



Improving Lives Through Cost-Effective, Sustainable Infrastructure Development

DENALI COMMISSION

STRATEGIC PLAN

FY 2023 – 2027

March 2024



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Message from the Federal and State Co-Chairs

The Challenges facing rural Alaska communities are long-standing and numerous. Many of these challenges are exacerbated by a warming climate that impacts infrastructure built on permafrost and accelerating erosion due to warmer waters preventing the formation of protective sea ice. The Denali Commission was created as a Federal-State partnership to focus on the needs of rural Alaska exclusively and intended to work closely with the State of Alaska, federal partners, tribes, and non-federal entities to address these growing challenges.

This Denali Commission Strategic Plan FY 2023-2027 generally outlines the Commission's vision for the Agency's investments over the next five years. This plan emphasizes the Agency's continued work in its legacy program areas while focusing on the most cost-effective use of the Infrastructure Investment and Jobs Act funds and the reinvigoration of the Denali Access System (Transportation) Program. Finally, the Commission has adopted a new Funding Opportunity Announcement process that makes the Commission's awarding process more transparent and understandable to the Alaskan public.

A blue ink signature of Jocelyn Fenton, consisting of a large 'J' followed by a stylized 'F' and a horizontal line.

Jocelyn Fenton
Interim Federal Co-Chair

A black ink signature of Micaela Fowler, featuring a large, stylized 'M' and 'F' with a circular flourish.

Micaela Fowler
State Co-Chair

Executive Summary

Congress established the Denali Commission (Commission) in 1998 as an independent federal agency to deliver a wide range of services to Alaska cost-effectively by reducing administrative and overhead costs. The Commission provides job training and other economic development services in rural communities, focusing on promoting development in rural Alaska and delivering critical infrastructure, such as power generation and transmission facilities, modern communication systems, and water and sewer systems. Since its enactment, Congress has updated the Denali Commission Act of 1998 several times, expanding the Commission's mission to include planning and constructing healthcare facilities and establishing the Denali Access System Program to support surface transportation infrastructure and waterfront transportation projects.

The Commission is committed to a public, transparent, and efficient process in developing and executing programs, projects, and activities that improve the living conditions of Alaskans. This strategic plan, which outlines the goals and objectives guiding the Commission's work, capitalizes on the unique authorities in the Commission's statute and assumes the Commission will complement and not duplicate other federal agency programs.

The specific program goals and objectives in the plan are:

1. **Infrastructure Investment and Jobs Act (IIJA):** Implement a plan for the funds coming to the Commission that addresses climate resiliency and furthers investments in distressed/disadvantaged communities.
2. **Village Infrastructure Protection:** Ensure vulnerable communities can access technical assistance and threat assessments through additional resources, funding, and partnerships.
3. **Energy:** Improve the affordability, safety, and reliability of fuel storage and energy production, focusing on renewable energy, electrical distribution, and heating the built environment.
4. **Workforce Development:** Cultivate skills matching the needs of Alaska communities and contribute to developing robust and sustainable local, regional, and state economies.
5. **Transportation:** Serve the transportation needs of rural Alaska by increasing the ability to address infrastructure needs, provide local match for State investment, and compete for national funding. Identify statewide priorities with guidance from the Transportation Advisory Committee (TAC).
6. **Other Programs:** Maintain the Commission's other legacy programs (e.g., Health Facilities, Housing, Economic Development), create space in the work portfolio for new programs (e.g., Broadband, Community Facilities), and enhance the asset management component of all physical infrastructure programs.
7. **Innovation and Collaboration:** Convene federal, state, and Tribal partners and stakeholders on projects and initiatives that foster a high quality of life in rural Alaska. Explore opportunities to leverage Commission Base funds through strategic partnerships and

interagency funding agreements with federal and state agencies, Tribal and non-profit organizations, and the private sector.

Priority initiatives for the Agency include:

1. Expand the use of the Commission's Section 311 Transfer Authority (Section 311)
2. Maintain a strong relationship with the State of Alaska, leveraging the Commission's broad authority, non-expiring funds, non-federal match to other federal funds, and interagency agreements for transfers
3. Secure funds according to the reauthorization of the Denali Access System Program
4. Maintain Equal Employment Opportunity (EEO) principles and update EEO policies and procedures as appropriate
5. Ensure that the Commission's administrative costs correspond to the value provided to Alaska
6. Increase transparency in the financial assistance award process through an annual Funding Opportunity Announcement

Mission, Purpose Statement, and Organizing Principles

Mission

The Denali Commission's mission is to promote equity and improve lives in rural Alaska through rural development in six core areas: bulk fuel storage, power generation, health care facilities, surface transportation and waterfront facilities, communication systems, and specialty housing (e.g., elder housing, domestic violence shelters). In executing its mission, the Commission strives to deliver services in the most cost-effective manner possible.

Purpose Statement

Create equitable access to opportunities to lead healthy lives in rural Alaska by efficiently addressing the economic development needs of communities with a particular focus on job training, power generation, broadband, sanitation, and other infrastructure needs.

Organizing Principles

- Facilitate and enable rural Alaska community and economic development
- Focus on community infrastructure improvements that increase climate resiliency
- Invest in distressed/disadvantaged communities
- Meet the development needs of rural communities and maximize the sustainability of that infrastructure
- Make investments based on need
- Leverage Commission investments to maximize reach and impact
- Spend and manage federal funds in an efficient and transparent manner
- Capitalize on the Commission's unique statutory authorities
- Collaborate and coordinate with state, federal, Tribal, and local partners/stakeholders
- Cultivate innovative and locally appropriate solutions

Overview

Rural Alaska

The magnitude of Alaska's size and geography, and its impact on the people who live here, are unmatched elsewhere in the country. About 20 percent of Alaska's population – approximately 730,000 people – reside in one of about 200 small, remote communities scattered throughout America's largest state. Alaska covers 656,425 square miles, has 3 million lakes more than 20 acres in size (compared with Minnesota's 10,000 lakes), 10,000 glaciers (covering nearly 5 percent of the state), 80 percent of all active volcanoes in the US, and 39 mountain ranges containing 17 of the 20 highest peaks in the US. The state is home to 229 of 564 federally recognized tribes, and there is a strong parallel between rural Alaska and Alaska's tribes; most rural Alaska residents have tribal affiliation. Alaska's vast wilderness and harsh climate challenge transportation and the ability to preserve infrastructure longevity. Alaska is more than twice the size of Texas but has less than 16,000 miles of public roads, only 30 percent of which have pavement. Most cities and villages in the state are accessible only by sea or air, including Juneau, the state capital. That remoteness of rural Alaska makes the logistics of developing and maintaining infrastructure particularly daunting.

The challenges of geography and climate are exacerbated in rural Alaska by difficult socio-economic circumstances, such as poverty, domestic violence, alcohol abuse, and suicide. Several census areas in the state have unemployment rates greater than 15 percent; in some individual communities, the rate is more than 50 percent. One-fifth of the state's population has the second-highest poverty rate of any race or ethnic group in the country. One in three families living in rural Alaska still does not have an adequate supply of safe drinking water or a sanitary way to dispose of sewage. Alaska has one of the highest suicide rates in the nation, and the rates in rural Alaska are more than twice that of the state's urban areas.

Further challenging rural Alaska's quality of life and livelihoods are a host of deficiencies across healthcare, transportation, and energy infrastructure systems. Most rural families have limited access to healthcare. For instance, in the Bering Straits region, there is one hospital for an area serving 20 remote communities spread over an area the size of Indiana and without road transportation connecting most of the region to the facility. The cost of energy in rural Alaska is staggering. Once or twice yearly, fuel deliveries via barge power the community, run vehicles, and heat homes - or air freight may deliver this fuel at a considerably higher cost. A community's ability to purchase fuel in higher volumes to maximize economy of scale is limited by the size of their bulk fuel tank farm (if they have one) and fiscal solvency. Purchasing and storing enough fuel to last a community for 12 months is a constant challenge, especially for a commodity whose price can spike unexpectedly due to world events and outside market pressures. Reliable electrical service, primarily diesel-powered, is not a given, and many families spend nearly half their annual income on heating fuel, electricity, and gasoline. Without factoring in State subsidies, home heating oil can cost \$10 per gallon, and the median electricity cost is \$0.62 per kilowatt-hour.



Diomedede



Kivalina



Point Lay



Kotzebue

The Commission

In 1965 Congress established the Appalachian Regional Commission (ARC) - a federal, state, and local government partnership to address the lack of adequate infrastructure, poverty, and unemployment in the rural areas of 13 neighboring states. Building on ARC's success, Congress subsequently established three other economic development agencies to address similar conditions in other parts of the country that are particularly distressed. Created in 1998, the Denali Commission was the second such Agency formed. US Senator Ted Stevens drafted the Denali Commission Act of 1998 (Title III of Public Law 105-277, 42 USC 3121), establishing the Commission, headquartered in Anchorage, Alaska. The full text of the Act appears in Appendix C.

The [Commission](#) is an independent Federal agency that focuses on developing rural Alaska's basic infrastructure, economic development, and workforce training needs in collaboration with state, local, tribal, and private partners. The Commission is small, nimble, and has a proven track record of delivering projects and services cost-effectively.

The Commissioners

The Act names seven leading Alaskan policymakers to provide overall agency leadership and guidance. Specifically, the Act stipulates that the incumbents in the following positions shall serve as Denali Commissioners:

- **State of Alaska:** Governor, who serves as Co-Chair of the Commission
Gov. Mike Dunleavy has delegated Micaela Fowler, Department of Commerce, Community and Economic Development Deputy Commissioner
- **Alaska Federation of Natives:** President - *Julie Kitka*

- **Alaska Municipal League:** Executive Director - *Nils Andreassen*
- **Associated General Contractors of Alaska:** Executive Director - *Alicia Amberg*
- **University of Alaska:** President - *Pat Pitney*
- **American Federation of Labor and Congress of Industrial Organizations:** Alaska Executive President - *Joelle Hall*

The Act also specifies that the US Secretary of Commerce designates a Federal Co-Chair to act as the head of the Agency, overseeing the day-to-day operations of the Commission. During the interim period until a new Federal Co-Chair is selected, Jocelyn Fenton has been appointed as Interim Federal Co-Chair, with full authority as the Federal Co-Chairperson, and will serve in this capacity until the vacancy is filled.

