these can potentially be overcome by a tribally owned TUA, and any other relevant information that would highlight the need for the establishment of a TUA or microgrid.
- **Scope of Work and Project Deliverables:** Include a detailed scope of work including a clear and concise description of the tasks to be performed, in chronological order; a logical methodology for the completing the task items; and a detailed description of the project phases, timeline, and method of measurement of meeting objectives of the proposed project and expected outcomes. Describe all deliverable products that the proposed TEDC project is to generate, including all regulations, codes, ordinances or processes and

procedures. Discuss the content of any planned status reports as well as the final TEDC project report.

- **Key Personnel and Tribal Commitment to Project Completion:** Provide a description of the entities and key personnel performing the scope of work the applicant wishes to retain, including their resumes (with areas of technical expertise, training, qualifications) the nature of their involvement, including their relationship to the applicant as Tribal staff, consultant, subcontractor, and suitability to undertake the proposed scope of work. The resumes may be included as an attachment to the application and will not be counted toward the 20-page limitation. Reference any past accomplishments that verify the Tribe's ability to succeed and their commitment to complete the project within the proposed project period, including project deliverables and grant reporting requirements. State any specific contributions by Tribal leadership to ensure the project's success. Please use a descriptive file name that includes Tribal name and project description. For example:

TEDCNarrative.[Tribalname].Project

#### F. Attachments [V1.2].

- Include the **Tribal resolution** issued in the same fiscal year as the grant application, authorizing the submission of a TEDC grant application. It must be signed by the authorized Tribal representative(s). The Tribal resolution must also include a description of the TEDC project that will be delivered. All grant applications must be accompanied by a Tribal resolution identifying the Tribal grant lead point of contact. If the Tribal statement of commitment meets all requirements of this section and of Section IV, a written Tribal statement of commitment, as described in Section IV,

above, may be provided in lieu of a Tribal resolution. The grant application must be accompanied by the written Tribal statement of commitment and by copies of said policy, procedure, or other business rule establishing the authority of the Tribal statement of commitment, and a written, signed statement from the named Tribal POC committing the Tribe to fully comply with the TEDC grant award recipient terms as stated in this NOFO.

- Through the attachments form, also submit the **Critical Information Page**.

Applicants must include a critical information page that includes:

- A designated Tribal representative (and their contact information) to oversee the project work, make authorized decisions during the project, and be responsible for submitting quarterly reports and the final report, plus periodic financial status reports. The designated Tribal lead must be a Tribal employee (i.e., not a consultant);
- Unique Entity Identifier (UEI) number. Reminder: ensure that the System for Award Management (SAM) number used to apply is *active*, not expired;
- Automated Standard Application for Payment (ASAP) number. Applicants *must* have an *active* ASAP account;
- Counties where the project is located;
- Congressional District number where the project is located.

G. **Key Contacts [V2.0]**. The mandatory Key Contacts information page includes:

- Tribal Leader contact information including address, email, and phone number
- Project Manager's (directly oversees the project) contact information including address, email, and phone number(s);
- Administrative Official (generally the financial manager) contact information

including address, email, and phone number(s);

- Please use a descriptive file name that includes Tribal name and identifies that it is the key contacts page (KC). For example: TEDCKC.[Tribalname].Project.

**IX. Review and Selection Process.** Upon receiving a TEDC application, DEMD will determine whether the application is complete and that the proposed project does not duplicate or overlap previous or currently funded DEMD technical assistance projects. Any proposal that is received after the date and time in the **DATES** section of this notice will not be reviewed.

In past years, TEDC grant funding requests have collectively exceeded available funding for that year. Funds are awarded to the highest rated proposals within a competitive process. Therefore, applicants compete for funding, and DEMD has discretion to award funds to a limited number of the highest-rated proposals. DEMD has established ranking procedures below with defined criteria for rating proposals.

The DEMD Review Committee (Committee), comprised of subject matter experts within DEMD and from their partnering Federal offices will evaluate the proposals utilizing the ranking criteria. Proposals will be evaluated using the four criteria listed below, with a maximum achievable total of 100 points.

Written final award notices and written notices of non-selection will be timely provided to all Tribal grant applicants.

**X. Evaluation Criteria**

**A. Project Abstract: 5 points.** Proposals will be evaluated based on the clarity of the proposal's abstract as discussed in the Project Abstract Summary.

**B. Project Objective, Technical Description, and Motivation: 30 points.** This criterion will be evaluated based on the project objective, technical description and motivation as described in the Project Narrative Attachment section. The clarity of the described work and the appropriateness of the project in terms of meeting the intent and goals of the TEDC

program will be evaluated. This section will be evaluated based on how well the motivation for the project is described.

**C. Scope of Work and Project Deliverables: 45 points.** DEMD will rate the extent to which the expected outcome of the project meets the applicant's stated goals, based on the deliverables described. This section will be evaluated based on the Project Abstract Summary and Project Narrative Attachment section.

**D. Key Personnel and Tribal Commitment to Project Completion: 20 points.** DEMD will evaluate the extent to which key personnel have the expertise to perform the functions under the scope of work and produce quality deliverables.

DEMD will also evaluate Tribal commitment to the project. The Committee understands that applicants may intend that the consultant(s) they retain to prepare the grant proposal will also conduct the feasibility study if the grant is awarded. This does not prejudice an applicant's chances of being selected as a grantee. However, the Committee will view unfavorably proposals that show little evidence of communication between the consultant(s) and the applicant or scant regard for the applicant community's unique circumstances. Facsimile applications prepared by the same consultant(s) and submitted by multiple applicants will receive scrutiny in this regard.

