

**SUPPLEMENT TO AMENDED AND RESTATED LOAN GUARANTEE
SOLICITATION ANNOUNCEMENT
FEDERAL LOAN GUARANTEES FOR
TRIBAL ENERGY DEVELOPMENT PROJECTS**

**Solicitation Number: 8930318RLP000005
OMB Control Number: 1910-5134 [extension pending]
Announcement Type: Supplemental
Supplement dated as of September 30, 2022**

The above-referenced Solicitation Announcement (the “Solicitation”) is supplemented as set forth below (capitalized terms used herein and not otherwise defined have the meanings ascribed thereto in the Solicitation).

This Supplement modifies the Solicitation to conform to applicable provisions of the Inflation Reduction Act of 2022, Public Law No. 117-169.

The first page of the Solicitation is amended by amending the date for each of (i) “Last Part I Submission Due Date (TELGP)”, (ii) “Last Part II Submission Due Date (TELGP)”, (iii) “Last Part I Submission Due Date (TELP)” and (iv) “Last Part II Submission Due Date (TELP)” to August 31, 2028.

Section I “Purpose of the Solicitation” is amended by replacing such section in its entirety with the following:

I. Purpose of Solicitation

A. Loan Guarantee Program (TELGP)

Applicants are invited to apply for loan guarantees from the United States Department of Energy (“**DOE**”) under Section 2602(c) of the Energy Policy Act of 1992, as amended (“**the Act**”)¹. The Act authorizes the Secretary of Energy (the “**Secretary**”) to issue guarantees of loans made to an Indian tribe or a tribal energy development organization (“**TEDO**”) for energy development. DOE’s processing of loan guarantee applications under this authority is administered through the Tribal Energy Loan Guarantee Program (“**TELGP**”) and as further defined through this amended and restated solicitation.

An application under TELGP can be submitted exclusively by an entity that meets the qualifications of an “Eligible Lender” defined below. The Eligible Lender will fund and be required to hold all or a portion of the debt obligation that is the subject of DOE’s partial guarantee (the “**Guaranteed Obligation**”). Eligible Borrowers, as defined below, may hold pre-application discussions with DOE. However, Eligible Borrowers may not apply directly to DOE but must instead work with an Eligible Lender in order to access a loan guarantee.

¹ 25 USC Section 3502(c).

B. Direct Loan Program (TELP)

Applicants are invited to apply for direct loans from the United States Department of Energy (“DOE”) under the Act. The Inflation Reduction Act of 2022² amends the Act, *inter alia*, to authorize the Secretary to provide direct loans through the Federal Financing Bank to an Indian tribe or TEDO for energy development (“TELP”).³

An application under TELP can be submitted exclusively by an entity that meets the qualifications of an “Eligible Borrower” defined below. Eligible Borrowers, as defined below, may hold pre-application discussions with DOE.

Except as otherwise stated in this Solicitation, the application and evaluation process for TELP is the same as the process for TELGP.

TELGP and TELP are key parts of the DOE’s support of the Justice40 Initiative, which aims to provide 40 percent of the overall benefits of certain Federal investments—including investments in clean energy and energy efficiency—to disadvantaged communities. DOE has identified the following non-exhaustive list of policy priorities as examples to guide DOE’s implementation of Justice40 in disadvantaged and Tribal communities: (1) decrease energy burden; (2) decrease environmental exposure and burdens; (3) increase access to low-cost capital; (4) increase the clean energy job pipeline and job training for individuals; (5) increase clean energy enterprise creation (e.g., minority-owned or disadvantaged business enterprises); (6) increase energy democracy, including community ownership and other economic benefits associated with the energy transition; (7) increase parity in clean energy technology access and adoption; and (8) increase energy resilience.

In support of Justice40, this amended and restated solicitation incorporates consideration of policy factors related to job quality, responsible contractor standards, workforce diversity, equity, inclusion, and accessibility goals. It also incorporates hiring goals for underserved or disadvantaged communities as detailed in recent Executive Orders.⁴ Application, facility, and maintenance fees payable to DOE are also eliminated. It also clarifies borrower and project eligibility requirements to include potentially a broad range of project types and structures, including those utilizing tax equity.

The DOE Loan Programs Office (“LPO”) has established a two-part application process for loan guarantees under TELGP and direct loans under TELP. In Part I of the process, the Applicant is invited to provide the basis for the Project’s eligibility for a loan guarantee and explain the project’s

² Public Law No. 117-169.

³ For clarity, while the Consolidated Appropriations Act, 2022, Public Law No. 117-103, provided for direct loan authority that expires on September 30, 2022, the Inflation Reduction Act of 2022 makes direct loan authority permanent under the Act.

⁴ EO 13985: [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#); EO 14020: [Executive Order on Establishment of the White House Gender Policy Council | The White House](#); EO 14008: [Tackling the Climate Crisis at Home and Abroad](#)

readiness to proceed further into the application process. If LPO finds a project qualified under a Part I application, then the Applicant will be invited to Part II of the process. In Part II of the Application, the Applicant will provide further information that LPO will use to determine whether there is a “reasonable prospect of repayment” of the potential loan to be guaranteed or potential direct loan and the level of due diligence required to proceed further into the application process. This Solicitation describes the information requirements for Part I and Part II applications, as well as certain statutory and programmatic requirements⁵ and guidance under which LPO administers the TELGP and TELP programs.

DOE may provide up to twenty billion dollars (\$20,000,000,000), in aggregate, in partial loan guarantees and direct loans under this Solicitation. Up to seventy nine million seven hundred and fifty thousand (\$79,750,000) in appropriated funds is available to pay the Credit Subsidy Costs associated with such loan guarantees and direct loans, of which up to seventy one million two hundred and fifty thousand (\$71,250,000) will be available through September 30, 2028.

Applicants must submit Applications in response to this Solicitation in accordance with the instructions provided in Section VI, Attachment A and Attachment B. Applicants should refer to Attachment F for the definition of all terms not otherwise defined within the body of the Solicitation.

Subject to limited exceptions that are set forth in the Inflation Reduction Act of 2022, DOE is not permitted to issue loan guarantees under TELGP or direct loans under TELP to projects that are expected to benefit, directly or indirectly, from certain other forms of Federal support (“**Federal Support Restriction**”). Examples of such Federal support include grants or other loan guarantees or loans from Federal agencies or entities (including DOE), Federal agencies or entities as a customer or off-taker of the Project’s products or services, or other Federal contracts, including acquisitions, leases, and other arrangements, that support the Project. Otherwise allowable Federal income tax benefits are expressly excluded from the Federal Support Restriction. **DOE encourages potential applicants with projects that may benefit from other Federal support to arrange a pre-application consultation.**

Section II.E “Financial Considerations for Applications” is amended by deleting the first paragraph thereof in its entirety.

⁵ This Solicitation is issued under the Act and is subject to all the terms and conditions of the Act and the programmatic requirements set forth in Attachment F of this Solicitation. Copies of the authorities cited herein may be found at [TRIBAL ENERGY LOAN GUARANTEE PROGRAM | Department of Energy](#) (the “Program Website”).