Work Plan Process

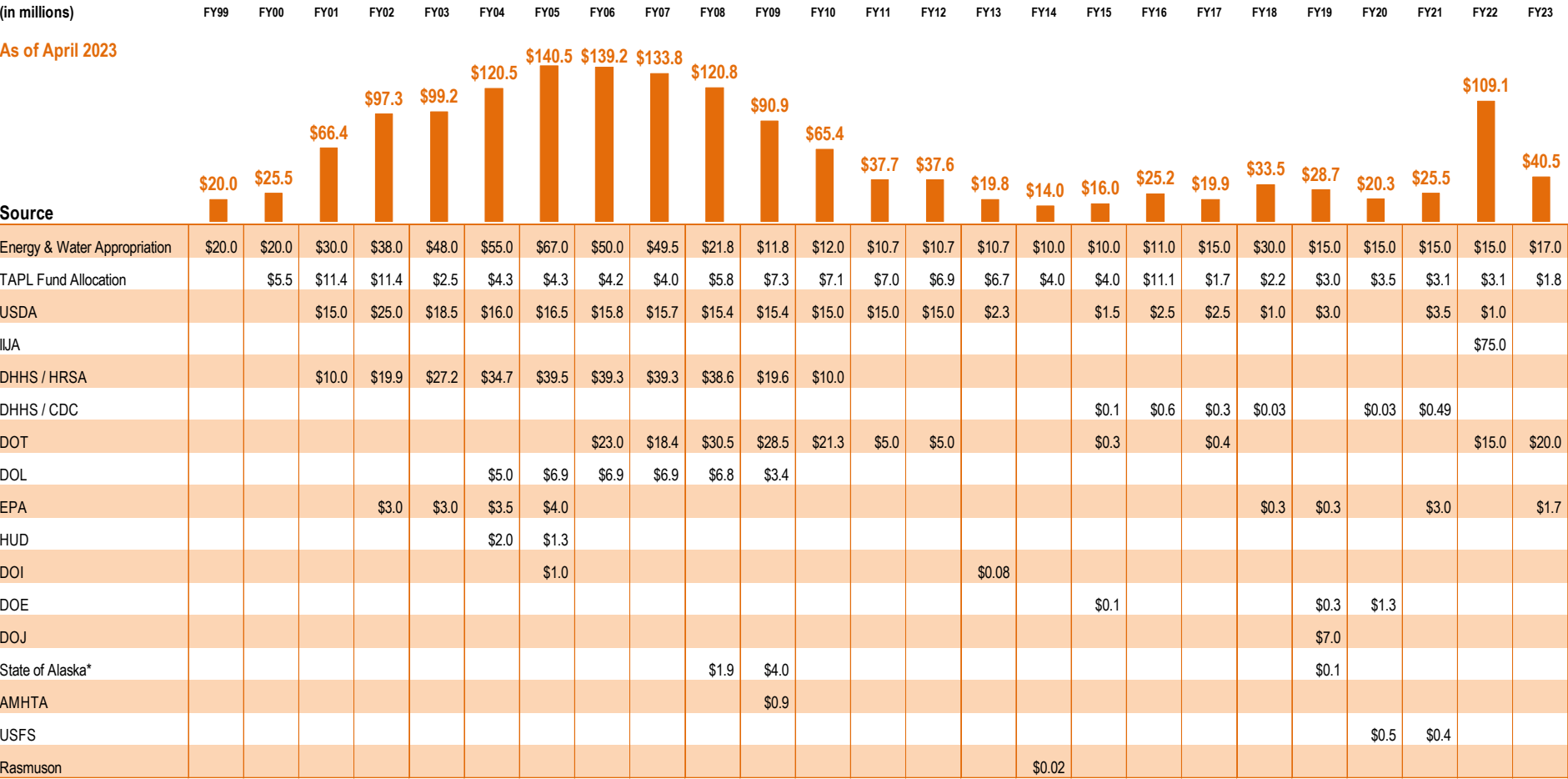
Each year, the Commission produces an annual work plan (i.e., investment plan) based on public input and direction from the Commissioners and approved by the Secretary of the Department of Commerce. The work plan includes target investment amounts in various program areas such as Energy Reliability & Security, Bulk Fuel Safety & Security, Village Infrastructure Protection, and Transportation. The investment amounts are based on anticipated appropriations, match considerations, and other funding sources. Commission staff implements the annual work plan via grants, cooperative agreements, and contracts.

Funding History

The following table summarizes the Commission’s total funding from FY99 to FY23 (as of April 2023). All values are in millions.



FUNDING



*only includes funds transferred directly to the Commission

Investment History

The pillars of the Commission's investment strategy over the past 24 years can be summarized as follows:

- Tailor investments to the needs of rural Alaska - versus other factors such as grant writing skills, the capacity of applicants to carry out projects, etc.
- Owner/operators for prospective capital project investments must demonstrate that both the grant applicant and the proposed project are sustainable.
- Investments should complement, but not duplicate, the work of other Federal and State agencies.



Over the last several years, the annual work plans have begun to include more resources for maintaining, sustaining, and protecting existing community infrastructure. The table below summarizes the Commission's investments by broad program area. It contains funds made available directly to the Commission and match funding provided for projects from partners such as the State of Alaska, US Department of Agriculture, and the US Department of Health and Social Services. In total, Commission investments have resulted in more than \$2.4 billion of new infrastructure and workforce development initiatives in nearly every rural community in the state. The Commission has specific statutory match requirements for construction-related investments but encourages leveraged funding on all awards it issues. In 2017 the overall match rate over the life of the Agency was \$0.76 for every Commission dollar invested. However, the match rate for currently active projects is 1.03, a 36% increase. Note that the amount of match funds for a project/initiative is not always the same as leveraged funds. The Commission is always looking for investments that have the potential to unlock (leverage) future funding. In some cases, the Commission has been able to unlock/leverage 20 times the absolute value of its one-time or annual investment.

The number of communities served by the Commission has increased dramatically since 2017. Active project communities served in 2017 was 337, vs. 767 in 2022. This results from investing in smaller and non-capital projects, e.g., upgrade generators vs. new complete power plants, energy audits, bulk fuel operator training, minor maintenance and improvement projects, subdivision design, technical assistance, training programs, etc. The Commission's emphasis on maintenance and improvement projects, gap funding larger efforts, and strategic partnerships has led to a broader reach and more significant impact.

All Awards and Projects since 1998 are summarized on the Commission’s public [Project Database](#). The Database can be searched by community, recipient, program manager or project type.

Denali Commission Investment Summary								
As of July 2023								
Program	Completed Projects				Active Projects			
	No.	Commission Funding	Match Funding	Communities Served	No.	Commission Funding	Match Funding	Communities Served
Energy Reliability and Security	275	\$338,530,232	\$310,105,772	285	56	\$54,691,007	\$45,594,825	396
Bulk Fuel Safety and Security	145	\$251,433,642	\$65,190,206	183	12	\$27,117,018	\$8,153,854	32
Transportation System Improvements	247	\$131,534,219	\$62,850,653	182	26	\$13,480,254	\$32,694,442	9
Village Infrastructure Protection	23	\$5,503,343	\$1,084,876	25	15	\$36,679,703	\$11,832,593	15
Health Facilities	235	\$331,138,982	\$382,877,284	166	5	\$818,000	\$14,432,000	5
Housing	131	\$87,750,000	\$105,612,500	78	5	\$945,000	\$10,165,646	5
Sanitation	48	\$37,697,107	\$68,419,702	153	8	\$2,440,956	\$4,364,996	8
Broadband	6	\$770,047	\$85,674	65	11	\$1,601,146	\$1,248,904	67
Workforce Development	313	\$39,615,000	\$13,435,000	250+	11	\$1,222,064	\$5,927,405	70+
General Economic Development	98	\$45,280,835	\$17,874,368	129	19	\$3,055,484	\$51,054,381	161
Special/Pass Thru Initiatives	5	\$200,000	\$1,589,719	5	5	\$0	\$725,409	5
Biomass Heating Program - Forest Service	0	N/A	N/A	0	9	\$2,843,524	\$2,538,912	17
Crime Victim Services - Dept. of Justice	0	N/A	N/A	0	19	\$4,255,162	\$1,922,970	34
Backhaul Program - Environmental Protection	0	N/A	N/A	0	2	\$0	\$3,327,111	40
Totals	1,526	\$ 1,269,453,407	\$ 1,029,125,754	1,271	203	\$ 149,149,318	\$193,983,448	794

Programs

Bulk Fuel Safety and Security

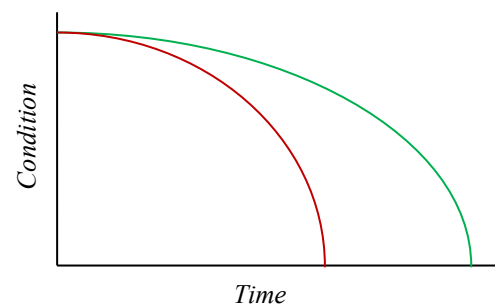
The Bulk Fuel Program was the first program established by the Commission. Congress charged the Commission with “repairing or replacing bulk fuel storage tanks in Alaska that are not compliant with [federal or state law].” In 1998, virtually every tank farm in rural Alaska needed significant upgrades to be code compliant. There was a real threat that communities would no longer be able to receive fuel in bulk due to the substandard condition of their tank farms.

Early on, the Commission identified the Alaska Energy Authority (AEA) and Alaska Village Electric Cooperative (AVEC) as its primary program partners for the Bulk Fuel Program. Typically, projects are jointly funded with one of these partners. Based on an AEA-developed statewide bulk fuel tank farm inventory that documents existing conditions and lists upgrade needs by ranked priority, the Commission has invested more than \$250 million on fuel storage facilities. AEA estimates that addressing the remaining unmet need would require a one-time investment of \$100 million and \$40 million annually after that.

