LEGISLATIVE SUMMARY SHEET
Tracking No. 0041-23

DATE: March 16, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES & DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; AFFIRMING THE MEMORANUDUM OF UNDERSTANDING ON COOPERATION AMONG THE NAVAJO NATION, U.S DEPARTMENT OF ENERGY AND OTHER FEDERAL AGENCIES; APPOINTING 25th NAVAJO NATION COUNCIL MEMBERS TO THE NAVAJO NATION & FEDERAL AGENCIES COLLABORATIVE TEAM FOR ECONOMIC REVITALIZATION AND ENERGY TRANSITION

PURPOSE: This resolution, if approved, will affirm the Memorandum of Understanding between the Navajo Nation and the Department of Energy and Other Federal Agencies and assign five (5) Navajo Nation Council Delegates to the Navajo Nation & Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: JJohnson
Website Posting Time/Date: 10:03pm; 03-16-23
Posting End Date: 03-21-23
Eligible for Action: 03-22-23

Resources & Development Committee
Thence
Naabik'íyáti' Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - First Year, 2023
Introduced by:

(Prime Sponsor)

Tracking No. 0041-23

AN ACTION
RELATING TO THE RESOURCES & DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; AFFIRMING THE MEMORANUDUM OF UNDERSTANDING ON COOPERATION AMONG THE NAVAJO NATION, U.S DEPARTMENT OF ENERGY AND OTHER FEDERAL AGENCIES; APPOINTING 25th NAVAJO NATION COUNCIL MEMBERS TO THE NAVAJO NATION & FEDERAL AGENCIES COLLABORATIVE TEAM FOR ECONOMIC REVITALIZATION AND ENERGY TRANSITION

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources & Development Committee is a standing committee of the Navajo Nation Council with designated authority "[t]o establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation [natural] resources" and "[t]o represent the Navajo Nation at local, state, and federal levels, in cooperation and coordination with the President of the Navajo Nation . . . on proposed resolutions and actions affecting natural resources, energy resources, [and] economic and community development . . .." 2 N.N.C. §§ 500 (C)(1) and 501 (B)(5).

B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council designated authority "[t]o coordinate all federal, county and state programs with other

standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation" and "[t]o review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments." 2 N.N.C. §§ 701 (A)(4) and (A)(7).

SECTION TWO. FINDINGS

A. On January 27, 2021, President Biden signed Executive Order (E.0.)14008, Tackling the Climate Crisis at Home and Abroad, attached as **Exhibit A**. Section 218 of E.O. 14008 established the federal Interagency Working Group (IWG) on Coal and Power Plant Communities and Economic Revitalization, with the recognition that mining and power plant communities and workers "drove the industrial revolution and the economic growth that followed and have been essential to the growth of the United States" and that Federal leadership is necessary to "foster economic revitalization of and investment in these communities." The Executive Order directs the Interagency Working Group ("IWG") to prepare an initial Report describing "mechanisms, consistent with applicable law, to prioritize grant making, Federal loan programs, technical assistance, financing, procurement, or other existing programs to support and revitalize the economies of coal and power plant communities."

B. Section 223 of E.O. 14008 created the Justice40 Initiative, which sets a goal of flowing at least 40 percent of certain Federal investments to disadvantaged communities. Section 223 establishes that "recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. The recommendations shall reflect existing authorities the agencies may possess for achieving the 40 percent goal as well as recommendations on any legislation needed to achieve the 40 percent goal."

C. Recent federal legislation offers funding opportunities to Tribal communities,

including through direct support to energy communities in transition. Currently, the IWG has identified $193 billion of open and planned Federal funding for investment in energy communities experiencing energy transition and maintains a clearinghouse of these funding opportunities. The Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58 (2021), provides more than $13 billion in funding to directly support Tribal communities and makes Tribes eligible to apply for or request billions in discretionary, formula, and other funding. The Inflation Reduction Act (IRA), Pub. L. No. 117-169 (2022), directs $720 million in climate resilience and energy funding directly to Tribes, including money for drought relief and electrification. BIL and IRA also provided additional funding explicitly for energy communities- for example, abandoned mine land remediation, grants and bonus tax credits for clean energy manufacturing and deployment associated with coal mines and plants, and loan authority for energy infrastructure reinvestment. Tribes are also eligible to access $280 billion in funding opportunities through the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act, Pub. L. No. 117-167 (2022). **Exhibit A.**

D. The Navajo Nation has a long history of coal mining and coal fired energy generation in its Nation, including the largest coal fired power plant west of the Mississippi. These energy transition communities are impacted both through job loss and revenue loss due to transitioning away from coal development. Access to Federal resources to support the Nation's desired future can be a challenge, which is correlated with a wide range of needs including basic infrastructure, environmental remediation, economic development, and workforce support. The recent COVID-19 pandemic disproportionately impacted the Navajo Nation and shined a light on the lack of infrastructure. The Navajo Nation lies in the heart of the Colorado River Basin and at the heart of the water-energy nexus, as exemplified by the use of water for coal mining and coal fired power generation. As the mines and power plants close, they leave behind valuable assets that can aid the Nation's infrastructure development and energy transition. The resources to support this wide range of needs reside in at least a dozen Federal agencies adding to the challenge facing the Navajo Nation in realizing its desired future. Direct support from the Federal agencies involved is needed to lower

barriers to access and facilitate positive outcomes.

E. In response to the Navajo Nation's need for direct support from Federal agencies, the Department of Energy and Department of Interior, in consultation with the Navajo Nation Division of Natural Resources, spearheaded the development of the MEMORANUDUM OF UNDERSTANDING ON COOPERATION AMONG THE NAVAJO NATION, U.S DEPARTMENT OF ENERGY AND OTHER FEDERAL AGENCIES ("MOU"), attached as **Exhibit B.** As stated in the MOU, it is the mutual intention of the Parties to collaborate to build capacity, provide needed technical assistance, and identify funding needs and opportunities for the Navajo Nation for the direct benefit of their people, and enhance coordination and collaboration among these entities and the Federal Government to maximize the benefit of both public and private investment in the development of an equitable energy future.

F. President Jonathan Nez signed the MOU on behalf of the Navajo Nation on December 1, 2022. **Exhibit B.**

G. The MOU provides a framework for collaboration among the Navajo Nation, DOE, and other Federal agencies to ensure that infrastructure, manufacturing, research and development, and workforce training and development investments are invested in a strategic, coordinated, efficient, and equitable manner.

H. Through the MOU, the Navajo Nation, DOE, and other Federal agencies express their intent to work together to:

1. Develop community strategic plans for energy, economic development, and infrastructure;
2. Designate DOE and other Federal agency staff to participate in meetings and activities related to the fulfillment of the MOU;
3. Support and work with a Navajo Nation or community energy manager;
4. Convene national, regional, Navajo Nation, and private sector actors and organizations to foster coordination across all the agencies, advance common goals, and tackle shared challenges;
5. Develop capacity building opportunities -

   a. For energy established programs: build skills/expertise that support

deployment of energy resources;

b. For circumstances where no energy program has been established: work with signatories to determine what program(s) will be helpful;

6. Enhance coordination among Navajo Nation entities, DOE, and other Federal agencies to leverage existing policies and programs with Federal funding, while also understanding the role of public and private sector investment and engagement;

7. Create a user-friendly, inclusive communications feedback loop among Navajo Nation entities, DOE, and other Federal agencies to ensure effective, coordinated and timely funding for planning and implementation;

8. Identify data, technical, and programmatic assistance needs of Navajo Nation entities and implement plans to maximize the effectiveness of BIL, IRA and CHIPS and Science Act programs; and

9. Support outreach and engagement with impacted communities- hi-directionality. Provide opportunity to community members and community organizations to provide meaningful participation and guidance.

I. Under the MOU, the Navajo Nation, among other things, expresses its intent to:

1. Identify and coordinate a collaborative team, with representatives from the Navajo Nation and wholly owned entities of the Navajo Nation that are engaged in energy activities as described in the MOU.

