U.S. Department of Energy
Loan Programs Office

IRA IMPLEMENTING SUPPLEMENT

Solicitation Nos. DE-SOL-0007154, DE-SOL-0006303, and DE-SOL-0007791
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This IRA Implementing Supplement implements the applicable provisions of the Inflation Reduction Act of 2022, Public Law No. 117-169 (the "**IRA**") regarding the Section 1703 loan guarantee program administered by the Department of Energy ("**DOE**") as authorized by Title XVII of the Energy Policy Act of 2005, as amended (the "**Act**")[1] and in connection therewith supplements and modifies the following Solicitations:

(1) Solicitation for Innovative Clean Energy (Solicitation Number: DE-SOL-0007154)
(2) Solicitation for Innovative Clean Energy: Fossil (Solicitation Number: DE-SOL-0006303); and
(3) Solicitation for Innovative Clean Energy: Nuclear (Solicitation Number: DE-SOL-0007791).

The IRA provides, *inter alia*, as follows:

SEC. 50141. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), up to a total principal amount of $40,000,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available through September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary shall reserve not more than 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act (42 U.S.C. 16512(h)(3)).

In accordance with the foregoing provisions of the IRA, DOE will make available under its Section 1703 loan guarantee program up to $40 billion of additional loan guarantee authority and up to

[1] 42 U.S.C. §§16511-16515.

$3,492,000,000[2] of additional appropriations for the costs of such guarantees (collectively, the "**IRA Funding**") through September 30, 2026.

The IRA Funding will be available to be used for all eligible projects under the Solicitations. In addition, the IRA Funding will be available for eligible projects falling under the following categories authorized by the Infrastructure Investment and Jobs Act (the "**IIJA**")[3]:

(1) Projects that increase the domestically produced supply of critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. §1606(a)), including through the production, processing, manufacturing, recycling, or fabrication of mineral alternatives; and

(2) Projects receiving financial support or credit enhancements from a State energy financing institution (as defined in Section 1701(7) of the Act[4]).

Applications for projects under the above two clauses may be submitted under any Solicitation if such project otherwise qualifies as an "Eligible Project" under such Solicitation. For clarity, this means that with respect to (a) the Solicitation for Innovative Clean Energy: Fossil (Solicitation Number: DE-SOL-0006303), such project must be associated with fossil fuel supply or use, and (b) the Solicitation for Innovative Clean Energy: Nuclear (Solicitation Number: DE-SOL-0007791), such project must be associated with nuclear energy.

The requirement for "New or Significantly Improved Technology" as stated in the Solicitations do not apply to projects under clause (2) above, and accordingly, applicants for such projects are not required to fill out information under D.2. "Description of New or Significantly Improved Technology" in Attachment A in the Solicitations. DOE may publish further guidance on such projects separately.

From and after the date hereof, all pending and future applications under the Solicitations for projects that ultimately reach financial closing and receive a Section 1703 loan guarantee from DOE will utilize IRA Funding to the extent available, unless otherwise determined by DOE.

All procedures and processes specified in the Solicitations shall remain the same and the Solicitations shall remain unchanged[5], except to the extent expressly provided herein.

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[2] For clarity, this amount is $3.6 billion of additional appropriated funds under the IRA for the costs of section 1703 loan guarantees less $108,000,000 (i.e., 3%) reserved for administrative expenses to carry out the Section 1703 loan guarantee program and for carrying out Section 1702(h)(3) of the Act.

[3] Public Law 117-58. For clarity, prior to the enactment of the IRA, DOE was unable to support eligible projects under these two clauses due to a prohibition in the IIJA on the use of previously appropriated funds or loan authority to support these activities. Pre-IRA appropriations will not be available to be used for the cost of loan guarantees for projects falling under the above two clauses, unless otherwise authorized by Congress.

[4] 42 U.S.C. §16511(7).

[5] For clarity, DOE's implementation plans relating to pre-IRA appropriations as reflected in the Solicitations will remain unchanged.