The Commission's Bulk Fuel Program investments are primarily funded by an annual interest allocation from the Trans-Alaska Pipeline Liability Fund (TAPL), ranging from \$2 million to \$11 million over the last 23 years. Since FY 2019, the Commission has received approximately \$3 million from the TAPL annually. Over the next five years, TAPL funding is expected to stay at this level. The Commission also typically receives some funding each year for bulk fuel projects from the US Department of Agriculture Rural Utility Service (RUS) via a special RUS grant authority.

Approximately 90 bulk fuel facilities constructed with Commission funds are now at least ten years old and due for a comprehensive inspection according to industry best practices. The economic life-cycle graph to the right shows how neglecting maintenance and operator training (red line) can cause a facility to fail well before an adequately maintained facility (green line).

In the Agency's early years, Commissioners recognized the value of timely maintenance, requiring recipients of new bulk fuel projects to develop business plans to support this concept. Furthermore, the Commission provided funding to create *Rural Alaska Fuel Services*, a non-profit organization that provides contract support services to owner/operators of rural bulk fuel farms to assist with operations, maintenance, and business practices.



Some of the existing facilities still on AEA's upgrade list could be brought up to code, and their useful life extended by approximately 20 years, for roughly half the cost of a complete replacement project (i.e., refurbish vs. build new). In a reduced future-funding scenario and considering the critical importance of facility management, the Commission and our Bulk Fuel Program partners believe at least a portion of the Commission's future bulk fuel investments should focus on training, maintenance, and repair.

Energy Reliability and Security

The Bulk Fuel Program quickly evolved, expanding driven by needs and leading to the creation of the Commission's Energy Reliability and Security program. This program includes rural power system upgrades for both renewable energy and diesel-generated microgrids and electric interties for adequately proximal villages. The Commission has also invested in energy efficiency and conservation projects, community energy planning and technical assistance, renewable energy programs, and AEA's Emerging Energy Technology Fund.

The Commission has invested over \$370 million in energy-related projects. Most of these funds have come from the Commission's Energy and Water Appropriations (Base funds), and USDA Rural Utilities Service (RUS) and Environmental Protection Agency (EPA) funds transferred directly to the Commission. These funds have been combined with another \$365 million of match funding from partners, primarily A.E.A. and AVEC. New power plant and intertie projects are based on project priority lists developed by an AEA-AVEC partnership.

The Commission's primary partner for community energy efficiency projects is the Alaska Native Tribal Health Consortium (ANTHC). The primary investment is in their Sanitation Energy Efficiency Program, which strives to reduce energy consumption in rural water supply and wastewater treatment systems. The Commission has also partnered with AEA on their Village Energy Efficiency Program.

AEA estimates that funding the unmet need for rural power system upgrades would require a one-time investment of \$35 million, with \$16 million annually after that. AVEC estimates that another \$250 million is needed for interties alone. The unmet need for end-use energy efficiency is difficult to quantify, but it is undoubtedly in the tens of millions.



Transportation System Improvements

The Denali Commission Act includes Section 309 establishing the Denali Access System Program. From 2006 to 2017, the Commission received approximately \$130 million of direct appropriations from the US Department of Transportation [Federal Highway Administration (FHWA) and Federal Transit Authority (FTA)] for the Denali Access System Program, which was matched by \$60 million from other sources. The program primarily funded two types of projects: rural roads and waterfront development; but airport, boardwalk, trail, and river barge mooring point improvement projects have also been completed. When FHWA/FTA funding stopped, the Commission started to allocate some of their recurring Base appropriation funds for minor maintenance-related projects, and TAPL funds for mooring point projects, to keep the program going. The Commission has completed 244 transportation projects in 180+ communities throughout the state.

The Commission's traditional partners for implementing Transportation Program projects are the US Army Corps of Engineers, USDOT Western Federal Lands Highway Division, and local

community organizations. From time to time, the State of Alaska has provided match funds for Commission transportation projects.

In FY 2022, the State of Alaska exercised its authority under Section 309 of the Denali Commission Act and allocated \$15 million of its federal surface transportation funding to the Denali Commission's Denali Access System Program. These funds were transferred from FHWA directly to the Commission via an Interagency Agreement (IAA). The state also re-established the Denali Access System ("Transportation") Advisory Committee (TAC), a group of professionals who review project applications and make funding and priority recommendations to the Federal Co-Chair. The Commission announced the funds through a combined Funding Opportunity Announcement (FOA) with other program funding.

The FY 2023 Transportation Housing and Urban Development appropriation brought the Denali Access System Program \$20 million for surface and waterfront transportation improvements. This funding was also announced through a combined FOA with other program funding and evaluated for recommendations to the Federal Co-Chair by the TAC.



Igiugig High Ridge Road



Tununak to Toksook Bay Trail



Kuskokwim Ice Trail

Sanitation

During the early 2000s, the Commission received approximately \$9 million to refurbish existing washeterias in rural Alaska. A washeteria is a laundromat that includes a water treatment plant

and water storage and serves as a central watering point for a community lacking a piped distribution water system.

In Fiscal Year 2020, the Commission's workplan included \$2 million of Base funding for sanitation (water and sewer) projects. By re-opening this program, the Commission hoped to renew - or form new - strategic partnerships to fill gaps, participate in capital stacks, and leverage modest investments to the maximum extent possible. As a result, the Commission and the Indian Health Service (IHS) entered a partnership via an IAA for the Commission to provide support for project costs that are ineligible for funding through IHS's Sanitation Deficiency System (SDS) Program and other related sanitation needs.

The Commission provided \$1.6 million in 2020 to IHS/ANTHC, which leveraged over \$12 million of IHS funds for projects in 15 communities. In Fiscal Year 2021, the Commission transferred another \$1.3 million to IHS/ANTHC, which leveraged an additional \$32 million. The Commission has also recently provided small grants for repairs that extend the life of sanitation infrastructure and prevent emergencies and the development of portable drinking water treatment units for use when emergencies do occur.

IHS/ANTHC will receive approximately \$2 billion over the next five years through IJA for water, sewer, and solid waste improvements in rural Alaska. The ineligible costs of these projects could be as much as \$200 million. The Commission is well positioned to work with IHS/ANTHC and other partners like EPA, USDA, and the State Village Safe Water (VSW) Program to fill gaps in various much-needed sanitation projects throughout rural Alaska.

Village Infrastructure Protection

In September 2015, the White House announced that the Commission would be a central coordinator in building climate resilience and helping rural Alaska adapt to environmental threats. The Commission created the Village Infrastructure Protection (VIP) Program in response. Since the presidential directive did not come with additional authorities or funding, the Commission reallocated a portion of its annual Base appropriations from other legacy programs to form the new program.

Consistent with EO 13985, the VIP Program tackles the fiscal risk of climate change, community resilience and adaptation, environmental justice, and international climate leadership. Specifically, the VIP Program assists rural Alaskan Villages threatened by erosion, flooding, and permafrost degradation. The goal is to mitigate the impact of these threats concerning safety, health, and protection of existing infrastructure.

The Government Accountability Office (GAO) Report 09-551 provided a baseline analysis and identified 31 rural Alaska communities that face significant infrastructure damage and/or require relocation due to these threats. The State of Alaska has also done considerable research on this problem through the *Immediate Action Workgroup*; reference Recommendations to the Governor's Subcabinet on Climate Change (2009). As an update to Report 09-551, the Commission funded the 2019 Statewide Threat Assessment. It concluded that 144 rural Alaska

communities (43% of all communities in the state) are likely to face some degree of infrastructure damage due to climate change. In 2020, the BIA prepared a report for Congress that concluded \$3.5 billion (2020 dollars) will be required to protect Alaska Native village infrastructure over the next 50 years. FEMA estimates that each dollar spent on mitigation saves \$6 in disaster response costs.

The Commission has invested \$50 million in climate adaptation projects/initiatives through the VIP Program, leveraging nearly \$60 million of other funding contributions. Over forty villages have received assistance because of Commission initiatives since the program was created in 2016. Partners include numerous Departments and Divisions within the State of Alaska, ANTHC, BIA, HUD, UDOT, US Army Corps of Engineers, USDA Natural Resource Conservation Service, Department of Defense, the Cold Climate Housing Research Center (CCHRC), the University of Alaska, and various philanthropic organizations.

A significant amount of the funding referenced above has been used to assist with relocating Newtok. The Commission has focused on filling strategic gaps in the overall relocation effort, both in terms of planning and the design/construction of critical infrastructure at the new village site, which will help bring other funders to the table. Another key goal is to document the process and produce a template that can be used by other villages that may eventually have to relocate.



Shishmaref



Newtok



Shaktoolik

Other VIP projects and initiatives funded by the Commission include; publishing a catalog of VIP related federal funding opportunities, establishing the *Center for Environmentally Threatened Communities* to help rural villages find and apply for VIP related grants, publishing a *Coastal Erosion Vulnerability Assessment*, preparation of storm surge inundation analyses, design/construction of evacuation roads and protection berms and revetments, updating community Hazard Mitigation Plans (HMPs) required to qualify for FEMA funds, completing designs for specific Protect-in-Place (PIP) projects stemming from HMPs, preparing Small Community Emergency Response Plans (SCERPs), the relocation/raising of individual buildings that are imminently threatened, completing site specific geotechnical investigations, preparation of subdivision plans for villages where the best option is to retreat vs. completely relocate, providing match funding for FEMA grants, and the design/construction of evacuation center upgrades.

In the IIJA, the Bureau of Indian Affairs (BIA) received \$216 million for tribal climate resilience, adaptation, and community relocation planning, design, and implementation. The Commission will seek opportunities to work with the BIA on the implementation of these funds in rural Alaska.

Health Facilities Program

In 2000 the Commission was charged with planning, designing, and constructing health facilities throughout rural Alaska. Between 2000 and 2010, the program received \$320 million in direct appropriations from the US Department of Health and Human Services (DHHS). These funds were matched by \$180 million from other Federal agencies, the State of Alaska, philanthropic organizations, and local communities.

