

117TH CONGRESS
1ST SESSION

H. R. 2245

To establish the White House Council on Energy Transitions within the Executive Office of the President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Mr. O'HALLERAN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Financial Services, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the White House Council on Energy Transitions within the Executive Office of the President, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Energy Workforce and Providing Recovery Op-
6 portunities to Manage the Industry’s Shifting Economics
7 Act” or the “NEW PROMISE Act”.

8 (b) FINDINGS.—Congress finds that since 2010—

1 (1) the total output of coal-fired electric genera-
2 tion in the United States has declined 48 percent;

3 (2) carbon capture, utilization, and storage
4 technologies have continued to develop;

5 (3) the downturn in coal-fired electric genera-
6 tion has led to a significant decrease in employment
7 related to coal-fired electric generation, including at
8 electric generating stations and mines;

9 (4) in rural, economically distressed commu-
10 nities with significant coal-fired electric generation
11 employment, the decrease in coal-fired electric gen-
12 eration has had negative impacts on covered net rev-
13 enues contributing to municipal operating budgets;

14 (5) electric generation from the consumption of
15 natural gas has increased 60 percent; and

16 (6) electric generation from affordable renew-
17 able energy sources including solar, wind, geo-
18 thermal, and hydropower has increased.

19 **SEC. 2. WHITE HOUSE COUNCIL ON ENERGY TRANSITIONS.**

20 (a) **ESTABLISHMENT.**—There is established in the
21 Executive Office of the President a White House Council
22 on Energy Transitions. The Council shall be headed by
23 a Director, who shall be appointed by the President by
24 and with the advice and consent of the Senate.

25 (b) **DIRECTOR.**—

1 (1) QUALIFICATIONS.—The Director shall be a
2 person who, as a result of training, experience, and
3 attainments, has the requisite skills, abilities, and
4 knowledge to—

5 (A) carry out the duties and functions of
6 the position and Council set forth in this Act;
7 and

8 (B) formulate and recommend policies to
9 assist workers and communities adversely dis-
10 rupted due to the downturn of employment as-
11 sociated with coal-fired electricity generation
12 amidst the Nation’s transition to significantly
13 reducing greenhouse gas emissions across the
14 economy.

15 (2) COMPENSATION.—The annual rate of pay
16 for the Director shall be fixed by the President at
17 a rate that may not exceed the annual rate of pay
18 for level IV of the Executive Schedule.

19 (c) MEMBERSHIP.—

20 (1) MEMBERS.—The Council shall be composed
21 of the heads of the following:

22 (A) The Department of Commerce.

23 (B) The Department of Energy.

24 (C) The Department of Labor.

25 (D) The Department of the Treasury.

1 (E) The Department of Health and
2 Human Services.

3 (F) The Department of the Interior.

4 (G) The Environmental Protection Agency.

5 (H) The Office of Management and Budg-
6 et.

7 (I) The Office of Science and Technology
8 Policy.

9 (J) The Small Business Administration.

10 (K) The Council on Environmental Qual-
11 ity.

12 (L) The National Economic Council.

13 (M) The Economic Development Adminis-
14 tration.

15 (N) The Appalachian Regional Commis-
16 sion.

17 (O) The White House Office of Public En-
18 gagement.

19 (P) Any other department, agency, or of-
20 fice of the executive branch as the President or
21 Director may designate.

22 (2) DESIGNEES.—Any member of the Council
23 may designate a senior-level official, who is employed
24 full-time in the department, agency, or office of such

1 member, to carry out the duties of the member
2 under this section.

3 (d) DUTIES OF THE DIRECTOR.—

4 (1) DATA ON IMPACTS OF CLOSURES.—The Di-
5 rector shall assess and publish, in a publicly avail-
6 able format and on the website of the Council, data
7 on the economic and societal impacts of closures, oc-
8 ccurring on or after January 1, 2010, of covered elec-
9 tric generating stations, including associated mines
10 (as applicable), on economically distressed commu-
11 nities, and communities the Director believes based
12 on available information, may become economically
13 distressed communities.

14 (2) OUTREACH.—The Director shall conduct
15 outreach activities—

16 (A) to increase awareness of the technical,
17 financial, and policy assistance resources of the
18 Council, for economically distressed commu-
19 nities, and communities the Director believes,
20 based on available information, may become
21 economically distressed communities; and

22 (B) to facilitate the establishment of, and
23 otherwise support, Regional Transition Advisory
24 Committees.

1 (3) REGIONAL TRANSITION ADVISORY COMMIT-
2 TEES.—

3 (A) FACILITATION AND SUPPORT.—To the
4 extent practicable, not later than 60 days upon
5 receiving a request for assistance from an eco-
6 nomically distressed community, the Director
7 shall provide technical assistance, and other as-
8 sistance the Director determines appropriate, to
9 such community to facilitate the establishment
10 by such community of a Regional Transition
11 Advisory Committee and to otherwise support
12 such Regional Transition Advisory Committee.

13 (B) MEETINGS.—To the extent prac-
14 ticable, the Director shall meet with each Re-
15 gional Transition Advisory Committee at least 2
16 times in the first full calendar year after the
17 Committee is established, and at least once an-
18 nually thereafter.

19 (C) ECONOMIC DEVELOPMENT TRANSITION
20 PLANS.—

21 (i) ASSISTANCE.—The Director may
22 provide technical, policy, and financial as-
23 sistance to a Regional Transition Advisory
24 Committee for developing, implementing,

1 assessing, and evaluating, an economic de-
2 velopment transition plan.