2. This collaborative team will identify the various energy related projects they are undertaking and the resources with which they need assistance.

J. The first task of the collaborative team, hereinafter "Navajo Nation & Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition", is to develop an implementation plan by May 31, 2023.

K. The Navajo Nation Council determines that affirming the MOU and including Navajo Nation Council leadership on the Navajo Nation & Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition is in the best interests of the Navajo Nation.

SECTION THREE. AFFIRMING THE NAVAJO NATION – FEDERAL AGENCIES MEMORANUM OF UNDERSTANDING

The Naabik'íyáti' Committee of the 25th Navajo Nation Council hereby affirms the Memorandum of Understanding between the Navajo Nation and the Department of Energy and Other Federal Agencies, attached as **Exhibit A.**

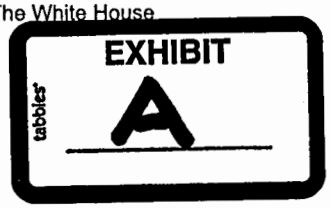
SECTION FOUR. APPOINTING 25th NAVAJO NATION COUNCIL MEMBERS TO THE NAVAJO NATION & FEDERAL AGENCIES COLLABORATIVE TEAM

The Naabik'íyáti' Committee of the 25th Navajo Nation Council hereby appoints three (3) Naabik'íyáti' Committee members and two (2) Resource and Development Committee members to the Navajo Nation & Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition ("Collaborative Team"):

1. _____ (RDC member)
2. _____ (RDC member)
3. _____ (Naabik'íyáti' Committee member)
4. _____ (Naabik'íyáti' Committee member)
5. _____ (Naabik'íyáti' Committee member)

SECTION FOUR. EFFECTIVE DATE OF APPOINTMENTS

The appointments made herein shall become effective upon certification of the presiding Naabik'íyáti' Committee Chairperson and shall remain in effect until the end of the 25th Navajo Nation Council, unless otherwise directed by the Naabik'íyáti' Committee through resolution.



JANUARY 27, 2021

Executive Order on Tackling the Climate Crisis at Home and Abroad

The United States and the world face a profound climate crisis. We have a narrow moment to pursue action at home and abroad in order to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents. Domestic action must go hand in hand with United States international leadership, aimed at significantly enhancing global action. Together, we must listen to science and meet the moment.

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

PART I — PUTTING THE CLIMATE CRISIS AT THE CENTER OF UNITED STATES FOREIGN POLICY AND NATIONAL SECURITY

Section 101. Policy. United States international engagement to address climate change — which has become a climate crisis — is more necessary and urgent than ever. The scientific community has made clear that the scale and speed of necessary action is greater than previously believed. There is little time left to avoid setting the world on a dangerous, potentially catastrophic, climate trajectory. Responding to the climate crisis will require both significant short-term global reductions in greenhouse gas emissions and net-zero global emissions by mid-century or before.

It is the policy of my Administration that climate considerations shall be an essential element of United States foreign policy and national security. The United States will work with other countries and partners, both bilaterally and multilaterally, to put the world on a sustainable climate pathway. The United States will also move quickly to build resilience, both at home and abroad, against the impacts of climate change that are already manifest and will continue to intensify according to current trajectories.

Sec. 102. Purpose. This order builds on and reaffirms actions my Administration has already taken to place the climate crisis at the forefront of this Nation's foreign policy and national security planning, including submitting the United States instrument of acceptance to rejoin the Paris Agreement. In implementing — and building upon — the Paris Agreement's three

overarching objectives (a safe global temperature, increased climate resilience, and financial flows aligned with a pathway toward low greenhouse gas emissions and climate-resilient development), the United States will exercise its leadership to promote a significant increase in global climate ambition to meet the climate challenge. In this regard:

(a) I will host an early Leaders' Climate Summit aimed at raising climate ambition and making a positive contribution to the 26th United Nations Climate Change Conference of the Parties (COP26) and beyond.

(b) The United States will reconvene the Major Economies Forum on Energy and Climate, beginning with the Leaders' Climate Summit. In cooperation with the members of that Forum, as well as with other partners as appropriate, the United States will pursue green recovery efforts, initiatives to advance the clean energy transition, sectoral decarbonization, and alignment of financial flows with the objectives of the Paris Agreement, including with respect to coal financing, nature-based solutions, and solutions to other climate-related challenges.

(c) I have created a new Presidentially appointed position, the Special Presidential Envoy for Climate, to elevate the issue of climate change and underscore the commitment my Administration will make toward addressing it.

(d) Recognizing that climate change affects a wide range of subjects, it will be a United States priority to press for enhanced climate ambition and integration of climate considerations across a wide range of international fora, including the Group of Seven (G7), the Group of Twenty (G20), and fora that address clean energy, aviation, shipping, the Arctic, the ocean, sustainable development, migration, and other relevant topics. The Special Presidential Envoy for Climate and others, as appropriate, are encouraged to promote innovative approaches, including international multi-stakeholder initiatives. In addition, my Administration will work in partnership with States, localities, Tribes, territories, and other United States stakeholders to advance United States climate diplomacy.

(e) The United States will immediately begin the process of developing its nationally determined contribution under the Paris Agreement. The process will include analysis and input from relevant executive departments and agencies (agencies), as well as appropriate outreach to domestic stakeholders. The United States will aim to submit its nationally determined contribution in advance of the Leaders' Climate Summit.

(f) The United States will also immediately begin to develop a climate finance plan, making strategic use of multilateral and bilateral channels and institutions, to assist developing countries in implementing ambitious emissions reduction measures, protecting critical

ecosystems, building resilience against the impacts of climate change, and promoting the flow of capital toward climate-aligned investments and away from high-carbon investments. The Secretary of State and the Secretary of the Treasury, in coordination with the Special Presidential Envoy for Climate, shall lead a process to develop this plan, with the participation of the Administrator of the United States Agency for International Development (USAID), the Chief Executive Officer of the United States International Development Finance Corporation (DFC), the Chief Executive Officer of the Millennium Challenge Corporation, the Director of the United States Trade and Development Agency, the Director of the Office of Management and Budget, and the head of any other agency providing foreign assistance and development financing, as appropriate. The Secretary of State and the Secretary of the Treasury shall submit the plan to the President, through the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, within 90 days of the date of this order.

(g) The Secretary of the Treasury shall:

(i) ensure that the United States is present and engaged in relevant international fora and institutions that are working on the management of climate-related financial risks;

(ii) develop a strategy for how the voice and vote of the United States can be used in international financial institutions, including the World Bank Group and the International Monetary Fund, to promote financing programs, economic stimulus packages, and debt relief initiatives that are aligned with and support the goals of the Paris Agreement; and

(iii) develop, in collaboration with the Secretary of State, the Administrator of USAID, and the Chief Executive Officer of the DFC, a plan for promoting the protection of the Amazon rainforest and other critical ecosystems that serve as global carbon sinks, including through market-based mechanisms.

(h) The Secretary of State, the Secretary of the Treasury, and the Secretary of Energy shall work together and with the Export–Import Bank of the United States, the Chief Executive Officer of the DFC, and the heads of other agencies and partners, as appropriate, to identify steps through which the United States can promote ending international financing of carbon-intensive fossil fuel-based energy while simultaneously advancing sustainable development and a green recovery, in consultation with the Assistant to the President for National Security Affairs.

(i) The Secretary of Energy, in cooperation with the Secretary of State and the heads of other agencies, as appropriate, shall identify steps through which the United States can intensify

international collaborations to drive innovation and deployment of clean energy technologies, which are critical for climate protection.

(j) The Secretary of State shall prepare, within 60 days of the date of this order, a transmittal package seeking the Senate's advice and consent to ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, regarding the phasedown of the production and consumption of hydrofluorocarbons.