The program funded various types of projects, including village primary care clinics, residential psychiatric treatment centers, behavioral health facilities, long-term care facilities, emergency medical service (EMS) and telehealth equipment, and the design of Indian Health Service (IHS) replacement hospitals (to help leverage construction funds for these large projects). The program also provided technical assistance for developing clinic business plans and conducted facility code/condition surveys and energy audits. The Commission completed the final projects funded with DHHS dollars in 2015.

Starting in FY2020, the Commission began allocating a small portion of its Base funding for the Health Facilities Program. Most of this funding has been used as match/gap funding for new village clinics being constructed by Regional Tribal Health Organizations. By re-opening this program, the Commission intends to renew - or form new - strategic partnerships to fill gaps, participate in capital stacks, and leverage modest investments to the maximum extent possible. And since many of the facilities constructed with Commission funding in the early 2000s are now 20 years old, many require maintenance or improvement-related projects. Overall, the Health Facilities Program still has an immense unmet need. A 2016 Indian Health Service report to Congress estimated the need for Alaska healthcare facilities at \$1.6 billion.



Nome



Chefornak

Housing

The Commission began investing in various housing projects in 2004, totaling more than \$87 million. The primary funding source was the Department of Housing and Urban Development (HUD). Other partners included the Alaska Housing Finance Corporation (AHFC), the State of Alaska, the Alaska Mental Health Trust Authority, the Foraker Group, and the Rasmuson Foundation. Projects have included domestic violence shelters, assisted living and elder supportive housing, health professional housing, and teacher housing.

HUD, AHFC, BIA, USDA, Regional Housing Authorities, the Commission, and others invest heavily to close the gap between what local markets can afford and the housing shortage in Alaska. Despite these investments, rural Alaska still has an immense unmet housing need, and cost is the primary challenge. The average cost to build a new, 1,000-square-foot off-road-system house is \$500,000, with an additional \$100,000+ needed to connect water, power, communication, and transportation utilities. According to AHFC's 2018 Statewide Housing Summary, the combined cost of replacing all 1-star, over-crowded, and cost-burdened homes is \$26 billion. According to the report, \$5.3 million is needed to address deferred maintenance in 17 existing domestic violence shelters.

The Commission seeks opportunities to renew - or form new – strategic partnerships to fill gaps, participate in capital stacks, and leverage modest housing-related investments to the maximum extent possible. Additionally, the Commission supports innovations in building technology, research, and alternative public or private programs to support housing needs in Alaska.

Workforce and General Economic Development

Workforce Development: The Denali Commission Act of 1998, as amended [Section 302(2)] states that the purpose of this Act is: "...to provide job training and other economic development services in rural communities..." Accordingly, the Commission established a Training and Workforce Development Program in 1999 as a standalone program to provide training and employment opportunities to rural residents to support the construction, maintenance, and operation of Commission-funded capital projects.

From 1999 through 2009, the Denali Commission Training Program received approximately \$36 million from the US Department of Labor (USDOL), which was supplemented with \$4 million of Commission Base funding. These funds were primarily used to train rural workforces to participate in constructing essential facilities such as bulk fuel storage, clinics, water and sewer systems, schools, etc., throughout rural Alaska. The program also worked to build capacity for rural facility maintenance workers, allied health professionals, and tribal, municipal, and utility administrators related to the operation of the completed projects. Primary program partners included the Alaska Department of Labor (AKDOL), the University of Alaska (UA), the Alaska Works Partnership (AWP), First Alaskans, and the Construction Education Foundation (CEF).

While the final projects supported by USDOL appropriations were completed and closed in 2015, the Commission sponsored two initiatives through 2016 using a modest amount of Base funds.

The Rural Alaska Maintenance Partnership (RAMP) developed a state standard certificate for Facility Maintenance Technician (level I). The Alaska Rural Manager Initiative (ARMI) was a collaboration of rural employers, post-secondary education and vocational training institutions, Native profit and non-profit organizations, regional governments, and state and Federal agencies to improve education and training programs for tribal, municipal, and utility administrators.

The Workforce Development portfolio was re-opened in FY2020 by re-establishing partnerships with vocational and technical training institutions with projects to improve remote training delivery methods and increase training outputs such as occupational certifications. Additional technical assistance projects followed, recognizing the need for additional human capacity to navigate existing programs and funding opportunities.

The FY2022 IJA appropriation provided funds to increase focus on developing a more robust workforce to support other infrastructure funds coming to Alaska. The Commission will work with the State of Alaska and other stakeholders to determine workforce gaps and implement solutions. Also, the Commission continues allocations from Base and TAPL funds for power plant and bulk fuel operator training and administrative training related to the operation and maintenance of these critical community systems. The Commission is partnering with AEA and USDA/RUS on these training investments.

Because of a lack of historical emphasis on training and a near-constant turnover in key positions in local governments, utilities, and rural health facilities, it is fair to say that the unmet need for workforce training in rural Alaska is effectively unlimited.

Economic Development

During its first ten years, the Commission invested in Alaska Growth Capital, a commercial lending and venture-capital funding operation that looks for lending and investment opportunities not served or underserved by conventional banks and investors. Since 1997 the lender has closed over \$400 million in loans, many to high-risk and minority lending. The Commission also acknowledged that reliable power is a crucial ingredient for community economic development, hence the focus on investments in the Energy and Bulk Fuel Programs and the sunset of the general Economic Development Program.

In FY2020, the Commission re-opened its general Economic Development Program by forming Alaska Regional Development Organization (ARDOR) partnerships to identify economic development initiatives and projects. This collaboration renewed the Commission's relationships across the state. It resulted in food security initiatives in the southcentral and northwest, a housing initiative in the interior, energy efficiency audits in the southwest, the establishment of a regional transportation organization in the Copper Valley, and a mariculture industry led by the Southeast. Additional projects followed, focusing on strategic community economic development planning, feasibility assessments, and market analyses for regional enterprises with a statewide impact.

The Commission is committed to facilitating ideation, exploring innovations, and providing technical assistance to foster economic development in rural communities, helping provide the institutional framework for a thriving society.

It is worth noting that there is a significant synergy between Workforce Development, general community Economic Development, and the Broadband Program described below.

Broadband

The physical ability to move goods and services at the speed of light does not exist, but it does for data, and this capability is nearly ubiquitous throughout the developed world. Alaska has historically been a global leader in energy microgrids, not because it was the most efficient place to build these systems but because the relative opportunity costs of not doing so were unacceptable. Similarly, broadband's impact on services, job opportunities, training, entertainment, human connection, and quality of life is profound. No infrastructure category offers Alaska a more significant strategic advantage than broadband communications technology. While the Commission has made periodic investments in communication-related projects over the years, it decided to create an official Broadband Program in FY2020. The Commission desires to help drive Alaska towards the goal of a statewide, high-speed system.

It has been estimated that the cost of building a statewide broadband network in Alaska is around \$1 billion. The US Department of Agriculture (USDA) and the Federal Communications Commission (FCC) provide most funding for broadband infrastructure in Alaska. The Commission is committed to working with these partners and potential others such as BIA, HUD, DOD, US Department of Commerce National Telecommunications, and Information Administration (NTIA), and private, non-profit, and municipal organizations to expand broadband. Since forming the program in 2020, the Commission has invested approximately \$1 million in broadband-related projects.

Other / Special / Pass-Thru

Throughout the Agency's history, it has sometimes received special funding for small or modest programs or projects. These funds are usually transferred to the Commission by other government agencies under the authority of the *Economy Act* or any agency or other entity via Section 311; examples are provided below. Approximately \$915.4 million of this type of funding has been received to date. See the Funding and Investment Summaries on pages 10 and 12, respectively, for more information on funding levels and number of projects.

- **Environmental Protection Agency:** The Commission received funding from EPA in FY 2021 to begin a solid waste *Backhaul Alaska* pilot project.
- **US Department of Justice / Office of Victims of Crime:** The Commission received funding from DOJ in FY2019 to establish a program to assist victims of crime in rural Alaska.
- **US Department of Energy / Arctic Energy Office:** The Commission received funding in FY2022 from DOE-AEO for a standalone utility training and governance initiative.

- **US Department of Energy / Office of Indian Energy:** The Commission received funding in FY 2019 and FY 2020 from DOE-OIE for tribal technical assistance and science, technology, engineering, and math (STEM) education programs.
- **US Department of Agriculture / Forest Service:** The Commission currently partners with the US Forest Service to design and construct biomass heating systems in rural Alaska.
- **US Department of Health and Human Services / Centers for Disease Control:** The Commission has partnered with CDC since FY 2015 on rural drinking water and other public health studies.
- **US Department of Health and Human Services / Health Resources and Services Administration (HRSA):** The Commission partnered with HRSA from FY 2001 through FY 2010 for rural health clinics and other public health infrastructure.
- **US Department of Labor (DOL):** The Commission partnered with DOL from FY 2004 through FY 2009 on workforce development efforts.
- **US Department of Transportation / Maritime Administration:** The Commission received funding from MARAD in FY 2015 to design and construct a wayside interpretive site near the Port of Anchorage.
- **Rasmuson Foundation:** In FY 2014, the Rasmuson Foundation transferred funds to the Commission to assist with an energy efficiency retrofit pilot initiative for housing in Fairbanks.
- **Alaska Mental Health Trust Authority:** In FY 2009, the Alaska Mental Health Trust Authority transferred funds to the Commission to assist with integrating Behavioral Health space in new village clinics being funded by the Commission.

About the Strategic Plan

The plan is based on the framework shown below, which demonstrates the connection between the strategic and operational focus of the Commission, linking the strategic and Agency priority goals to the programs that deliver services to rural Alaska. The plan is a communication tool to inform partners and stakeholders about the Commission's work. The plan is consistent with the format for Federal agencies. That format is part of the Government Performance and Results Modernization Act (GPRMA) of 2010.

