

117TH CONGRESS
1ST SESSION

H. R. 5368

To direct the Secretary of Energy to establish a program to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2021

Mr. LAMB introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To direct the Secretary of Energy to establish a program to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Investing in Energy
5 Regions Act”.

6 **SEC. 2. CLEAN ENERGY DEMONSTRATION PROGRAM ON**
7 **CURRENT AND FORMER MINE LAND.**

8 (a) DEFINITIONS.—In this section:

1 (1) CLEAN ENERGY PROJECT.—The term
2 “clean energy project” means a project that dem-
3 onstrates 1 or more of the following technologies:

4 (A) Solar.

5 (B) Micro-grids.

6 (C) Geothermal.

7 (D) Direct air capture.

8 (E) Fossil-fueled electricity generation with
9 carbon capture, utilization, and sequestration.

10 (F) Energy storage, including pumped
11 storage hydropower and compressed air storage.

12 (G) Advanced nuclear technologies.

13 (H) Wind energy.

14 (2) ECONOMICALLY DISTRESSED AREA.—The
15 term “economically distressed area” means an area
16 described in section 301(a) of the Public Works and
17 Economic Development Act of 1965 (42 U.S.C.
18 3161(a)).

19 (3) MINE LAND.—The term “mine land”
20 means—

21 (A) land subject to titles IV and V of the
22 Surface Mining Control and Reclamation Act of
23 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251
24 et seq.); and

1 (B) land that has been claimed or patented
2 subject to sections 2319 through 2344 of the
3 Revised Statutes (commonly known as the
4 “Mining Law of 1872”) (30 U.S.C. 22 et seq.).

5 (4) PROGRAM.—The term “program” means
6 the demonstration program established under sub-
7 section (b).

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Energy.

10 (b) ESTABLISHMENT.—The Secretary shall establish
11 a program to demonstrate the technical and economic via-
12 bility of carrying out clean energy projects on current and
13 former mine land.

14 (c) SELECTION OF DEMONSTRATION PROJECTS.—

15 (1) IN GENERAL.—In carrying out the program,
16 the Secretary shall select not more than 5 clean en-
17 ergy projects, to be carried out in geographically di-
18 verse regions, at least two of which shall be solar
19 projects.

20 (2) ELIGIBILITY.—To be eligible to be selected
21 for participation in the program under paragraph
22 (1), a clean energy project shall demonstrate, as de-
23 termined by the Secretary, a technology on a current
24 or former mine land site with a reasonable expecta-
25 tion of commercial viability.

1 (3) PRIORITY.—In selecting clean energy
2 projects for participation in the program under
3 paragraph (1), the Secretary shall prioritize clean
4 energy projects that will—

5 (A) be carried out in a location where the
6 greatest number of jobs can be created from the
7 successful demonstration of the clean energy
8 project;

9 (B) provide the greatest net impact in
10 avoiding or reducing greenhouse gas emissions;

11 (C) provide the greatest domestic job cre-
12 ation (both directly and indirectly) during the
13 implementation of the clean energy project;

14 (D) provide the greatest job creation and
15 economic development in the vicinity of the
16 clean energy project, particularly—

17 (i) in economically distressed areas;

18 and

19 (ii) with respect to dislocated workers
20 who were previously employed in manufac-
21 turing, coal power plants, or coal mining;

22 (E) have the greatest potential for techno-
23 logical innovation and commercial deployment;

24 (F) have the lowest levelized cost of gen-
25 erated or stored energy;

1 (G) have the lowest rate of greenhouse gas
2 emissions per unit of electricity generated or
3 stored; and

4 (H) have the shortest project time from
5 permitting to completion.

6 (4) PROJECT SELECTION.—The Secretary shall
7 solicit proposals for clean energy projects and select
8 clean energy project finalists in consultation with the
9 Secretary of the Interior, the Administrator of the
10 Environmental Protection Agency, and the Secretary
11 of Labor.

12 (5) COMPATIBILITY WITH EXISTING OPER-
13 ATIONS.—Prior to selecting a clean energy project
14 for participation in the program under paragraph
15 (1), the Secretary shall consult with, as applicable,
16 mining claimholders or operators or the relevant Of-
17 fice of Surface Mining Reclamation and Enforce-
18 ment Abandoned Mine Land program office to con-
19 firm—

20 (A) that the proposed project is compatible
21 with any current mining, exploration, or rec-
22 lamation activities; and

23 (B) the valid existing rights of any mining
24 claimholders or operators.

1 (d) PREVAILING WAGES.—To be eligible to be se-
2 lected for participation in the program under subsection
3 (c)(1), a project applicant for a clean energy project shall
4 submit to the Secretary a written assurance that all labor-
5 ers and mechanics employed by any contractor or subcon-
6 tractor in the performance of work funded directly, or as-
7 sisted in whole or in part, by the Federal Government pur-
8 suant to this Act shall be paid wages at rates not less
9 than those prevailing on work of a similar character in
10 the locality, as determined by the Secretary of Labor
11 under subchapter IV of chapter 31 of title 40, United
12 States Code (commonly referred to as the Davis-Bacon
13 Act). With respect to the labor standards in this sub-
14 section, the Secretary of Labor shall have the authority
15 and functions set forth in Reorganization Plan Numbered
16 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
17 3145 of title 40, United States Code.

18 (e) CONSULTATION.—The Secretary shall consult
19 with the Director of the Office of Surface Mining Rec-
20 lamation and Enforcement and the Administrator of the
21 Environmental Protection Agency, acting through the Of-
22 fice of Brownfields and Land Revitalization, to determine
23 whether it is necessary to promulgate regulations or issue
24 guidance in order to prioritize and expedite the siting of

1 clean energy projects on current and former mine land
2 sites.

3 (f) TECHNICAL ASSISTANCE.—The Secretary shall
4 provide technical assistance to project applicants selected
5 for participation in the program under subsection (e) to
6 assess the needed interconnection, transmission, and other
7 grid components and permitting and siting necessary to
8 interconnect, on current and former mine land where the
9 project will be sited, any generation or storage with the
10 electric grid.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Secretary to carry
13 out this section \$500,000,000 for the period of fiscal years
14 2022 through 2026.

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