Sec. 103. Prioritizing Climate in Foreign Policy and National Security. To ensure that climate change considerations are central to United States foreign policy and national security:

(a) Agencies that engage in extensive international work shall develop, in coordination with the Special Presidential Envoy for Climate, and submit to the President, through the Assistant to the President for National Security Affairs, within 90 days of the date of this order, strategies and implementation plans for integrating climate considerations into their international work, as appropriate and consistent with applicable law. These strategies and plans should include an assessment of:

(i) climate impacts relevant to broad agency strategies in particular countries or regions;

(ii) climate impacts on their agency-managed infrastructure abroad (e.g., embassies, military installations), without prejudice to existing requirements regarding assessment of such infrastructure;

(iii) how the agency intends to manage such impacts or incorporate risk mitigation into its installation master plans; and

(iv) how the agency's international work, including partner engagement, can contribute to addressing the climate crisis.

(b) The Director of National Intelligence shall prepare, within 120 days of the date of this order, a National Intelligence Estimate on the national and economic security impacts of climate change.

(c) The Secretary of Defense, in coordination with the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Chair of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Administrator of the National Aeronautics and Space Administration, and the heads of other agencies as appropriate, shall develop and submit to the President, within 120 days of

the date of this order, an analysis of the security implications of climate change (Climate Risk Analysis) that can be incorporated into modeling, simulation, war-gaming, and other analyses.

(d) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall consider the security implications of climate change, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing the National Defense Strategy, Defense Planning Guidance, Chairman's Risk Assessment, and other relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall provide an annual update, through the National Security Council, on the progress made in incorporating the security implications of climate change into these documents and processes.

(e) The Secretary of Homeland Security shall consider the implications of climate change in the Arctic, along our Nation's borders, and to National Critical Functions, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Homeland Security shall provide an annual update, through the National Security Council, on the progress made in incorporating the homeland security implications of climate change into these documents and processes.

Sec. 104. Reinstatement. The Presidential Memorandum of September 21, 2016 (Climate Change and National Security), is hereby reinstated.

PART II — TAKING A GOVERNMENT-WIDE APPROACH TO THE CLIMATE CRISIS

Sec. 201. Policy. Even as our Nation emerges from profound public health and economic crises borne of a pandemic, we face a climate crisis that threatens our people and communities, public health and economy, and, starkly, our ability to live on planet Earth. Despite the peril that is already evident, there is promise in the solutions — opportunities to create well-paying union jobs to build a modern and sustainable infrastructure, deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050.

We must listen to science — and act. We must strengthen our clean air and water protections. We must hold polluters accountable for their actions. We must deliver environmental justice in communities all across America. The Federal Government must drive assessment, disclosure, and mitigation of climate pollution and climate-related risks in every sector of our economy, marshaling the creativity, courage, and capital necessary to make our Nation resilient in the face of this threat. Together, we must combat the climate crisis with bold, progressive

action that combines the full capacity of the Federal Government with efforts from every corner of our Nation, every level of government, and every sector of our economy.

It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure. Successfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments.

Sec. 202. White House Office of Domestic Climate Policy. There is hereby established the White House Office of Domestic Climate Policy (Climate Policy Office) within the Executive Office of the President, which shall coordinate the policy-making process with respect to domestic climate-policy issues; coordinate domestic climate-policy advice to the President; ensure that domestic climate-policy decisions and programs are consistent with the President's stated goals and that those goals are being effectively pursued; and monitor implementation of the President's domestic climate-policy agenda. The Climate Policy Office shall have a staff headed by the Assistant to the President and National Climate Advisor (National Climate Advisor) and shall include the Deputy Assistant to the President and Deputy National Climate Advisor. The Climate Policy Office shall have such staff and other assistance as may be necessary to carry out the provisions of this order, subject to the availability of appropriations, and may work with established or ad hoc committees or interagency groups. All agencies shall cooperate with the Climate Policy Office and provide such information, support, and assistance to the Climate Policy Office as it may request, as appropriate and consistent with applicable law.

Sec.203. National Climate Task Force. There is hereby established a National Climate Task Force (Task Force). The Task Force shall be chaired by the National Climate Advisor.

(a) Membership. The Task Force shall consist of the following additional members:

(i) the Secretary of the Treasury;

(ii) the Secretary of Defense;

(iii) the Attorney General;

(iv) the Secretary of the Interior;

(v) the Secretary of Agriculture;

(vi) the Secretary of Commerce;

(vii) the Secretary of Labor;

(viii) the Secretary of Health and Human Services;

(ix) the Secretary of Housing and Urban Development;

(x) the Secretary of Transportation;

(xi) the Secretary of Energy;

(xii) the Secretary of Homeland Security;

(xiii) the Administrator of General Services;

(xiv) the Chair of the Council on Environmental Quality;

(xv) the Administrator of the Environmental Protection Agency;

(xvi) the Director of the Office of Management and Budget;

(xvii) the Director of the Office of Science and Technology Policy;

(xviii) the Assistant to the President for Domestic Policy;

(xix) the Assistant to the President for National Security Affairs;

(xx) the Assistant to the President for Homeland Security and Counterterrorism; and

(xxi) the Assistant to the President for Economic Policy.

(b) Mission and Work. The Task Force shall facilitate the organization and deployment of a Government-wide approach to combat the climate crisis. This Task Force shall facilitate planning and implementation of key Federal actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; conserve our lands, waters, oceans, and biodiversity; deliver environmental justice; and spur well-paying union jobs and economic growth. As necessary and appropriate, members of the Task Force will engage on

these matters with State, local, Tribal, and territorial governments; workers and communities; and leaders across the various sectors of our economy.

(c) Prioritizing Actions. To the extent permitted by law, Task Force members shall prioritize action on climate change in their policy-making and budget processes, in their contracting and procurement, and in their engagement with State, local, Tribal, and territorial governments; workers and communities; and leaders across all the sectors of our economy.

USE OF THE FEDERAL GOVERNMENT'S BUYING POWER AND REAL PROPERTY AND ASSET MANAGEMENT

Sec. 204. Policy. It is the policy of my Administration to lead the Nation's effort to combat the climate crisis by example — specifically, by aligning the management of Federal procurement and real property, public lands and waters, and financial programs to support robust climate action. By providing an immediate, clear, and stable source of product demand, increased transparency and data, and robust standards for the market, my Administration will help to catalyze private sector investment into, and accelerate the advancement of America's industrial capacity to supply, domestic clean energy, buildings, vehicles, and other necessary products and materials.

Sec. 205. Federal Clean Electricity and Vehicle Procurement Strategy. (a) The Chair of the Council on Environmental Quality, the Administrator of General Services, and the Director of the Office and Management and Budget, in coordination with the Secretary of Commerce, the Secretary of Labor, the Secretary of Energy, and the heads of other relevant agencies, shall assist the National Climate Advisor, through the Task Force established in section 203 of this order, in developing a comprehensive plan to create good jobs and stimulate clean energy industries by revitalizing the Federal Government's sustainability efforts.

(b) The plan shall aim to use, as appropriate and consistent with applicable law, all available procurement authorities to achieve or facilitate:

(i) a carbon pollution-free electricity sector no later than 2035; and

(ii) clean and zero-emission vehicles for Federal, State, local, and Tribal government fleets, including vehicles of the United States Postal Service.

(c) If necessary, the plan shall recommend any additional legislation needed to accomplish these objectives.

(d) The plan shall also aim to ensure that the United States retains the union jobs integral to and involved in running and maintaining clean and zero-emission fleets, while spurring the creation of union jobs in the manufacture of those new vehicles. The plan shall be submitted to the Task Force within 90 days of the date of this order.

Sec. 206. Procurement Standards. Consistent with the Executive Order of January 25, 2021, entitled, "Ensuring the Future Is Made in All of America by All of America's Workers," agencies shall adhere to the requirements of the Made in America Laws in making clean energy, energy efficiency, and clean energy procurement decisions. Agencies shall, consistent with applicable law, apply and enforce the Davis-Bacon Act and prevailing wage and benefit requirements. The Secretary of Labor shall take steps to update prevailing wage requirements. The Chair of the Council on Environmental Quality shall consider additional administrative steps and guidance to assist the Federal Acquisition Regulatory Council in developing regulatory amendments to promote increased contractor attention on reduced carbon emission and Federal sustainability.