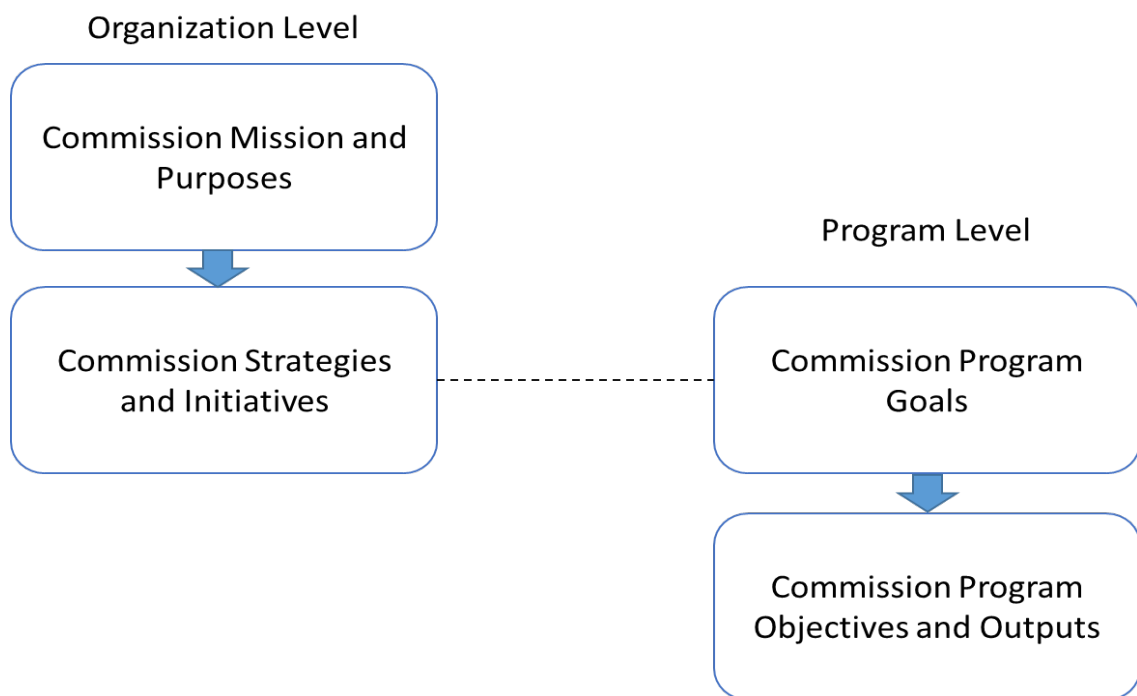


Figure 1: Comprehensive Strategic Management Framework

Strategic Landscape

Denali Commission staff and Commissioners identified the following challenges and opportunities influencing the Agency's mission pursuit.

Challenges

- High level of unmet infrastructure needs throughout rural Alaska, including aging infrastructure already beyond its anticipated useful life
- Limited federal and state funding fit for rural Alaska needs
- Inadequate coordination and cooperation among federal and state agencies with duplicative, siloed, and/or contradictory missions
- Low level of community resiliency to mitigate climate change impacts, escalating deterioration of existing infrastructure
- Limited capital available within rural communities to pay for infrastructure projects outright, particularly in economically distressed/disadvantaged places
- The expectation for funding assistance to build new rather than support plans to maintain and repair existing infrastructure
- High and rising costs of delivering goods and services to remote communities, including producing and providing heat and power
- Lack of workforce to build and manage complex systems

Opportunities

- The Commission's flexible statutory authority, strong partnerships with federal, state, and tribal entities, and subject-matter experience in rural Alaska
- The Commission's experience in developing needs-based prioritization methodologies that other Federal and State agencies can use to allocate resources
- The Commission's ability to fill critical funding gaps that hold up projects
- The Commission's training programs and innovative delivery focus
- The Commission's capacity to provide technical assistance and project coordination

Strategic Goals and Objectives

The strategic goals guide the implementation of the Denali Commission's mission and purpose statement. The Commission developed goals and objectives, acknowledging that the agency must be flexible and innovative in a decreased funding environment to perform its mission effectively.

The following goals and objectives also acknowledge that the Commission is uniquely positioned as an independent Federal government agency to serve the needs of rural Alaska communities, with significant experience in working within a network of state agencies, tribes, municipal governments, non-profit organizations, and other partners. The Commission will continue to innovate, catalyzing ideas and services that can improve lives in rural Alaska. Performance measures related to the goals and objectives are included in Appendix B.

1

Infrastructure Investment and Jobs Act

Implement a plan for the funds coming to the Commission that focuses on match/gap/leverage strategies and opportunities

- 1.1 Prioritize investments in distressed/disadvantaged communities with a focus on improving climate resiliency
- 1.2 Provide critical gap funding needed to move larger capital projects forward; target projects that leverage Commission dollars; and invest in technical assistance initiatives, like the Center for Environmentally Threatened Communities established under the VIP Program.
- 1.3 Foster collaborative initiatives that pool non-Commission funds from various sources
- 1.4 Facilitate applications to other IJA opportunities to ensure the state maximizes all possible funding for Alaska

2

Village Infrastructure Protection

Support climate resiliency in Alaska through partnerships and financial assistance

- 2.1 Support specific protect-in-place projects and Relocation planning initiatives
- 2.2 Use Denali Commission funds to fill gaps in other State and Federal agency programs
- 2.3 Continue to support the Center for Environmentally Threatened Communities (CETC)

- 2.4 Build awareness through public involvement and outreach at the local, regional, statewide, and national levels
- 2.5 Finalize a framework for both relocation and protect-in-place solutions; work with other Federal agencies to endorse, support and integrate this guidance document into their respective resource allocation methodologies
- 2.6 Continue to update the Statewide Threat Assessment to ensure communities have an accurate baseline threat assessment
- 2.7 Partner with the BIA and USDA/NRCS Climate Resilience Programs

3

Energy

Continue to invest in projects and initiatives that improve the affordability, safety and reliability of fuel storage, energy production, electrical distribution, and heating the built environment

- 3.1 Invest in capital projects (new construction and renovations) with a focus on renewable energy systems and in consideration of a community's future energy needs for transportation, food production, and piped water/wastewater
- 3.2 Invest in a variety of non-capital initiatives related to end-use energy efficiency and conservation, data collection, energy planning, maintenance & improvement, and training
- 3.3 Continue the barge mooring point and fuel header upgrade program to ensure safe delivery of fuel
- 3.4 Invest in projects that reduce the cost of energy for power and heat
- 3.5 Cultivate stronger partnerships with the US Department of Energy (DOE) (e.g., Arctic Energy Office, Office of Indian Energy, National Renewable Energy Labs, and other relevant offices) to identify collaborative opportunities and efficiencies in the deployment of energy projects and initiatives

4

Workforce Development

Assist Alaska communities in developing and maintaining a skilled workforce

- 4.1 Invest in culturally appropriate and data-driven workforce, education, and training programs to assist in the growth of a rural workforce prepared to develop essential and time-sensitive projects and maintain and sustain completed infrastructure vs. construction phase training
- 4.2 Develop initiatives that increase the reach and effectiveness of education, training, and workforce development to maximize engagement with the most rural residents
- 4.3 Create information networks to understand the pipeline of projects and skills necessary to implement, using a local workforce to the extent practicable
- 4.4 Develop digital tools that improve the richness and quality of distance services

5

Transportation

Re-establish the Denali Access System Program as a rural Alaska resource

- 5.1 Ensure the Transportation Advisory Committee is meaningfully engaged to assist the Commission in reviewing projects and determining transportation priorities
- 5.2 Collaborate with State DOT&PF to coordinate transportation projects across the state
- 5.3 Secure Transportation funding from appropriations for the Denali Access System Program or transfer from FHWA directly to the Commission
- 5.4 Fund a mix of design/ engineering, maintenance/ improvements to existing infrastructure, and new construction to enable continual availability of shovel-ready projects moving forward

6

Other Programs

Keep other legacy and new programs open and look for opportunities to leverage Commission Base funds

- 6.1 Include funds in the Commission's Annual Workplans for the Sanitation, Health Facilities, Housing, and Broadband Programs
- 6.2 Fund critical gaps to move capital projects forward; target projects that will leverage Commission dollars
- 6.3 Fund key planning, design, and site development activities to make more extensive capital projects shovel ready
- 6.4 Invest in planning, coordination, and technical assistance initiatives that maximally leverage Commission dollars
- 6.5 Promote rural Alaska community and economic development, ensuring awareness of programs and initiatives and coordinate efforts to progress the development of Rural Alaska
- 6.6 Partner with the IHS/ANTHC Sanitation Facilities Program

7

Innovation and Collaboration

Continue to convene partners and stakeholders

- 7.1 Serve as a convener for rural Alaska and current Arctic issues, as identified by governmental, Tribal, non-profit, business, community, and other stakeholders
- 7.2 Use unique Commission authorities to complement but not duplicate the work of other Federal agencies and streamline Commission investments/initiatives
- 7.3 Encourage a paradigm shift among facility owners and operators that results in an emphasis on maintaining existing infrastructure

- 7.4 Encourage all funders to make investments based on need, as opposed to other factors such as good grant writing skills
- 7.5 Maintain frequent communication and develop new opportunities with existing partners across the Agency's program portfolio

Agency Initiatives

In contrast to the strategic goals, which are investment-oriented, agency initiatives are focused on how best to manage the Agency in support of the stated strategic goals. Agency initiatives are meant to be fully actionable within one to three years.

- a. **Expand Use of Section 305 and 311 Authority:** This authority is a powerful tool (see Sections 305 and 311 of the Denali Commission Act), allowing other federal and state agencies and non-governmental organizations to transfer funds directly to the Commission. Once at the Commission, the transfers become "no-year" funds, like the Commission's Base appropriations, and do not expire. The Commission should work to establish Section 311 or 305 relationships with more state, federal and other partners.

Supports Strategic Goals 1-6

- b. **Maintain IAA with FHWA:** In FY 2022, the Commission executed an IAA with the US Department of Transportation that provides for \$15 million per year of the State of Alaska's allocation of federal surface transportation funding directly to the Denali Commission. The Commission should work to ensure this IAA is maintained/renewed as needed to make this a long-term, recurring funding stream.

