

117TH CONGRESS  
1ST SESSION

# H. R. 5367

To direct the Secretary of Energy to establish a program to award grants for qualifying advanced energy projects, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2021

Mr. LAMB introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Secretary of Energy to establish a program to award grants for qualifying advanced energy projects, 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 “Advancing Energy  
5       Manufacturing in Coal Communities Act”.

6       **SEC. 2. ADVANCED ENERGY MANUFACTURING AND RECY-**  
7       **CLING GRANT PROGRAM.**

8       (a) DEFINITIONS.—In this section:

9               (1) ADVANCED ENERGY PROPERTY.—The term  
10       “advanced energy property” means—

1 (A) property designed to be used to  
2 produce energy from the sun, water, wind, geo-  
3 thermal or hydrothermal (as those terms are  
4 defined in section 612 of the Energy Independ-  
5 ence and Security Act of 2007 (42 U.S.C.  
6 17191)) resources, enhanced geothermal sys-  
7 tems (as defined in that section), or other re-  
8 newable resources;

9 (B) fuel cells, microturbines, or energy  
10 storage systems and components;

11 (C) electric grid modernization equipment  
12 or components;

13 (D) property designed to capture, remove,  
14 use, or sequester carbon oxide emissions;

15 (E) equipment designed to refine,  
16 electrolyze, or blend any fuel, chemical, or prod-  
17 uct that is—

18 (i) renewable; or

19 (ii) low-carbon and low-emission;

20 (F) property designed to produce energy  
21 conservation technologies (including for residen-  
22 tial, commercial, and industrial applications);

23 (G)(i) light-, medium-, or heavy-duty elec-  
24 tric or fuel cell vehicles, electric or fuel cell loco-

1 motives, electric or fuel cell maritime vessels, or  
2 electric or fuel cell planes;

3 (ii) technologies, components, and mate-  
4 rials of those vehicles, locomotives, maritime  
5 vessels, or planes; and

6 (iii) charging or refueling infrastructure  
7 associated with those vehicles, locomotives, mar-  
8 itime vessels, or planes;

9 (H)(i) hybrid vehicles with a gross vehicle  
10 weight rating of not less than 14,000 pounds;  
11 and

12 (ii) technologies, components, and mate-  
13 rials for those vehicles; and

14 (I) other advanced energy property de-  
15 signed to reduce greenhouse gas emissions, as  
16 may be determined by the Secretary.

17 (2) COVERED CENSUS TRACT.—The term “cov-  
18 ered census tract” means a census tract—

19 (A) in which, after December 31, 1999, a  
20 coal mine had closed;

21 (B) in which, after December 31, 2009, a  
22 coal-fired electricity generating unit had been  
23 retired; or

24 (C) that is immediately adjacent to a cen-  
25 sus tract described in subparagraph (A) or (B).

1           (3) ELIGIBLE ENTITY.—The term “eligible enti-  
2       ty” means a manufacturing firm—

3                   (A) the gross annual sales of which are  
4       less than \$100,000,000;

5                   (B) that has fewer than 500 employees at  
6       the plant site of the manufacturing firm; and

7                   (C) the annual energy bills of which total  
8       more than \$100,000 but less than \$2,500,000.

9           (4) MINORITY-OWNED.—The term “minority-  
10      owned”, with respect to an eligible entity, means an  
11      eligible entity not less than 51 percent of which is  
12      owned by 1 or more individuals who are—

13                   (A) citizens of the United States; and

14                   (B) Asian American, Native Hawaiian, Pa-  
15      cific Islander, African American, Hispanic,  
16      Puerto Rican, Native American, or Alaska Na-  
17      tive.

18           (5) PROGRAM.—The term “Program” means  
19      the grant program established under subsection (b).

20           (6) QUALIFYING ADVANCED ENERGY  
21      PROJECT.—The term “qualifying advanced energy  
22      project” means a project that—

23                   (A)(i) re-equips, expands, or establishes a  
24      manufacturing or recycling facility for the pro-

duction or recycling, as applicable, of advanced energy property; or

(ii) re-equips an industrial or manufacturing facility with equipment designed to reduce the greenhouse gas emissions of that facility substantially below the greenhouse gas emissions under current best practices, as determined by the Secretary, through the installation of—

(I) low- or zero-carbon process heat systems;

(II) carbon capture, transport, utilization, and storage systems;

(III) technology relating to energy efficiency and reduction in waste from industrial processes; or

(IV) any other industrial technology that significantly reduces greenhouse gas emissions, as determined by the Secretary;

(B) has a reasonable expectation of commercial viability, as determined by the Secretary; and

(C) is located in a covered census tract.

(7) SECRETARY.—The term “Secretary” means the Secretary of Energy.

1 (b) ESTABLISHMENT.—Not later than 180 days after  
2 the date of enactment of this Act, the Secretary shall es-  
3 tablish a program to award grants to eligible entities to  
4 carry out qualifying advanced energy projects.