Sec. 207. Renewable Energy on Public Lands and in Offshore Waters. The Secretary of the Interior shall review siting and permitting processes on public lands and in offshore waters to identify to the Task Force steps that can be taken, consistent with applicable law, to increase renewable energy production on those lands and in those waters, with the goal of doubling offshore wind by 2030 while ensuring robust protection for our lands, waters, and biodiversity and creating good jobs. In conducting this review, the Secretary of the Interior shall consult, as appropriate, with the heads of relevant agencies, including the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Energy, the Chair of the Council on Environmental Quality, State and Tribal authorities, project developers, and other interested parties. The Secretary of the Interior shall engage with Tribal authorities regarding the development and management of renewable and conventional energy resources on Tribal lands.

Sec. 208. Oil and Natural Gas Development on Public Lands and in Offshore Waters. To the extent consistent with applicable law,the Secretary of the Interior shall pause new oil and natural gas leases on public lands or in offshore waters pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior's broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and other impacts associated with oil and gas activities on public lands or in offshore waters. The Secretary of the Interior shall complete that review in consultation with the Secretary of Agriculture, the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and the

Secretary of Energy. In conducting this analysis, and to the extent consistent with applicable law, the Secretary of the Interior shall consider whether to adjust royalties associated with coal, oil, and gas resources extracted from public lands and offshore waters, or take other appropriate action, to account for corresponding climate costs.

Sec. 209. Fossil Fuel Subsidies. The heads of agencies shall identify for the Director of the Office of Management and Budget and the National Climate Advisor any fossil fuel subsidies provided by their respective agencies, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is not directly subsidizing fossil fuels. The Director of the Office of Management and Budget shall seek, in coordination with the heads of agencies and the National Climate Advisor, to eliminate fossil fuel subsidies from the budget request for Fiscal Year 2022 and thereafter.

Sec. 210. Clean Energy in Financial Management. The heads of agencies shall identify opportunities for Federal funding to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure for the Director of the Office of Management and Budget and the National Climate Advisor, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is used to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure. The Director of the Office of Management and Budget, in coordination with agency heads and the National Climate Advisor, shall seek to prioritize such investments in the President's budget request for Fiscal Year 2022 and thereafter.

Sec. 211. Climate Action Plans and Data and Information Products to Improve Adaptation and Increase Resilience. (a) The head of each agency shall submit a draft action plan to the Task Force and the Federal Chief Sustainability Officer within 120 days of the date of this order that describes steps the agency can take with regard to its facilities and operations to bolster adaptation and increase resilience to the impacts of climate change. Action plans should, among other things, describe the agency's climate vulnerabilities and describe the agency's plan to use the power of procurement to increase the energy and water efficiency of United States Government installations, buildings, and facilities and ensure they are climate-ready. Agencies shall consider the feasibility of using the purchasing power of the Federal Government to drive innovation, and shall seek to increase the Federal Government's resilience against supply chain disruptions. Such disruptions put the Nation's manufacturing sector at risk, as well as consumer access to critical goods and services. Agencies shall make their action plans public, and post them on the agency website, to the extent consistent with applicable law.

(b) Within 30 days of an agency's submission of an action plan, the Federal Chief Sustainability Officer, in coordination with the Director of the Office of Management and Budget, shall review the plan to assess its consistency with the policy set forth in section 204 of this order and the priorities issued by the Office of Management and Budget.

(c) After submitting an initial action plan, the head of each agency shall submit to the Task Force and Federal Chief Sustainability Officer progress reports annually on the status of implementation efforts. Agencies shall make progress reports public and post them on the agency website, to the extent consistent with applicable law. The heads of agencies shall assign their respective agency Chief Sustainability Officer the authority to perform duties relating to implementation of this order within the agency, to the extent consistent with applicable law.

(d) To assist agencies and State, local, Tribal, and territorial governments, communities, and businesses in preparing for and adapting to the impacts of climate change, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Homeland Security, through the Administrator of the Federal Emergency Management Agency, and the Director of the Office of Science and Technology Policy, in coordination with the heads of other agencies, as appropriate, shall provide to the Task Force a report on ways to expand and improve climate forecast capabilities and information products for the public. In addition, the Secretary of the Interior and the Deputy Director for Management of the Office of Management and Budget, in their capacities as the Chair and Vice-Chair of the Federal Geographic Data Committee, shall assess and provide to the Task Force a report on the potential development of a consolidated Federal geographic mapping service that can facilitate public access to climate-related information that will assist Federal, State, local, and Tribal governments in climate planning and resilience activities.

EMPOWERING WORKERS THROUGH REBUILDING OUR INFRASTRUCTURE FOR A SUSTAINABLE ECONOMY

Sec. 212. Policy. This Nation needs millions of construction, manufacturing, engineering, and skilled-trades workers to build a new American infrastructure and clean energy economy. These jobs will create opportunities for young people and for older workers shifting to new professions, and for people from all backgrounds and communities. Such jobs will bring opportunity to communities too often left behind — places that have suffered as a result of economic shifts and places that have suffered the most from persistent pollution, including low-income rural and urban communities, communities of color, and Native communities.

Sec. 213. Sustainable Infrastructure. (a) The Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall take steps, consistent with applicable law, to ensure that Federal infrastructure investment reduces climate pollution, and to require that Federal permitting decisions consider the effects of greenhouse gas emissions and climate change. In addition, they shall review, and report to the National Climate Advisor on, siting and permitting processes, including those in progress under the auspices of the Federal Permitting Improvement Steering Council, and identify steps that can be taken, consistent with applicable law, to accelerate the deployment of clean energy and transmission projects in an environmentally stable manner.

(b) Agency heads conducting infrastructure reviews shall, as appropriate, consult from an early stage with State, local, and Tribal officials involved in permitting or authorizing proposed infrastructure projects to develop efficient timelines for decision-making that are appropriate given the complexities of proposed projects.

EMPOWERING WORKERS BY ADVANCING CONSERVATION, AGRICULTURE, AND REFORESTATION

Sec. 214. Policy. It is the policy of my Administration to put a new generation of Americans to work conserving our public lands and waters. The Federal Government must protect America's natural treasures, increase reforestation, improve access to recreation, and increase resilience to wildfires and storms, while creating well-paying union jobs for more Americans, including more opportunities for women and people of color in occupations where they are underrepresented. America's farmers, ranchers, and forest landowners have an important role to play in combating the climate crisis and reducing greenhouse gas emissions, by sequestering carbon in soils, grasses, trees, and other vegetation and sourcing sustainable bioproducts and fuels. Coastal communities have an essential role to play in mitigating climate change and strengthening resilience by protecting and restoring coastal ecosystems, such as wetlands, seagrasses, coral and oyster reefs, and mangrove and kelp forests, to protect vulnerable coastlines, sequester carbon, and support biodiversity and fisheries.

Sec. 215. Civilian Climate Corps. In furtherance of the policy set forth in section 214 of this order, the Secretary of the Interior, in collaboration with the Secretary of Agriculture and the heads of other relevant agencies, shall submit a strategy to the Task Force within 90 days of the date of this order for creating a Civilian Climate Corps Initiative, within existing appropriations, to mobilize the next generation of conservation and resilience workers and maximize the creation of accessible training opportunities and good jobs. The initiative shall aim to conserve and restore public lands and waters, bolster community resilience, increase

reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation, and address the changing climate.

Sec. 216. Conserving Our Nation's Lands and Waters. (a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, shall submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030.

(i) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, and the Chair of the Council on Environmental Quality shall, as appropriate, solicit input from State, local, Tribal, and territorial officials, agricultural and forest landowners, fishermen, and other key stakeholders in identifying strategies that will encourage broad participation in the goal of conserving 30 percent of our lands and waters by 2030.

(ii) The report shall propose guidelines for determining whether lands and waters qualify for conservation, and it also shall establish mechanisms to measure progress toward the 30-percent goal. The Secretary of the Interior shall subsequently submit annual reports to the Task Force to monitor progress.