Supports Strategic Goal 5

- c. **Secure Funds for the Denali Access System Program:** The FY 2022 IJA included language that re-authorized appropriations for the Denali Access Program at an annual funding level of up to \$20 million. The reauthorization should make it easier to secure appropriations, and the Commission should work to secure this new, recurring funding stream.

Supports Strategic Goal 5

- d. **EEO:** Equal Employment Opportunity (EEO) is the principle that everyone should have equal access to employment opportunities based on merit. This access to equal employment should be without fear of discrimination or harassment playing a role in decision-making in any aspect of employment. The Commission is committed to EEO principles and will work to update its EEO policies and procedures.

Supports Strategic Goals 1-7

- e. **Lower Administrative Costs:** The Commission will pursue opportunities to lower administrative costs, focusing on reducing its office space footprint.

Supports Strategic Goals 1-7

- f. **Increase Transparency:** The Commission will increase transparency by publishing public funding opportunities with clear evaluation criteria and using review teams comprised of subject matter experts with no conflicts of interest to evaluate and score applications.

Supports Strategic Goals 1-7

Summary

The Denali Commission Act affords the Agency significant latitude and authority to address issues facing rural Alaska and common challenges facing other Federal agencies. The Commission can invest in a host of projects/initiatives relatively quickly and flexibly, given some of the unique tools provided in the statute. The Commission understands that a primary challenge for federal agencies is maximizing benefits from limited resources to deploy various initiatives across the extensive geography of Alaska. That drives the need for additional coordination and collaboration across all infrastructure development sectors, which the Commission prioritizes in its strategy.

The Commission will continue to issue awards based on need whenever possible using priority lists while increasing funding transparency for programs without them by publishing annual funding opportunities. These competitive opportunities are also guided by priorities such as community designation (as economically distressed, historically underserved, and environmentally threatened), partnerships, and leveraged funds while encouraging a straightforward application. The Commission continues to provide technical and administrative capacity support when and where appropriate.

The Commission has succeeded in its 25-year history working in multiagency/multi-jurisdictional collaborations across its portfolios. The Agency sees additional coordination and partnerships, leveraging the Commission's unique tools, as key to the next five years.

In developing its first Strategic Plan in 2018, the Commission understood the principles Congress intended with the passage of the GPRA Modernization Act of 2010. Namely, Congress envisions that the first budget presented by a new Presidential Administration (inclusive of new agency Strategic Plans) would outline priorities, goals, and proposed investments that will better the lives of all Americans. The Commission, as an independent Federal agency, over the next five years, will continue to focus its future investments to meet this mandate.

APPENDIX A – FUNDING AND BUDGET PROJECTIONS

The table below assumes an annual appropriation of \$15 million of Discretionary (i.e., Base) funds, per language in the Agency’s reauthorization passed by Congress in 2016, plus actual recent and anticipated additional funding streams per the footnotes.

Activity / Source	FY23	FY24	FY25	FY26	FY27
Operations					
Base	3.5	3.5	3.5	3.5	3.5
Other ¹	0.1	0.1	0.1	0.1	0.1
Subtotal	3.6	3.6	3.6	3.6	3.6
Program					
Base	11.5	11.5	11.5	11.5	11.5
TAPL ²	3.0	3.0	3.0	3.0	3.0
Other ³	3.0	3.0	3.0	3.0	3.0
Subtotal	17.5	17.5	17.5	17.5	17.5
Total \$ (in Millions)	21.1	21.1	21.1	21.1	21.1

1. Administrative fees assessed on TAPL and other funds transferred to the Commission from other agencies
2. Based on current interest rate on TAPL principle
3. Includes funds transferred to the Commission via Section 311, the Economy Act, USDA/RUS HECG grants for program activities, plus any prior year unobligated balances available for program activities.

APPENDIX B – PERFORMANCE MEASURES

Most of the performance measures below are based on initiatives and/or projects under the direct control of the Commission (investment metrics). However, for the strategic goals associated with the Energy Program, certain other indirect performance measures (impact metrics) have been included. These indirect measures are more general indicators that Commission investments, whether for capital projects or support initiatives such as power plant operator training, community energy planning, etc. are contributing to overall improvements with respect to providing sustainable and affordable energy for rural Alaska communities. Note that the performance measures below also address Agency Priority (a). All performance measures will be evaluated on an annual basis.

Infrastructure Investment and Jobs Act

1. Commission investments with IIJA funds have an overall leverage ratio of no less than 1:3.
2. Address climate resiliency by investing no less than 10% of IIJA funding towards communities facing environmental threats.
3. Prioritize investments in distressed/disadvantaged communities in competitive funding opportunities and meeting the goals of the Justice 40 Initiative.
4. Maximize coordination and partnership with funding partners and stakeholders served.
5. Increase transparency by publishing funding opportunities with evaluation criteria.

Village Infrastructure Protection

1. No less than 10% of the Commission's total annual Base allocation for program activities (typically \$11.5 million) identified in the workplan for the VIP Program.
2. Update the Statewide Threat Assessment no less than every five years.
3. Total annual CETC grants secured equal no less than 10 times the annual amount the Commission invests in CETC. This metric also recognizes local capacity enhancement through this process.
4. Support at least two vulnerability assessments per year to be added to the State of Alaska DGGs Environmentally Threatened Communities Dashboard.

Energy

1. No less than 35% of the Commission's total annual Base allocation for program activities (typically \$11.5 million) identified in the workplan for the Energy Program.
2. One or more completed mooring point and/or fuel header replacement/upgrade projects per year.
3. One or more renewable or renewable integration project per year.

Other Indirect Measures (Impact Metrics)

4. Positive trend in the following metrics:
 - Average electrical distribution system line loss for all Power Cost Equalization eligible communities (*decrease*)
 - Number of operational rural interties (*increase*)
 - Number of operational Tier I and II type generator sets (*increase*)
 - Number of power plants with operational waste heat recovery systems (*increase*)
 - Number of generator sets deployed to rural Alaska by AEA on an emergent basis per year (*decrease*)
 - Number of communities that have integrated renewable energy sources into their micro-grids (*increase*)
 - Number of independent power companies producing less than 100,000 Kilowatt-hours per year using diesel fuel only (*decrease*)

Workforce Development

1. At least 50% of the Commission's total Workplan investments in the Workforce and Economic Development Program are allocated to augmenting existing training programs.
2. Maintain or increase the total number of regional partners
3. 10% increased recipients served per dollar invested, specifically promoting more effective distance services.
4. Skills development aligned with the needs necessary to maintain or increase local workforce participation from the previous year.

Transportation

1. Obligate no less than 90% of the FHWA funds each year.
2. Secure FHWA transfers or Denali Access System Program appropriations each year.
3. Publish updates to the Denali Access System Program Priority List no less than twice a year.

Other Programs

1. Allocations for Sanitation, Health Facilities, Housing, and Broadband in Workplans each year.
2. Commission investments in each program have an overall leverage ratio of no less than 1:5.

Innovation and Collaboration

1. Host no less than four multiagency meetings per year to discuss match strategies and/or Program-specific strategies and initiatives.
2. Host no less than two multiagency meetings per year to discuss facilities management and sustainability issues.
3. Secure no less than \$100,000 per year from other State or Federal agencies for training and other initiatives related to maintaining and operating existing infrastructure.
4. Increased year-on-year multiagency funding and project development.
5. Increased year-on-year private funding partners for project development.
6. Secure no less than \$2 million per year via the Commission's Section 311 authority.

APPENDIX C – DENALI COMMISSION ACT OF 1998, AS AMENDED¹

Denali Commission Act of 1998

PL 105-277 42 USC 3121

TITLE III – DENALI COMMISSION

SEC. 301. SHORT TITLE

This title may be cited as the “Denali Commission Act of 1998”.

SEC 302. PURPOSES

The purposes of this title are as follows:

- (1) To deliver the services of the Federal Government in the most cost-effective manner practicable by reducing administrative and overhead costs.
- (2) To provide job training and other economic development services in rural communities particularly distressed communities (many of which have a rate of unemployment that exceeds 50 percent).
- (3) To promote rural development, provide power generation and transmission facilities, modern communication systems, water and sewer systems and other infrastructure needs.

SEC 303. ESTABLISHMENT OF COMMISSION

(a) Establishment.--There is established a commission to be known as the Denali Commission (referred to in this title as the “Commission”).

(b) Membership.—

(1) Composition.--The Commission shall be composed of 7 members, who shall be appointed by the Secretary of Commerce (referred to in this title as the “Secretary”), of whom—

- (A) one shall be the Governor of the State of Alaska, or an individual selected from nominations submitted by the Governor, who shall serve as the State Co-chairperson;
- (B) one shall be the President of the University of Alaska, or an individual selected from nominations submitted by the President of the University of Alaska;
- (C) one shall be the President of the Alaska Municipal League or an individual selected from nominations submitted by the President of the Alaska Municipal League;
- (D) one shall be the President of the Alaska Federation of Natives or an individual selected from nominations submitted by the President of the Alaska Federation of Natives;

¹ A redline copy of the enabling legislation that highlights amendments and specific laws that specified the change is available at Denali.gov

(E) one shall be the Executive President of the Alaska State AFL-CIO or an individual selected from nominations submitted by the Executive President;

(F) one shall be the President of the Associated General Contractors of Alaska or an individual selected from nominations submitted by the President of the Associated General Contractors of Alaska; and

(G) one shall be the Federal Co-chairperson, who shall be selected in accordance with the requirements of paragraph (2).²

(2) Federal Co-chairperson.—

(A) In general.--The President *pro tempore* of the Senate and the Speaker of the House of Representatives shall each submit a list of nominations for the position of the Federal Co-chairperson under paragraph (1)(G), including pertinent biographical information, to the Secretary.

(B) Appointment.--The Secretary shall appoint the Federal Co-chairperson from among the list of nominations submitted under subparagraph (A). The Federal Co-chairperson shall serve as an employee of the Department of Commerce and may be removed by the Secretary for cause.

(C) Federal Co-chairperson vote.--The Federal Co-chairperson appointed under this paragraph shall break any tie in the voting of the Commission.

(3) Date.--The appointments of the members of the Commission shall be made no later than January 1, 1999.

