

it to a certified nuclear reactor that, during the period described in paragraph (1)—

- (A) terminates operations; or
- (B) does not operate at an annual loss in the absence of an allocation of credits to the certified nuclear reactor.

**(3) Confidentiality**

The Secretary shall establish procedures to ensure that any confidential, private, proprietary, or privileged information that is included in a sealed bid submitted under this section is not publicly disclosed or otherwise improperly used.

**(h) Report**

Not later than January 1, 2024, the Comptroller General of the United States shall submit to Congress a report with respect to the credits allocated to certified nuclear reactors, which shall include—

- (1) an evaluation of the effectiveness of the credits in avoiding air pollutants while ensuring grid reliability;
- (2) a quantification of the ratepayer savings achieved under this section; and
- (3) any recommendations to renew or expand the credits.

**(i) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out this section \$6,000,000,000 for the period of fiscal years 2022 through 2026.

(Pub. L. 117-58, div. D, title III, §40323, Nov. 15, 2021, 135 Stat. 1019.)

**Statutory Notes and Related Subsidiaries**

**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

**PART B—MISCELLANEOUS**

**§ 18761. Clean energy demonstration program on current and former mine land**

**(a) Definitions**

In this section:

**(1) Clean energy project**

The term “clean energy project” means a project that demonstrates 1 or more of the following technologies:

- (A) Solar.
- (B) Micro-grids.
- (C) Geothermal.
- (D) Direct air capture.
- (E) Fossil-fueled electricity generation with carbon capture, utilization, and sequestration.
- (F) Energy storage, including pumped storage hydropower and compressed air storage.
- (G) Advanced nuclear technologies.

**(2) Economically distressed area**

The term “economically distressed area” means an area described in section 3161(a) of this title.

**(3) Mine land**

The term “mine land” means—

- (A) land subject to titles IV and V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et seq.); and
- (B) land that has been claimed or patented subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 22 et seq.).

**(4) Program**

The term “program” means the demonstration program established under subsection (b).

**(b) Establishment**

The Secretary shall establish a program to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land.

**(c) Selection of demonstration projects**

**(1) In general**

In carrying out the program, the Secretary shall select not more than 5 clean energy projects, to be carried out in geographically diverse regions, at least 2 of which shall be solar projects.

**(2) Eligibility**

To be eligible to be selected for participation in the program under paragraph (1), a clean energy project shall demonstrate, as determined by the Secretary, a technology on a current or former mine land site with a reasonable expectation of commercial viability.

**(3) Priority**

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

- (A) be carried out in a location where the greatest number of jobs can be created from the successful demonstration of the clean energy project;
- (B) provide the greatest net impact in avoiding or reducing greenhouse gas emissions;
- (C) provide the greatest domestic job creation (both directly and indirectly) during the implementation of the clean energy project;
- (D) provide the greatest job creation and economic development in the vicinity of the clean energy project, particularly—
  - (i) in economically distressed areas; and
  - (ii) with respect to dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;
- (E) have the greatest potential for technological innovation and commercial deployment;
- (F) have the lowest levelized cost of generated or stored energy;
- (G) have the lowest rate of greenhouse gas emissions per unit of electricity generated or stored; and
- (H) have the shortest project time from permitting to completion.

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

- (i) in economically distressed areas; and
- (ii) with respect to dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(E) have the greatest potential for technological innovation and commercial deployment;

(F) have the lowest levelized cost of generated or stored energy;

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

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

**(4) Project selection**

The Secretary shall solicit proposals for clean energy projects and select clean energy

project finalists in consultation with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Secretary of Labor.

**(5) Compatibility with existing operations**

Prior to selecting a clean energy project for participation in the program under paragraph (1), the Secretary shall consult with, as applicable, mining claimholders or operators or the relevant Office of Surface Mining Reclamation and Enforcement Abandoned Mine Land program office to confirm—

(A) that the proposed project is compatible with any current mining, exploration, or reclamation activities; and

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

**(d) Consultation**

The Secretary shall consult with the Director of the Office of Surface Mining Reclamation and Enforcement and the Administrator of the Environmental Protection Agency, acting through the Office of Brownfields and Land Revitalization, to determine whether it is necessary to promulgate regulations or issue guidance in order to prioritize and expedite the siting of clean energy projects on current and former mine land sites.

**(e) Technical assistance**

The Secretary shall provide technical assistance to project applicants selected for participation in the program under subsection (c) to assess the needed interconnection, transmission, and other grid components and permitting and siting necessary to interconnect, on current and former mine land where the project will be sited, any generation or storage with the electric grid.

**(f) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out this section \$500,000,000 for the period of fiscal years 2022 through 2026.

(Pub. L. 117–58, div. D, title III, §40342, Nov. 15, 2021, 135 Stat. 1031.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Surface Mining Control and Reclamation Act of 1977, referred to in subsec. (a)(3)(A), is Pub. L. 95–87, Aug. 3, 1977, 91 Stat. 445. Titles IV and V of the Act are classified to subchapters IV (§1231 et seq.) and V (§1251 et seq.), respectively, of Chapter 25 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 30 and Tables.

The Mining Law of 1872, referred to in subsec. (a)(3)(B), is act May 10, 1872, ch. 152, 17 Stat. 91, which was incorporated into the Revised Statutes of 1878 as R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of such Revised Statutes sections to the Code, see Tables.

**Statutory Notes and Related Subsidiaries**

**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an

amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

**SUBCHAPTER IV—ENERGY INFORMATION ADMINISTRATION**

**§ 18771. Definitions**

In this subchapter:

**(1) Administrator**

The term “Administrator” means the Administrator of the Energy Information Administration.

**(2) Annual Critical Minerals Outlook**

The term “Annual Critical Minerals Outlook” means the Annual Critical Minerals Outlook prepared under section 1606(j)(1)(B) of title 30.

**(3) Critical mineral**

The term “critical mineral” has the meaning given the term in section 1606(a) of title 30.

**(4) Household energy burden**

The term “household energy burden” means the quotient obtained by dividing—

(A) the residential energy expenditures (as defined in section 440.3 of title 10, Code of Federal Regulations (as in effect on November 15, 2021)) of the applicable household; by

(B) the annual income of that household.

**(5) Household with a high energy burden**

The term “household with a high energy burden” has the meaning given the term in section 440.3 of title 10, Code of Federal Regulations (as in effect on November 15, 2021).

**(6) Large manufacturing facility**

The term “large manufacturing facility” means a manufacturing facility that—

(A) annually consumes more than 35,000 megawatt-hours of electricity; or

(B) has a peak power demand of more than 10 megawatts.

**(7) Load-serving entity**

The term “load-serving entity” has the meaning given the term in section 824q(a) of title 16.

**(8) Miscellaneous electric load**

The term “miscellaneous electric load” means electricity that—

(A) is used by an appliance or device—

(i) within a building; or

(ii) to serve a building; and

(B) is not used for heating, ventilation, air conditioning, lighting, water heating, or refrigeration.

**(9) Regional Transmission Organization**

The term “Regional Transmission Organization” has the meaning given the term in section 796 of title 16.

**(10) Rural area**

The term “rural area” has the meaning given the term in section 918c(a) of title 7.

(Pub. L. 117–58, div. D, title IV, §40411, Nov. 15, 2021, 135 Stat. 1038.)