(b) The Secretary of Agriculture shall:

(i) initiate efforts in the first 60 days from the date of this order to collect input from Tribes, farmers, ranchers, forest owners, conservation groups, firefighters, and other stakeholders on how to best use Department of Agriculture programs, funding and financing capacities, and other authorities, and how to encourage the voluntary adoption of climate-smart agricultural and forestry practices that decrease wildfire risk fueled by climate change and result in additional, measurable, and verifiable carbon reductions and sequestration and that source sustainable bioproducts and fuels; and

(ii) submit to the Task Force within 90 days of the date of this order a report making recommendations for an agricultural and forestry climate strategy.

(c) The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall initiate efforts in the first 60 days from the date of this order to collect input from fishermen, regional ocean councils, fishery management councils,

scientists, and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research.

EMPOWERING WORKERS THROUGH REVITALIZING ENERGY COMMUNITIES

Sec. 217. Policy. It is the policy of my Administration to improve air and water quality and to create well-paying union jobs and more opportunities for women and people of color in hard-hit communities, including rural communities, while reducing methane emissions, oil and brine leaks, and other environmental harms from tens of thousands of former mining and well sites. Mining and power plant workers drove the industrial revolution and the economic growth that followed, and have been essential to the growth of the United States. As the Nation shifts to a clean energy economy, Federal leadership is essential to foster economic revitalization of and investment in these communities, ensure the creation of good jobs that provide a choice to join a union, and secure the benefits that have been earned by workers.

Such work should include projects that reduce emissions of toxic substances and greenhouse gases from existing and abandoned infrastructure and that prevent environmental damage that harms communities and poses a risk to public health and safety. Plugging leaks in oil and gas wells and reclaiming abandoned mine land can create well-paying union jobs in coal, oil, and gas communities while restoring natural assets, revitalizing recreation economies, and curbing methane emissions. In addition, such work should include efforts to turn properties idled in these communities, such as brownfields, into new hubs for the growth of our economy. Federal agencies should therefore coordinate investments and other efforts to assist coal, oil and gas, and power plant communities, and achieve substantial reductions of methane emissions from the oil and gas sector as quickly as possible.

Sec. 218. Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. There is hereby established an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization (Interagency Working Group). The National Climate Advisor and the Assistant to the President for Economic Policy shall serve as Co-Chairs of the Interagency Working Group.

(a) Membership. The Interagency Working Group shall consist of the following additional members:

(i) the Secretary of the Treasury;

(ii) the Secretary of the Interior;

(iii) the Secretary of Agriculture;

(iv) the Secretary of Commerce;

(v) the Secretary of Labor;

(vi) the Secretary of Health and Human Services;

(vii) the Secretary of Transportation;

(viii) the Secretary of Energy;

(ix) the Secretary of Education;

(x) the Administrator of the Environmental Protection Agency;

(xi) the Director of the Office of Management and Budget;

(xii) the Assistant to the President for Domestic Policy and Director of the Domestic Policy Council; and

(xiii) the Federal Co-Chair of the Appalachian Regional Commission.

(b) Mission and Work.

(i) The Interagency Working Group shall coordinate the identification and delivery of Federal resources to revitalize the economies of coal, oil and gas, and power plant communities; develop strategies to implement the policy set forth in section 217 of this order and for economic and social recovery; assess opportunities to ensure benefits and protections for coal and power plant workers; and submit reports to the National Climate Advisor and the Assistant to the President for Economic Policy on a regular basis on the progress of the revitalization effort.

(ii) As part of this effort, within 60 days of the date of this order, the Interagency Working Group shall submit a report to the President describing all mechanisms, consistent with applicable law, to prioritize grantmaking, Federal loan programs, technical assistance, financing, procurement, or other existing programs to support and revitalize the economies of coal and power plant communities, and providing recommendations for action consistent with the goals of the Interagency Working Group.

(c) Consultation. Consistent with the objectives set out in this order and in accordance with applicable law, the Interagency Working Group shall seek the views of State, local, and Tribal officials; unions; environmental justice organizations; community groups; and other persons it identifies who may have perspectives on the mission of the Interagency Working Group.

(d) Administration. The Interagency Working Group shall be housed within the Department of Energy. The Chairs shall convene regular meetings of the Interagency Working Group, determine its agenda, and direct its work. The Secretary of Energy, in consultation with the Chairs, shall designate an Executive Director of the Interagency Working Group, who shall coordinate the work of the Interagency Working Group and head any staff assigned to the Interagency Working Group.

(e) Officers. To facilitate the work of the Interagency Working Group, the head of each agency listed in subsection (a) of this section shall assign a designated official within the agency the authority to represent the agency on the Interagency Working Group and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.

SECURING ENVIRONMENTAL JUSTICE AND SPURRING ECONOMIC OPPORTUNITY

Sec. 219. Policy. To secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern. That means investing and building a clean energy economy that creates well-paying union jobs, turning disadvantaged communities — historically marginalized and overburdened — into healthy, thriving communities, and undertaking robust actions to mitigate climate change while preparing for the impacts of climate change across rural, urban, and Tribal areas. Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.

Sec. 220. White House Environmental Justice Interagency Council. (a) Section 1-102 of Executive Order 12898 of February 11, 1994 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations), is hereby amended to read as follows:

"(a) There is hereby created within the Executive Office of the President a White House Environmental Justice Interagency Council (Interagency Council). The Chair of the Council on Environmental Quality shall serve as Chair of the Interagency Council.

"(b) Membership. The Interagency Council shall consist of the following additional members:

(i) the Secretary of Defense;

(ii) the Attorney General;

(iii) the Secretary of the Interior;

(iv) the Secretary of Agriculture;

(v) the Secretary of Commerce;

(vi) the Secretary of Labor;

(vii) the Secretary of Health and Human Services;

(viii) the Secretary of Housing and Urban Development;

(ix) the Secretary of Transportation;

(x) the Secretary of Energy;

(xi) the Chair of the Council of Economic Advisers;

(xii) the Administrator of the Environmental Protection Agency;

(xiii) the Director of the Office of Management and Budget;

(xiv) the Executive Director of the Federal Permitting Improvement Steering Council;

(xv) the Director of the Office of Science and Technology Policy;

(xvi) the National Climate Advisor;

(xvii) the Assistant to the President for Domestic Policy; and

(xviii) the Assistant to the President for Economic Policy.

"(c) At the direction of the Chair, the Interagency Council may establish subgroups consisting exclusively of Interagency Council members or their designees under this section, as appropriate.

"(d) Mission and Work. The Interagency Council shall develop a strategy to address current and historic environmental injustice by consulting with the White House Environmental Justice Advisory Council and with local environmental justice leaders. The Interagency Council shall also develop clear performance metrics to ensure accountability, and publish an annual public performance scorecard on its implementation.

"(e) Administration. The Office of Administration within the Executive Office of the President shall provide funding and administrative support for the Interagency Council, to the extent permitted by law and within existing appropriations. To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), and subject to the availability of appropriations, the Department of Labor, the Department of Transportation, and the Environmental Protection Agency shall provide administrative support as necessary.

"(f) Meetings and Staff. The Chair shall convene regular meetings of the Council, determine its agenda, and direct its work. The Chair shall designate an Executive Director of the Council, who shall coordinate the work of the Interagency Council and head any staff assigned to the Council.

"(g) Officers. To facilitate the work of the Interagency Council, the head of each agency listed in subsection (b) shall assign a designated official within the agency to be an Environmental Justice Officer, with the authority to represent the agency on the Interagency Council and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate."

(b) The Interagency Council shall, within 120 days of the date of this order, submit to the President, through the National Climate Advisor, a set of recommendations for further updating Executive Order 12898.

Sec. 221. White House Environmental Justice Advisory Council. There is hereby established, within the Environmental Protection Agency, the White House Environmental Justice Advisory Council (Advisory Council), which shall advise the Interagency Council and the Chair of the Council on Environmental Quality.

(a) Membership. Members shall be appointed by the President, shall be drawn from across the political spectrum, and may include those with knowledge about or experience in

environmental justice, climate change, disaster preparedness, racial inequity, or any other area determined by the President to be of value to the Advisory Council.