This section will be evaluated based on the Project Abstract Summary and Project Narrative Attachment section.

**XI. Transfer of Funds.** DEMD's obligation under this solicitation is contingent on receipt of congressionally appropriated funds. No liability on the part of the U.S. Government for any payment may arise until funds are made available to the awarding officer for this grant and until the recipient receives notice of such availability, to be confirmed in writing by the grant officer.

All payments under this agreement will be made by electronic funds transfer through the



Automated Standard Application for Payment (ASAP). All award recipients are required to have a currently active and accurate Unique Entity Identifier (UEI) number to receive funds. All payments will be deposited to the banking institution identified by the applicant in the System for Award Management (SAM).

**XII. Reporting Requirements for Award Recipients.** The applicant must deliver all products and data required by the signed Grant Agreement for the proposed TEDC feasibility study project and uploaded into GrantSolutions within 30 days of the end of each due date and 90 days after completion of the project. Reports can be provided in either Microsoft Word, or Adobe Acrobat PDF format. Spreadsheet data can be provided in Microsoft Excel, Microsoft Access, or Adobe PDF formats. All vector figures, shape files, and other data mediums shall be provided in their original data-based format and in PDF format. Do not convert vector figures to raster images. Furthermore, all geological data shall be provided in commonly used software format (PETRA, etc.). The contract between the grantee and the consultant conducting the TEDC-funded feasibility study must include deliverable products and require that the products be prepared in the format described above. Digital reporting to be submitted with applications not mentioned above shall be coordinated with DEMD prior to submission.

A. **Semi-Annual Reporting Requirements:** Semi-annual narrative (PPR) and financial status reports (FFR) are to be submitted throughout the life of the grant into GrantSolutions. The semi-annual narrative report may be a one-to-two-page summary of events, accomplishments, problems and results that took place during the two quarters. The semi-annual financial status report shall be submitted as Federal Financial Report, SF 425, and include a listing of the funds expended during the two quarters, how the funds were spent, and the amount remaining.

B. **Final Reporting Requirements:** Final narrative (PPR) and financial reports (FFR) are

to be submitted into GrantSolutions. The final narrative report should include, as attachments, all other products generated by the TEDC studies, including a final technical report. Products include all reports and technical data obtained during the study. The final financial status report shall be submitted as Federal Financial Report, SF-425, and include a listing of the funds expended during the project, how the funds were spent, and any amount remaining. Final reports are due ninety (90) days following the end of the project's period of performance.

**XIII. Conflicts of Interest.** Non-Federal entities and their employees must take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by sub-recipients, the conflict-of-interest provisions in 2 CFR 200.318 apply.

A. **Requirements.** Any contracts that the grantee enters to perform all or part of the grant scope of work should include:

- Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or sub-recipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or sub-recipient or in development of the requirement leading to the funding announcement.

- No actual or prospective recipient or sub-recipient may solicit, obtain, or use non-public information regarding the evaluation, award, administration of an award to that recipient or sub-recipient or the development of a Federal financial assistance opportunity that maybe of competitive interest to that recipient or sub-recipient.

## **B. Notification**

- Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.
- Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub-recipients.
- Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 U.S.C. 1352.
- Review Procedures. The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grantor cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.
- Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make the required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies

for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

### **C. Data Availability**

- **Applicability.** The Department is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.
- **Use of Data.** The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.
- **Availability of Data.** The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third-party evaluation and reproduction of the following:
  - The scientific data relied upon.
  - The analysis relied upon; and
  - The methodology, including models, used to gather and analyze data.

**XIV. Authority.** TEDC grants are funded through non-recurring appropriations made by the United States Congress in the Federal budget. These funds are provided on a year-to-year basis and may or may not be provided in future years. DEMD implements the Indian Energy Resource Development Program, under the Energy Policy Act of 2005, (503(a), Aug. 8, 2005, 119 Stat. 764) to assist Indian Tribes in the development of energy resources and to further the goal of Indian self-determination. The Energy Policy Act of 2005 (25 USC §3501 et seq.) provides that

the Secretary shall:

*“establish and implement an Indian energy resource development program to assist consenting Indian Tribes and Tribal energy resource development organizations.”*

The Energy Policy Act of 2005 also provides that the Secretary shall, subject to funds availability, provide development grants to Indian Tribes and Tribal Energy Resource Development Organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources as follows:

*“provide development grants to Indian tribes and tribal energy development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;”*

Additional authorizing Statutes for the program include:

- The Snyder Act of November 2, 1921, as amended (25 U.S.C. § 13, 42Stat. 208, P.L. 67-85; 90 Stat. 2233, P.L. 94-482)
- The Indian Reorganization Act of 1934, as amended (25 U.S.C. § 461 etseq., 48 Stat. 984, P.L. 73-383; P.L. 103-263)
- The Indian Self-Determination and Education Assistance Act, as amended (25 U.S.C § 450, 88 Stat. 2203, P.L. 93-638, P.L. 100-472; 102Stat. 2285, P.L. 103-413)
- Indian Mineral Development Act of 1982, as amended (25 U.S.C § 2106, 86 Stat. 1940, P.L. 97-382)
- Energy Policy Act of 2005, as amended (25 U.S.C §3501, P.L. 102-486; Title XXVI – The Energy Policy Act of 1992, § 2601, 25 U.S.C. § 2601, 106 Stat. 2776, P.L. 109-58; title V § 503(a), Aug. 8, 2005, 119 Stat. 764)