5 (c) APPLICATIONS.—

6 (1) IN GENERAL.—Each eligible entity seeking  
7 a grant under the Program shall submit to the Sec-  
8 retary an application at such time, in such manner,  
9 and containing such information as the Secretary  
10 may require, including a description of the proposed  
11 qualifying advanced energy project to be carried out  
12 using the grant.

13 (2) SELECTION CRITERIA.—

14 (A) PROJECTS.—In selecting eligible enti-  
15 ties to receive grants under the Program, the  
16 Secretary shall, with respect to the qualifying  
17 advanced energy projects proposed by the eligi-  
18 ble entities, give higher priority to projects  
19 that—

20 (i) will provide higher net impact in  
21 avoiding or reducing anthropogenic emis-  
22 sions of greenhouse gases;

23 (ii) will result in a higher level of do-  
24 mestic job creation (both direct and indi-  
25 rect) during the lifetime of the project;

1 (iii) will result in a higher level of job  
2 creation in the vicinity of the project, par-  
3 ticularly with respect to—

4 (I) low-income communities (as  
5 described in section 45D(e) of the In-  
6 ternal Revenue Code of 1986); and

7 (II) dislocated workers who were  
8 previously employed in manufacturing,  
9 coal power plants, or coal mining;

10 (iv) have higher potential for techno-  
11 logical innovation and commercial deploy-  
12 ment;

13 (v) have a lower levelized cost of—

14 (I) generated or stored energy; or

15 (II) measured reduction in en-  
16 ergy consumption or greenhouse gas  
17 emission (based on costs of the full  
18 supply chain); and

19 (vi) have a shorter project time.

20 (B) ELIGIBLE ENTITIES.—In selecting eli-  
21 gible entities to receive grants under the Pro-  
22 gram, the Secretary shall give priority to eligi-  
23 ble entities that are minority-owned.

24 (d) PREVAILING WAGES.—To be eligible to receive a  
25 grant under the Program, an eligible entity shall submit

1 to the Secretary a written assurance that all laborers and  
2 mechanics employed by any contractor or subcontractor  
3 in the performance of work funded, in whole or in part,  
4 by the grant shall be paid wages at rates not less than  
5 those prevailing on work of a similar character in the lo-  
6 cality, as determined by the Secretary of Labor under sub-  
7 chapter IV of chapter 31 of title 40, United States Code  
8 (commonly referred to as the Davis-Bacon Act). With re-  
9 spect to the labor standards in this subsection, the Sec-  
10 retary of Labor shall have the authority and functions set  
11 forth in Reorganization Plan Numbered 14 of 1950 (64  
12 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40,  
13 United States Code.

14 (e) PROJECT COMPLETION AND LOCATION; RETURN  
15 OF UNOBLIGATED FUNDS.—

16 (1) COMPLETION; RETURN OF UNOBLIGATED  
17 FUNDS.—An eligible entity that receives a grant  
18 under the Program shall be required—

19 (A) to complete the qualifying advanced  
20 energy project funded by the grant not later  
21 than 3 years after the date of receipt of the  
22 grant funds; and

23 (B) to return to the Secretary any grant  
24 funds that remain unobligated at the end of  
25 that 3-year period.



1           (2) LOCATION.—If the Secretary determines  
2           that an eligible entity awarded a grant under the  
3           Program has carried out the applicable qualifying  
4           advanced energy project at a location that is materi-  
5           ally different from the location specified in the appli-  
6           cation for the grant, the eligible entity shall be re-  
7           quired to return the grant funds to the Secretary.

8           (f) TECHNICAL ASSISTANCE.—

9           (1) IN GENERAL.—Not later than 180 days  
10          after the date of enactment of this Act, the Sec-  
11          retary shall provide technical assistance on a selec-  
12          tive basis to eligible entities that are seeking a grant  
13          under the Program to enhance the impact of the  
14          qualifying advanced energy project to be carried out  
15          using the grant with respect to the selection criteria  
16          described in subsection (c)(2)(A).

17          (2) APPLICATIONS.—An eligible entity desiring  
18          technical assistance under paragraph (1) shall sub-  
19          mit to the Secretary an application at such time, in  
20          such manner, and containing such information as  
21          the Secretary may require.

22          (3) FACTORS FOR CONSIDERATION.—In select-  
23          ing eligible entities for technical assistance under  
24          paragraph (1), the Secretary shall give higher pri-  
25          ority to eligible entities that propose a qualifying ad-

1 vanced energy project that has greater potential for  
2 enhancement of the impact of the project with re-  
3 spect to the selection criteria described in subsection  
4 (c)(2)(A).

5 (g) PUBLICATION OF GRANTS.—The Secretary shall  
6 make publicly available the identity of each eligible entity  
7 awarded a grant under the Program and the amount of  
8 the grant.

9 (h) REPORT.—Not later than 4 years after the date  
10 of enactment this Act, the Secretary shall—

11 (1) review the grants awarded under the Pro-  
12 gram; and

13 (2) submit to the Committee on Energy and  
14 Natural Resources of the Senate and the Committee  
15 on Energy and Commerce of the House of Rep-  
16 resentatives a report describing those grants.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to the Secretary to carry  
19 out the Program \$750,000,000 for the period of fiscal  
20 years 2022 through 2026.