(b) Mission and Work. The Advisory Council shall be solely advisory. It shall provide recommendations to the White House Environmental Justice Interagency Council established in section 220 of this order on how to increase the Federal Government's efforts to address current and historic environmental injustice, including recommendations for updating Executive Order 12898.

(c) Administration. The Environmental Protection Agency shall provide funding and administrative support for the Advisory Council to the extent permitted by law and within existing appropriations. Members of the Advisory Council shall serve without either compensation or reimbursement of expenses.

(d) Federal Advisory Committee Act. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Advisory Council, any functions of the President under the Act, except for those in section 6 of the Act, shall be performed by the Administrator of the Environmental Protection Agency in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 222. Agency Responsibilities. In furtherance of the policy set forth in section 219:

(a) The Chair of the Council on Environmental Quality shall, within 6 months of the date of this order, create a geospatial Climate and Economic Justice Screening Tool and shall annually publish interactive maps highlighting disadvantaged communities.

(b) The Administrator of the Environmental Protection Agency shall, within existing appropriations and consistent with applicable law:

(i) strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance; and

(ii) create a community notification program to monitor and provide real-time data to the public on current environmental pollution, including emissions, criteria pollutants, and toxins, in frontline and fenceline communities — places with the most significant exposure to such pollution.

(c) The Attorney General shall, within existing appropriations and consistent with applicable law:

(i) consider renaming the Environment and Natural Resources Division the Environmental Justice and Natural Resources Division;

(ii) direct that division to coordinate with the Administrator of the Environmental Protection Agency, through the Office of Enforcement and Compliance Assurance, as well as with other client agencies as appropriate, to develop a comprehensive environmental justice enforcement strategy, which shall seek to provide timely remedies for systemic environmental violations and contaminations, and injury to natural resources; and

(iii) ensure comprehensive attention to environmental justice throughout the Department of Justice, including by considering creating an Office of Environmental Justice within the Department to coordinate environmental justice activities among Department of Justice components and United States Attorneys' Offices nationwide.

(d) The Secretary of Health and Human Services shall, consistent with applicable law and within existing appropriations:

(i) establish an Office of Climate Change and Health Equity to address the impact of climate change on the health of the American people; and

(ii) establish an Interagency Working Group to Decrease Risk of Climate Change to Children, the Elderly, People with Disabilities, and the Vulnerable as well as a biennial Health Care System Readiness Advisory Council, both of which shall report their progress and findings regularly to the Task Force.

(e) The Director of the Office of Science and Technology Policy shall, in consultation with the National Climate Advisor, within existing appropriations, and within 100 days of the date of this order, publish a report identifying the climate strategies and technologies that will result in the most air and water quality improvements, which shall be made public to the maximum extent possible and published on the Office's website.

Sec. 223. Justice40 Initiative. (a) Within 120 days of the date of this order, the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor, in consultation with the Advisory Council, shall jointly publish recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. The

recommendations shall reflect existing authorities the agencies may possess for achieving the 40-percent goal as well as recommendations on any legislation needed to achieve the 40-percent goal.

(b) In developing the recommendations, the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor shall consult with affected disadvantaged communities.

(c) Within 60 days of the recommendations described in subsection (a) of this section, agency heads shall identify applicable program investment funds based on the recommendations and consider interim investment guidance to relevant program staff, as appropriate and consistent with applicable law.

(d) By February 2022, the Director of the Office of Management and Budget, in coordination with the Chair of the Council on Environmental Quality, the Administrator of the United States Digital Service, and other relevant agency heads, shall, to the extent consistent with applicable law, publish on a public website an annual Environmental Justice Scorecard detailing agency environmental justice performance measures.

PART III — GENERAL PROVISIONS

Sec. 301. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget, relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,

January 27, 2021.



Memorandum of Understanding on Cooperation Among
the Navajo Nation, the U.S Department of Energy, the U.S. Department of the Interior,
and Other Federal Agencies

This Memorandum of Understanding (MOU) is made and entered into by and among the Navajo Nation and the U.S. Department of Energy (DOE or the Department), the U.S. Department of the Interior (DOI), and other U.S. Federal agencies identified in the signatory section below and are collectively referred to as the "Parties."

Background

The Federal Government has treaty and trust responsibility to protect Tribal sovereignty and to revitalize Tribal communities, including through economic and energy development. This responsibility is enshrined in the U.S. Constitution, treaties between the U.S. Government and Indian Nations, court decisions, and legislation. This treaty and trust responsibility is carried out through Nation-to-Nation relations and actions of the Federal Government, including through regulations, policies, funding, and programming. The impacts of Federal policies on federally recognized Tribes have not always been positive, and the impacts of climate and energy transition are often disproportionately felt by indigenous peoples.

On January 27, 2021, President Biden signed Executive Order (E.O.)14008, Tackling the Climate Crisis at Home and Abroad, which states, "It is the policy of the Biden Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through

innovation, commercialization, and deployment of clean energy technologies and infrastructure. Successfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments."

- Section 218 of E.O. 14008 established the Interagency Working Group (IWG) on Coal and Power Plant Communities and Economic Revitalization, with the recognition that mining and power plant communities and workers "drove the industrial revolution and the economic growth that followed and have been essential to the growth of the United States" and that Federal leadership is necessary to "foster economic revitalization of and investment in these communities." The Executive Order directs the Interagency Working Group to prepare an initial Report describing "mechanisms, consistent with applicable law, to prioritize grantmaking, Federal loan programs, technical assistance, financing, procurement, or other existing programs to support and revitalize the economies of coal and power plant communities." Currently, the IWG has identified $193 billion of open and planned Federal funding for investment in energy communities experiencing energy transition and maintains a clearinghouse of these funding opportunities.
- Section 223 of E.O. 14008 created the Justice40 Initiative, which sets a goal of flowing at least 40 percent of certain Federal investments to disadvantaged communities. Section 223 establishes that "recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. The recommendations shall reflect existing authorities the agencies may possess for achieving the 40 percent goal as well as recommendations on any legislation needed to achieve the 40 percent goal."

Recent legislation offers Federal funding opportunities to Tribal communities, including through direct support to energy communities in transition. The Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58 (2021) – also known as the Bipartisan Infrastructure Law (BIL) – provides more than $13 billion in funding to directly support Tribal communities and makes Tribes eligible to apply for or request billions in discretionary, formula, and other funding. In total, this funding represents the single-largest investment in Tribal infrastructure ever enacted by the Federal Government. Funding offices for IIJA/BIL include 13 distinct Federal offices. The Inflation Reduction Act (IRA), Pub. L. No. 117-169 (2022), directs $720 million in climate resilience and energy funding directly to Tribes, including money for drought relief and electrification. BIL and IRA also provided additional funding explicitly for energy communities – for example, abandoned mine land remediation, grants and bonus tax credits for clean energy manufacturing and deployment associated with coal mines and plants, and loan authority for energy infrastructure reinvestment. Tribes are also eligible to access $280 billion in funding opportunities through the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act, Pub. L. No. 117–167 (2022). Sufficient outreach and coordination are needed to ensure Tribal access to these funding opportunities.

The White House Council on Native American Affairs (WHCNAA) has established a Committee on Energy, Economic Development and Infrastructure (Committee) comprised of DOE, DOI, the Department of Agriculture (USDA), the Department of Transportation (DOT), the Department of Education, the Department of Commerce, and the Small Business Administration. The Committee recognizes the importance of supporting Tribes that have historically been underfunded, often lack basic or upgraded infrastructure and are experiencing economic loss due to the recent closure of coal mines and coal-fired plants. As a government wide effort, the WHCNAA and participating agencies are committed to supporting Tribal economic revitalization and energy transition.