(c) Period of Appointment; Vacancies.—

(1) Term of Federal Co-chairperson.--The Federal Co-chairperson shall serve for a term of four years and may be reappointed.

(2) Interim Federal Co-chairperson.--In the event of a vacancy for any reason in the position of Federal Co-chairperson, the Secretary may appoint an Interim Federal Co-chairperson, who shall have all the authority of the Federal Co-chairperson, to serve until such time as the vacancy in the position of Federal Co-chairperson is filled in accordance with subsection (b)(2)).

(3) Term of all other members.--All other members shall be appointed for the life of the Commission.

(4) Vacancies.--Except as provided in paragraph (2), any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.³

(d) Meetings.—

² PL 106-31, Sec 105, 1999

³ PL 114-322, Section 5002

(1) In general.--The Commission shall meet at the call of the Federal Co-chairperson not less frequently than 2 times each year, and may, as appropriate, conduct business by telephone or other electronic means.

(2) Notification.--Not later than 2 weeks before calling a meeting under this subsection, the Federal Co-chairperson shall—

(A) notify each member of the Commission of the time, date and location of that meeting; and

(B) provide each member of the Commission with a written agenda for the meeting, including any proposals for discussion and consideration, and any appropriate background materials.

(e) Quorum.--A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) No Federal Employee Status.--No member of the Commission, other than the Federal Co-chairperson, shall be considered to be a Federal employee for any purpose.

(g) Conflicts of Interest.

(1) In general.--Except as provided in paragraphs (2) and (3), no member of the Commission (referred to in this subsection as a 'member') shall participate personally or substantially, through recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract claim, controversy, or other matter in which, to the knowledge of the member, 1 or more of the following has a direct financial interest:

(A) the member.

(B) the spouse, minor child, or partner of the member.

(C) an organization described in subparagraph (B), (C), (D), (E), or (F) of subsection (b)(1) for which the member is serving as an officer, director, trustee, partner, or employee.

(D) any individual, person, or organization with which the member is negotiating or has any arrangement concerning prospective employment.

(2) Disclosure.--Paragraph (1) shall not apply if the member--

(A) immediately advises the designated agency ethics official for the Commission of the nature and circumstances of the matter presenting a potential conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the designated agency ethics official for the Commission that the interest is not so substantial as to be likely to affect the integrity

of the services that the Commission may expect from the member. The written determination shall specify the rationale and any evidence or support for the decision, identify steps, if any, that should be taken to mitigate any conflict of interest, and be available to the public.

(3) Annual disclosures.--Once each calendar year, each member shall make full disclosure of financial interests, in a manner to be determined by the designated agency ethics official for the Commission.

(4) Training.--Once each calendar year, each member shall undergo disclosure of financial interests training, as prescribed by the designated agency ethics official for the Commission.

(5) Clarification.--A member of the Commission may continue to participate personally or substantially, through decision, approval, or disapproval on the focus of applications to be considered but not on individual applications where a conflict of interest exists.

(6) Violation.--Any person that violates this subsection shall be fined not more than \$10,000, imprisoned for not more than 2 years, or both.⁴

SEC 304. DUTIES OF THE COMMISSION

(a) Work Plan.—

(1) In general.--Not later than 1 year after the date of enactment of this Act and annually thereafter, the Commission shall develop a proposed work plan for Alaska that meets the requirements of paragraph (2) and submit that plan to the Federal Co-chairperson for review in accordance with the requirements of subsection (b).

(2) Work plan.--In developing the work plan, the Commission shall—

(A) solicit project proposals from local governments and other entities and organizations; and

(B) provide for a comprehensive work plan for rural and infrastructure development and necessary job training in the area covered under the work plan.

(3) Report.--Upon completion of a work plan under this subsection, the Commission shall prepare, and submit to the Secretary, the Federal Co-chairperson, and the Director of the Office of Management and Budget, a report that outlines the work plan and contains recommendations for funding priorities.

(b) Review by Federal Co-chairperson.—

(1) In general.-- Upon receiving a work plan under this section, the Secretary, acting through the Federal Co-chairperson, shall publish the work plan in the Federal Register, with notice and an opportunity for public comment. The period for public review and comment shall be the 30-day period beginning on the date of publication of that notice.

(2) Criteria for review.--In conducting a review under paragraph (1), the Secretary, acting through the Federal Co-chairperson, shall—

⁴ PL 114-388, Section 5002

(A) take into consideration the information, views, and comments received from interested parties through the public review and comment process specified in paragraph (1); and

(B) consult with appropriate Federal officials in Alaska including but not limited to Bureau of Indian Affairs, Economic Development Administration, and Rural Development Administration.

(3) Approval.--Not later than 30 days after the end of the period specified in paragraph (1), the Secretary acting through the Federal Co-chairperson, shall—

(A) approve, disapprove, or partially approve the work plan that is the subject of the review; and

(B) issue to the Commission a notice of the approval, disapproval, or partial approval that—

(i) specifies the reasons for disapproving any portion of the work plan; and

(ii) if applicable, includes recommendations for revisions to the work plan to make the plan subject to approval.

(4) Review of disapproval or partial approval.--If the Secretary, acting through the Federal Co-chairperson, disapproves or partially approves a work plan, the Federal Co-chairperson shall submit that work plan to the Commission for review and revision.

SEC 305. POWERS OF THE COMMISSION

(a) Information From Federal Agencies.--The Commission may secure directly from any Federal department or Agency such information as it considers necessary to carry out the provisions of this Act. Upon request of the Federal Co-chairperson of the Commission, the head of such department or Agency shall furnish such information to the Commission. Agencies must provide the Commission with the requested information in a timely manner. Agencies are not required to provide the Commission any information that is exempt from disclosure by the Freedom of Information Act. Agencies may, upon request by the Commission, make services and personnel available to the Commission to carry out the duties of the Commission. To the maximum extent practicable, the Commission shall contract for completion of necessary work utilizing local firms and labor to minimize costs.

(b) Postal Services.--The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) GIFTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission, on behalf of the United States, may accept use, and dispose of gifts or donations of services, property, or money for purposes of carrying out this Act.

(2) CONDITIONAL.—With respect to conditional gifts—

(A)

- (i) the Commission, on behalf of the United States, may accept conditional gifts for purposes of carrying out this Act, if approved by the Federal Co-chairperson; and
- (ii) the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with the condition applicable to the gift; but

(B) no gift shall be accepted that is conditioned on any expenditure not to be funded from the gift or from the income generated by the gift unless the expenditure has been approved by Act of Congress; and⁵

(d) The Commission, acting through the Federal Co-Chairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments necessary to carry out the purpose of the Commission. With respect to funds appropriated to the Commission for fiscal year 1999, the Commission, acting through the Federal Co-chairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments to implement an interim work plan for fiscal year 1999 approved by the Commission.⁶

SEC 306. COMMISSION PERSONNEL MATTERS

(a) Compensation of Members.--Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during the time such member is engaged in the performance of the duties of the Commission. The Federal Co-Chairperson shall be compensated at the annual rate prescribed for a level IV of the Executive Schedule under section 5315, of title 5, United States Code.⁷ All members of the Commission who are officers or employees of the United States shall serve without compensation that is in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.--The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.--The Federal Co-chairperson of the Commission may, without regard to the civil service laws and regulations, appoint such personnel as may be necessary to enable the Commission to perform its duties.

(2) Compensation.--The Federal Co-chairperson of the Commission may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.⁸

(d) Detail of Government Employees.--Any Federal Government employee may be detailed to the

⁵ PL 112-141, Section 1520, 2012

⁶ PL 106-31, Section 105, 1999

⁷ PL 106-31, Section 105, 1999

⁸ PL 106-31, Section 105, 1999

Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.--The Federal Co-chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) Offices.--The principal office of the Commission shall be located in Alaska, at a location that the Commission shall select.

(g) Administrative Expenses and Records. The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101 (g) of division A of this Act) for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General or his or her designee.

(h) Inspector General. Section 8G(a)(2) of the Inspector General Act of 1978 (5 USC App 3, Section 8G(a)(2)) is amended by inserting 'the Denali Commission,' after 'the Corporation for Public Broadcasting,'.⁹

SEC 307. SPECIAL FUNCTIONS

(a) Rural Utilities.--In carrying out its functions under this title, the Commission shall as appropriate, provide assistance, seek to avoid duplicating services and assistance, and complement the water and sewer wastewater programs under section 306D of the Consolidated Farm and Rural Development Act (7 USC 1926d) and section 303 of the Safe Drinking Water Act Amendments of 1996 (33 USC 1263a).

(b) Bulk Fuels.-- Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Act, 1999 (section 101(g) of division A of this Act) shall be available without further appropriation and until expended. The Commission, in consultation with the Commandant of the Coast Guard, shall develop a plan to provide for the repair or replacement of bulk fuel storage tanks in Alaska that are not in compliance with applicable—¹⁰

(1) Federal law, including the Oil Pollution Act of 1990 (104 Stat. 484); or

(2) State law

(c) Demonstration Health Projects- In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health and Human Services is authorized to make grants to the Denali Commission to plan, construct, and equip demonstration health, nutrition, and child care projects, including hospitals, health care clinics, and mental health facilities (including drug and alcohol treatment centers) in accordance with the Work Plan referred to under section 304 of Title III – Denali Commission of Division C – Other Matters of Public Law 105-277. No grant for construction or equipment of a demonstration project shall exceed 50 per centum of such costs, unless the project is located in a severely economically distressed community, as identified in the Work Plan referred to under section 304 of Title III – Denali

⁹ Subsections g & h derived from PL 106-31, Section 105, 1999

¹⁰ PL 106-31, Section 105, 1999

Commission of Division C – Other Matters of Public Law 105-277, in which case no grants shall exceed 80 per centum of such costs. To carry out this section, there is authorized to be appropriated such sums as may be necessary.¹¹

(d) Solid Waste –

The Secretary of Agriculture is authorized to make direct lump sum payments which shall remain available until expended to the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

(e) Docks, Waterfront Transportation Development, and Related Infrastructure Projects –

The Secretary of Transportation is authorized to make direct lump sum payments to the Commission to construct docks, waterfront development projects, and related transportation infrastructure, provided the local community provides a ten percent non-Federal match in the form of any necessary land or planning and design funds. To carry out this section, there is authorized to be appropriated such sums as may be necessary

SEC 308. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT

The Federal Advisory Committee Act shall not apply to the Commission.