Current realities in Indian Country

A report in development by the DOE Office of Indian Energy, *Tribal Energy Access and Reliability,* explores current energy access and reliability on Tribal lands. Preliminary results indicate:

- There are vast untapped energy resources throughout Indian Country. This reality is correlated with existing significant need, interest, and potential for Indian Tribes to implement energy efficiency and renewable energy technologies in Indian Country, develop their energy resources, stabilize energy costs, spur local economic development, and provide jobs for Tribal members. Increasing vulnerabilities from climate change has additionally resulted in a rising demand for clean energy.
- Many Tribal communities are served primarily by multiple rural electrical cooperatives and generally pay a higher-than-average rate for electricity, use a higher-than-average proportion of their income toward energy costs, have higher-than-average unelectrified homes, and suffer from higher-than-average electricity reliability issues. These issues are compounded by higher-than-average poverty levels and higher-than-average inadequate housing issues.
- Federal Indian law and jurisdictional uncertainties and complexities limit private investment and have historically impeded energy development on Tribal lands. Historical and contemporary lack of energy infrastructure requires addressing existing significant financial, infrastructure, and human capacity barriers which hinder Tribal energy development. Complicated Federal application processes and funding gaps limit access by American Indian and Alaska Native communities.
- Notably, there exists considerable renewable and conventional energy resources on Tribal lands. Small- and large-scale renewable energy adoption is increasing throughout Indian Country. Growing demands for tribal-run utilities are resulting in greater stabilization of energy costs, potential for spurring local economic development, and jobs for Tribal members. Critical needs

throughout Indian Country include more investments in energy transition communities, electrical infrastructure, and resource asset development.

The Navajo Nation has a long history of coal mining and coal fired energy generation in its Nation, including the largest coal fired powerplant west of the Mississippi. These energy transition communities are impacted both through job loss and revenue loss due to transitioning away from coal development. Access to Federal resources to support the Nation's desired future can be a challenge, which is correlated with a wide range of needs including basic infrastructure, environmental remediation, economic development, and workforce support. The recent COVID-19 pandemic disproportionately impacted the Navajo Nation and shined a light on the lack of infrastructure. The Navajo Nation lies in the heart of the Colorado River Basin and at the heart of the water-energy nexus, as exemplified by the use of water for coal mining and coal fired power generation. As the mines and powerplants close, they leave behind valuable assets that can aid the Nation's infrastructure development and energy transition. The resources to support this wide range of needs reside in at least a dozen Federal agencies adding to the challenge facing the Navajo Nation in realizing its desired future. These resources are published to an online clearinghouse of funding opportunities at energycommunities.gov; however, direct support from the Federal agencies involved in the WHCNAA and IWG is needed to lower barriers to access and facilitate positive outcomes.

Parties' Intention

It is the mutual intention of the Parties to collaborate to build capacity, provide needed technical assistance, and identify funding needs and opportunities for the Navajo Nation for the direct benefit of their people, and enhance coordination and collaboration among these entities and the Federal Government to maximize the benefit of both public and private investment in the development of an equitable energy future for Indian Country.

Purpose

This MOU provides a framework for collaboration among the Navajo Nation, DOE, and other Federal agencies to ensure that infrastructure, manufacturing, research and development, and workforce training and development investments, including but not limited to, those made through the BIL, IRA, and CHIPS and Science Act, are invested in a strategic, coordinated, efficient, and equitable manner. Through this MOU, the Parties express their intent to work together to:

- Develop community strategic plans for energy, economic development, and infrastructure;
- Designate DOE and other Federal agency staff to participate in meetings and activities related to the fulfillment of the MOU;
- Support and work with a Navajo Nation or community energy manager;
- Convene national, regional, Navajo Nation, and private sector actors and organizations to foster coordination across all the agencies, advance common goals, and tackle shared challenges;
- Develop capacity building opportunities –
    - For energy established programs: build skills/expertise that support deployment of energy resources;
    - For circumstances where no energy program has been established: work with signatories to determine what program(s) will be helpful.
- Enhance coordination among Navajo Nation entities, DOE, and other Federal agencies to leverage existing policies and programs with Federal funding, while also understanding the role of public and private sector investment and engagement;
- Create a user-friendly, inclusive communications feedback loop among Navajo Nation entities, DOE, and other Federal agencies to ensure effective, coordinated and timely funding for planning and implementation;

- Identify data, technical, and programmatic assistance needs of Navajo Nation entities and implement plans to maximize the effectiveness of BIL, IRA and CHIPS and Science Act programs;
- Support outreach and engagement with impacted communities – bi-directionality. Provide opportunity to community members and community organizations to provide meaningful participation and guidance.

The Navajo Nation expresses its intent to:

- Identify and coordinate a collaborative team with representatives from the Navajo Nation and wholly owned entities of the Navajo Nation that are engaged in energy activities as described in this MOU.
- This collaborative team will identify the various energy related projects they are undertaking and the resources with which they need assistance.
- The Manager of the Navajo Nation Minerals Department will be the lead of this collaborative team and will be point of contact for this MOU with DOE and the Federal agencies.

All Party Agencies express their intent to:

- Draw from knowledge to provide Navajo Nation entities with technical assistance and support in the development and implementation of Navajo Nation plans in support of their respective communities.
- Establish core resources and data sets that Navajo Nation entities can use to inform the development and implementation of their energy plans and programs.
- Develop, collaborate on, and share informational materials and data that can foster Navajo Nation consumer awareness.

- Share national lessons learned from Federal programs in a timely manner with Navajo Nation entities to allow incorporation of relevant insights into their own activities.
- Convene and align additional stakeholders from across the Federal Government in support of Tribal community planning and implementation of programs and policies.
- Provide technical resources and support Navajo Nation entities in the implementation of the Justice40 Initiative to advance environmental justice and spur economic opportunity for disadvantaged communities throughout Indian Country.
- Identify and address barriers to a brighter future for Indian Country.
- Develop an implementation plan within 180 days of signing this MOU.

Individual Agency Intentions:

DOE enters into this MOU under the authority of section 646 of the Department of Energy Organization Act (Pub. L. 95-91, as amended; 42 U.S.C. § 7256), and expresses its intent to:

- Provide technical assistance for Tribes (e.g., strategic energy planning, financial and technical analysis);
- Dedicate a full-time employee to energy transition; and
- Coordinate with the IWG through its Deputy Director, as well as the Four Corners-focused Rapid Response Team coordinated by the Los Alamos National Laboratory, to access funding clearinghouse information and navigate funding opportunities offered by IWG partner agencies, and continual improvement of program delivery guided by Tribal input.

The U.S. Department of the Interior enters into this MOU and expresses its intent to:

- Work with MOU Parties to obtain information related to trust resources and services, including siting, permitting, and leasing;

- Work with MOU Parties to ensure communication and coordination with Bureau of Indian Affairs (BIA) Regional and Agency Offices; and
- Provide technical assistance through the Office of Trust Services, the Division of Energy and Mineral Development, and the Indian Energy Service Center to include:
    - Energy and mineral resource evaluation;
    - Energy market opportunity assessments;
    - Strategic portfolio development, especially as relates to energy transition Tribes;
    - Partnership development; and
    - Business development.

The U.S. Department of Agriculture enters into this MOU and expresses its intent to:

- Include Rural Development State Office Energy Coordinators and Rural Utilities Service Electric Program General Field Representatives as resources to help the Tribe understand the range of USDA's programs that could help finance energy transition projects;
- Leverage new financing opportunities (IRA) and special authorities (SUTA) as applicable to assist the Navajo Nation with energy transition strategies and projects; and
- Contribute to cross-agency outreach and resource development to assist the Navajo Nation to understand how USDA programs fit in to the range of Federal programs to assist the Navajo Nation meet its energy transition priorities.

The U.S. Department of Education enters into this MOU and expresses its intent to:

- Bring community members together to convene meetings within Tribal communities that will provide information and updates related to Energy Transition; and

- Leverage Tribal Colleges and Universities and provide technical assistance to develop educational programs and/or certificates required for workforce development in Tribal communities.

The U.S. Department of Transportation enters into this MOU and expresses its intent to:

- Provide technical assistance to the Navajo Nation;
- Increase Tribal engagement with DOT's Rural Opportunity to Use Transportation for Economic Success (ROUTES) team at Tribal conferences and round tables; and
- Increase Tribal engagement with DOT's Office of Disadvantaged Business at Tribal conferences and roundtables.