SEC 309. DENALI ACCESS SYSTEM PROGRAM¹²

(a) ESTABLISHMENT OF THE DENALI ACCESS SYSTEM PROGRAM.—Not later than 3 months after the date of enactment of the SAFETEA-LU, the Secretary of Transportation shall establish a program to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali access system program under this section.

(b) DENALI ACCESS SYSTEM PROGRAM ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of the SAFETEA-LU, the Denali Commission shall establish a Denali Access System Program Advisory Committee (referred to in this section as the ‘advisory committee’).

(2) MEMBERSHIP.—The advisory committee shall be composed of 9 members to be appointed by the Governor of the State of Alaska as follows:

(A) The chairman of the Denali Commission.

(B) 4 members who represent existing regional native corporations, native non-profit entities, or tribal governments, including one member who is a civil engineer.

(C) 4 members who represent rural Alaska regions or villages, including one member who is a civil engineer.

(3) TERMS.—

(A) IN GENERAL.—Except for the chairman of the Commission who shall remain a member of the advisory committee, members shall be appointed to serve a term of 4 years.

(B) INITIAL MEMBERS.—Except for the chairman of the Commission, of the 8 initial 11 members appointed to the advisory committee, 2 shall be appointed for a term of 1 year, 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 2 shall be appointed for a term of 4 years. All subsequent appointments shall be for 4 years.

(4) RESPONSIBILITIES.—The advisory committee shall be responsible for the following activities:

(A) Advising the Commission on the surface transportation needs of Alaska Native villages and rural communities, including projects for the construction of essential access routes within remote Alaska Native villages and rural communities and for the construction of roads

¹¹ PL 106-113, Section 701, 1999

¹² SAFETEA-LU, PL 109-59, Section 2005

and facilities necessary to connect isolated rural communities to a road system.

(B) Advising the Commission on considerations for coordinated transportation planning among the Alaska Native villages, Alaska rural villages, the State of Alaska, and other government entities.

(C) Establishing a list of transportation priorities for Alaska Native village and rural community transportation projects on an annual basis, including funding recommendations.

(D) Facilitate the Commission's work on transportation projects involving more than one region.

(5) FACA EXEMPTION.—The provisions of the Federal Advisory Committee Act (5 U.S.C.App.) shall not apply to the advisory committee.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate funding authorized and made available for the Denali access system program to the Commission to carry out this section.

(2) DISTRIBUTION OF FUNDING.—In distributing funds for surface transportation projects funded under the program, the Commission shall consult the list of transportation priorities developed by the advisory committee.

(d) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—To construct a project under this section, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

(e) DESIGN STANDARDS.—Each project carried out under this section shall use technology and design standards determined by the Commission to be appropriate given the location and the functionality of the project.

(f) MAINTENANCE.—Funding for a construction project under this section may include an additional amount equal to not more than 10 percent of the total cost of construction, to be retained for future maintenance of the project. All such retained funds shall be dedicated for maintenance of the project and may not be used for other purposes.

(g) LEAD AGENCY DESIGNATION.—For purposes of projects carried out under this section, the Commission shall be designated as the lead Agency for purposes of accepting Federal funds and for purposes of carrying out this project.

(h) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, funds made available to carry out this section may be used to meet the non-Federal share of the cost of projects under title 23, United States Code.

(i) SURFACE TRANSPORTATION PROGRAM TRANSFERABILITY.—

(1) TRANSFERABILITY.—In any fiscal year, up to 15 percent of the amounts made available to the State of Alaska for surface transportation by section 133 of title 23, United States Code, may be transferred to the Denali access system program.

(2) NO EFFECT ON SET-ASIDE.—Paragraph (2) of section 133(d), United States Code, shall not apply to funds transferred under paragraph (1).

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$15,000,000 for each of fiscal years 2006 through 2009.¹³

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of any project carried out using such funds shall be determined in accordance with section 120(b).

¹³ PL 117-58, Section 11507(a) did not change the text of subsection (j) but it did reauthorize the Denali Access System Program at \$20,000,000 per year for Fiscal Years 2022 through 2026

SECTION 310 (no title provided)¹⁴

(a) The Federal Co-chairman of the Denali Commission shall appoint an Economic Development Committee to be chaired by the president of the Alaska Federation of Natives which shall include the Commissioner of community and Economic Affairs for the State of Alaska, a representative of the Alaska Bankers Association, the chairman of the Alaska Permanent Fund, a representative from the Alaska Chamber of Commerce, and a representative from each region. Of the regional representatives, at least two each shall be from Native regional corporations, Native non-profit corporations, tribes, and borough governments.

(b) The Economic Development Committee is authorized to consider and approve applications from Regional Advisory Committees for grants and loans to promote economic development and promote private sector investment to reduce poverty in economically distressed rural villages. The Economic Development Committee may make mini-grants to individuals' applicants and may issue loans under such terms and conditions as it determines.

(c) The State Co-Chairman of the Denali Commission shall appoint a Regional Advisory Committee for each region which may include representatives from local, borough, and tribal governments, the Alaska Native non-profit corporation operating in the region, local Chambers ofCommerce, and representatives of the private sector. Each Regional Advisory Committee shall develop a regional economic development plan for consideration by the Economic Development Committee.

(d) The Economic Development Committee, in consultation with the First Alaskans Institute, may develop rural development performance measures linking economic growth to poverty reduction to measure the success of its program which may include economic, educational, social, and cultural indicators. The performance measures will be tested in one region for two years and evaluated by the University of Alaska before being deployed statewide. Thereafter performance ineach region shall be evaluated using the performance measures, and the Economic Development Committee shall not fund projects which do not demonstrate success.

(e) Within the amounts made available annually to the Denali commission for training, the Commission may make a grant to the First Alaskans Foundation upon submittal of an acceptable work plan to assist Alaska Natives and other rural residents in acquiring the skills and training necessary to participate fully in private sector business and economic and development opportunities through fellowships, scholarships, internships, public service programs, and other leadership initiatives.

(f) The Committee shall sponsor a statewide economic development summit in consultation with the World Bank to evaluate the best practices for economic development worldwide and how they can be incorporated into regional economic development plans.

(g)There is authorized to be appropriated such sums as may be necessary to the following agencies which shall be transferred to the Denali commission as a direct lump sum payment to implement this section:

- (1) Department of commerce, Economic Development Administration
- (2) Department of Housing and Urban Development
- (3) Department of the Interior, Bureau of Indian Affairs

¹⁴ This section number was designated in PL 108-199, 2004. It now duplicates the numbering designated in the SAFETEA-LU Act above.

- (4) Department of Agriculture, Rural Development Administration, and
- (5) Small Business Administration

SEC 311. TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES¹⁵

(a) IN GENERAL.—Subject to subsection (c), for purposes of this Act, the Commission may accept transfers of funds from other Federal agencies.

(b) TRANSFERS.—Any Federal agency authorized to carry out an activity that is within the authority of the Commission may transfer to the Commission any appropriated funds for the activity.

(c) TREATMENT.—Any funds transferred to the Commission under this subsection—

(1) shall remain available until expended;

(2) may, to the extent necessary to carry out this Act, be transferred to, and merged with, the amounts made available by appropriations Acts for the Commission by the Federal Co-chairperson; and

(3) notwithstanding any other provision of law, shall –

(A) be treated as if directly appropriated to the Commission and subject to applicable provisions of this Act; and

(B) not be subject to any requirements that applied to the funds before the transfer, including a requirement in an appropriations Act or a requirement or regulation of the Federal Agency from which the funds are transferred.¹⁶

SEC 312. AUTHORIZATION OF APPROPRIATIONS^{17 18}

(a) In General.--There are authorized to be appropriated to the Commission to carry out the duties of the Commission consistent with the purposes of this title and pursuant to the work plan approved under section 304, \$15,000,000 for each of fiscal years 2017 through 2021.¹⁵

(b) Availability.--Any sums appropriated under the authorization contained in this section shall remain available until expended.

Note: The following “open meetings” language is incorporated into the Commission’s energy program authorizations within the *Energy Policy Act of 2005*, PL 109-190, SEC 356. The Act does not specify its insertion into the enabling legislation.

(c) OPEN MEETINGS-

(1) IN GENERAL- Except as provided in paragraph (2), a meeting of the Commission shall be open to

¹⁵ PL 112-141, Section 1520, 2012

¹⁶ PL 117-58, Section 11507, 2021

¹⁷ This was originally Section 309 when the Act was first passed in 1998. The SAFETEA-LU Act of 2005 renumbered this to Section 310

¹⁸ PL 114-322 Section 5002 renumbered this provision to section 312 and reauthorized the Agency at \$15,000,000 per year

the public if--

(A) the Commission members take action on behalf of the Commission; or

(B) the deliberations of the Commission determine, or result in the joint conduct or disposition of, official Commission business.

(2) EXCEPTIONS- Paragraph (1) shall not apply to any portion of a Commission meeting for which the Commission, in public session, votes to close the meeting for the reasons described in paragraph (2), (4), (5), or (6) of subsection (c) of section 552b of title 5, United States Code.

(3) PUBLIC NOTICE-

(A) IN GENERAL- At least 1 week before a meeting of the Commission, the Commission shall make a public announcement of the meeting that describes—

(i) the time, place, and subject matter of the meeting;

(ii) whether the meeting is to be open or closed to the public; and

(iii) the name and telephone number of an appropriate person to respond to requests for information about the meeting.

(B) ADDITIONAL NOTICE- The Commission shall make a public announcement of any change to the information made available under subparagraph (A) at the earliest practicable time.

(4) MINUTES- The Commission shall keep, and make available to the public, a transcript, electronic recording, or minutes from each Commission meeting, except for portions of the meeting closed under paragraph (2).