Additional Terms and Termination

This MOU is effective with respect to DOE, DOI, and the Navajo Nation on the day of signature of the Navajo Nation and DOE; it is effective for the other Federal agencies on the day of their signature. The MOU shall thereafter remain in effect. However, any Party can terminate their participation in the MOU upon written notice to all other Parties.

This MOU in no way restricts any Party from participating in any activity with other public or private agencies, organizations, or individuals.

This MOU is neither a fiscal nor a funds obligation document. Nothing in this MOU authorizes or is intended to obligate the Parties to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.

This MOU is strictly for internal management purposes for each Party. It is not legally enforceable and shall not be construed to create any legal obligation on the part of any Party by any Party or create any rights in any third party, including that of a Federal contractor.

This MOU shall not be construed to provide a private right or cause of action for or by any person or entity.

This MOU is subject to, and will be carried out in compliance with, all applicable laws, regulations, and other legal requirements.

Modifications

This MOU may be modified by mutually acceptable written amendments duly executed by authorized officials of the Parties. Its provisions will be reviewed annually and amended or supplemented in writing as may be agreed upon mutually by all Parties.

Entire Agreement

This MOU constitutes the final understanding of each Party on all subjects contained within it. All prior negotiations, understandings, and agreements are merged into this MOU.

Execution

The signatories have caused this MOU to be executed in three (3) identical originals by their duly authorized representatives and is entered into the date of the last signature.

Authorizing Signature and Dates

The Parties below warrant and represent that they have the authority on behalf of their respective Party to enter into the action and responsibilities of their respective Party.

12/1/22

Jennifer M. Granholm
Secretary
U.S. Department of Energy

DATE

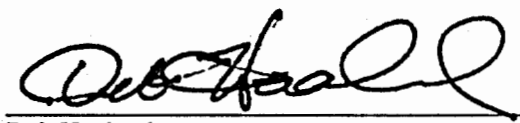
12.01.2022

Jonathan Nez
President
Navajo Nation

DATE

Authorizing Signature and Dates

The Parties below warrant and represent that they have the authority on behalf of their respective Party to enter into the action and responsibilities of their respective Party.



12/2/22

Deb Haaland
Secretary
U.S. Department of the Interior

DATE

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Crystalyne Curley
Speaker
25th Navajo Nation Council

MEMORANDUM

TO: Honorable Amber Kanazbah Crotty (Sponsor)
Honorable Crystalyne Curley, Speaker (Co-Sponsor)
25th Navajo Nation Council

FROM: Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: March 16, 2023

SUBJECT: **AN ACTION RELATING TO THE RESOURCES & DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; AFFIRMING THE MEMORANUDUM OF UNDERSTANDING ON COOPERATION AMONG THE NAVAJO NATION, U.S DEPARTMENT OF ENERGY AND OTHER FEDERAL AGENCIES; APPOINTING 25th NAVAJO NATION COUNCIL MEMBERS TO THE NAVAJO NATION & FEDERAL AGENCIES COLLABORATIVE TEAM FOR ECONOMIC REVITALIZATION AND ENERGY TRANSITION**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0041-23__ **SPONSOR: Amber Kanazbah Crotty**

TITLE: An Action Relating to the Resources and Development and Naabik'íyáti' Committees; Affirming the Memorandum of Understanding on Cooperation Among the Navajo Nation, U.S. Department of Energy and Other Federal Agencies; Appointing 25th Navajo Nation Council Members to the Navajo Nation and Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition

***Date posted*: March 16, 2023 at 10:03PM**

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0041-23

SPONSOR: Honorable Amber Kanazbah Crotty

TITLE: An Action Relating to the Resources and Development and Naabik'íyáti' Committees; Affirming the Memorandum of Understanding on Cooperation Among the Navajo Nation, U.S. Department of Energy and Other Federal Agencies; Appointing 25th Navajo Nation Council Members to the Navajo Nation and Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition

Posted: March 16, 2023 at 10:03 PM

5 DAY Comment Period Ended: March 21, 2023

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Comments/Recommendations	**1) Jessica Keetso**

Policy Analyst
Office of Legislative Services

March 22, 2023; 8:45 AM
Date/Time

Legislation 41-23

Jessica Keetso <jkeetso@yahoo.com>

Tue 3/21/2023 4:58 PM

To:comments <comments@navajo-nsn.gov>;

Legislation 0041-23: An Action Relating to the Resources and Development and Naabik'íyáti' Committees; Affirming the Memorandum of Understanding on Cooperation Among the Navajo Nation, U.S. Department of Energy and Other Federal Agencies; Appointing 25th Navajo Nation Council Members to the Navajo Nation and Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition

Comments on Legislation: (pages 1-7) The first part of the legislation is straightforward and contains the purpose and intent. However, the process, timeline and desired outcome is lacking. It is also unclear who the "community energy manager" is and how community groups, impacted communities, grassroots advocates, and chapters will be able to participate and be included in this MOU process/economic revitalization or energy transition. The culmination of this failure to achieve a collaborative effort, comes in the form of the "Collaborative Team" excludes everyone except the Navajo Nation Council.

Comments on Executive Order on Tackling the Climate Crisis at Home and Abroad: (page 8-28) The Executive Order (EO) was issued on January 27, 2021, and lists multiple times that the Biden administration will get input and work with Tribals on several fronts in addressing the climate crisis both in mitigation and adaption. Based on the EO date of issuance, the administration indicates it will receive input within 60 days from several stakeholders including Tribal Nations, and after 90-, 100-, and 120-days reports will be created to help further the work. The main question is whether the Navajo Nation has fully participated in providing input and whether the reports reflect the current and historic environmental injustices, Just Transition needs and environmental strategies for addressing climate change on the Navajo Nation. The EO also reads with a certain level of urgency that is not shared by the Navajo Nation. For example, the Biden Administration has listed foreign policy and national security in its EO, meaning that climate change is anticipated to harm the U.S. in its ability to retain its sovereignty and destiny. Even going so far as to direct Homeland Security to conduct climate risk analysis along the U.S.'s borders. The Navajo Nation has a Climate Adaption Plan however, it states that climate change could either be due to human activity or naturally occurring. A clear sign that the Navajo Nation hasn't come to terms with scientific evidence, resulting in an inability to active effectively to response to this growing threat.

Comments on Memorandum of Understanding on Cooperation Among the Navajo Nation, the U.S. Department of Energy, the U.S. Department of the Interior, and Other Federal Agencies: (page 29-41) Further questions, according to the MOU an implementation plan will be developed within 180 days of signing the MOU, has the Navajo Nation received this plan? What exactly is the Navajo Nation's energy transition priorities?

Overall: The intention of the legislation is needed; however, the process is not adequate because it does not include important and knowledgeable stakeholders on the Navajo Nation. The legislations strengths are the coordination between the Federal Government and the Navajo Nation government. The legislations weaknesses are the fact that Navajo needed Biden's administration for economic revitalization and energy transition efforts. The revenue from the last century of coal, oil, natural gas and uranium development didn't create the wealth to diversify the Navajo economy, it wasn't enough to build capacity and vital infrastructure. Climate change will

impact all of humanity, some more than others. It would be a mistake for the Navajo Nation to be solely dependent on the Biden Administration for economic revitalization and energy transition implementation, Navajo needs to pick up this mantle. There also needs to be vigilance with the Navajo leadership so that the same problems we experienced with fossil fuels isn't perpetuated. For example, supporting hydrogen specifically blue or grey hydrogen, which is produced from methane would be a detrimental to the efforts to mitigate climate change. Also, Navajo Transitional Energy Company's attempts to increase their share in Four Corners Power Plant, would likewise also be detrimental to Navajo's decarbonization efforts, how can we address climate change while at the same time driving it?

Thank you,

Jessica Keetso
Community Organizer
Tó Nizhóní Áni (Sacred Water Speaks)
Navajo Nation
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(505)
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WARNING: External email. Please verify sender before opening attachments or clicking on links.