3 (ii) INTERIM GOALS.—In carrying out
4 subparagraph (A), the Director shall evalu-
5 ate any interim economic development
6 transition goals that are voluntarily sub-
7 mitted to the Director prior to submission
8 of an economic development transition plan
9 by a Regional Transition Advisory Com-
10 mittee, and provide such Committee, with-
11 in 90 days of receipt, an evaluation and
12 recommendations with respect to such in-
13 terim goals.

14 (iii) CERTIFICATION OF COMMITMENT
15 TO SUBMIT AND IMPLEMENT PLAN.—In
16 order to receive financial assistance pursu-
17 ant to this subparagraph, the Director
18 shall certify that a Regional Transition Ad-
19 visory Committee—

20 (I) has or will submit to the Di-
21 rector an economic development tran-
22 sition plan that meets the criteria de-
23 scribed in section 3(c); and

24 (II) has committed to begin im-
25 plementing such plan, including by

1 adhering to the metrics developed pur-
2 suant to section 3(c), not later than
3 90 days after receiving a certification
4 under clause (iv).

5 (iv) CERTIFICATION OF PLAN.—Not
6 later than 90 days after a Regional Transi-
7 tion Advisory Committee submits to the
8 Director an economic development transi-
9 tion plan, the Director shall provide to the
10 Regional Transition Advisory Committee—

11 (I) a certification of such eco-
12 nomic development transition plan; or

13 (II) recommendations, consistent
14 with the criteria described in section
15 3(c), to improve the economic develop-
16 ment transition plan.

17 (v) BIENNIAL REVIEW.—Not later
18 than every 2 years after the date in which
19 the first economic development transition
20 plan is submitted by a Regional Transition
21 Advisory Committee and certified by the
22 Director under clause (iv), the Director
23 shall conduct periodic outreach to such Re-
24 gional Transition Advisory Committee to
25 review and assist in the revision of such

1 economic development transition plan as
2 necessary.

3 (4) COAL COMMUNITY RESOURCE CLEARING-
4 HOUSE.—

5 (A) MAINTENANCE.—Not later than 180
6 days after the date of enactment of this section,
7 the Director shall publish, maintain, and make
8 publicly available a clearinghouse, to be known
9 as the Coal Community Resource Clearing-
10 house, on the website of the Council for the
11 purpose of increasing awareness of Federal and
12 State programs, grants, loans, loan guarantees,
13 and other assistance resources the Director de-
14 termines will assist economic development ac-
15 tivities in economically distressed communities.

16 (B) PERIODIC UPDATES.—In maintaining
17 the Clearinghouse, the Director shall, not less
18 than once per calendar year, update the Clear-
19 inghouse to address changes to the needs of
20 economically distressed communities, as deter-
21 mined appropriate by the Director.

22 (5) GRANT SPECIALISTS.—

23 (A) IN GENERAL.—The Director shall es-
24 tablish within the Council a team of grant spe-

1 cialists (referred to in this paragraph as the
2 “team”) that shall—

3 (i) to the extent practicable, not later
4 than 90 days upon receiving a request for
5 assistance from a local government rep-
6 resenting an economically distressed com-
7 munity, conduct a visit to the economically
8 distressed community to survey the rel-
9 evant assets and evaluate the requisite
10 needs of the economically distressed com-
11 munity in order to fulfill the goals of the
12 economic development transition plan, if
13 applicable;

14 (ii) assist in soliciting applications
15 from economically distressed communities
16 for financial and technical assistance re-
17 sources identified in the Coal Community
18 Resource Clearinghouse; and

19 (iii) provide technical assistance to
20 economically distressed communities with
21 applications for resources described in
22 clause (ii).

23 (B) TEAM POSITIONS.—

24 (i) IN GENERAL.—The Director shall
25 ensure that the team is comprised of the

1 number of grant specialists necessary to
2 assist each economically distressed commu-
3 nity on an individual basis.

4 (ii) FILLING OF VACANCY.—A vacant
5 position on the team shall be filled not
6 later than 90 days after the date on which
7 the position becomes vacant.

8 (iii) COLLABORATION.—The team
9 shall collaborate with other Federal and
10 State agencies that implement programs
11 aimed at supporting economically dis-
12 tressed communities.

13 (e) MEETINGS.—Not later than 90 days after the
14 date of the enactment of this Act, and at least four time
15 annually thereafter, the Council shall convene a meeting
16 of the Council. At such meetings—

17 (1) each member of the Council shall share in-
18 formation regarding the efforts of the members's de-
19 partment, agency, or office to support through tech-
20 nical assistance, or other policy or financial assist-
21 ance the Director determines appropriate, the devel-
22 opment and implementation of economic develop-
23 ment transitions plans by Regional Transition Advi-
24 sory Committees;

1 (2) the Council shall evaluate progress, as nec-
2 essary, of economic development transition plan
3 goals;

4 (3) the Council shall discuss methods to iden-
5 tify and disseminate information to Regional Transi-
6 tion Advisory Committees on best practices to con-
7 sider in developing economic development transition
8 plans; and

9 (4) the Council shall discuss such other matters
10 as the Director determines are essential to the
11 Council providing support to the economic transition
12 efforts of dislocated workers and local communities.

13 (f) ADMINISTRATION.—To the extent permitted by
14 law and subject to the amounts made available for such
15 purpose, the Director (or staff designated by the Director)
16 shall provide to the Council administrative support serv-
17 ices and additional resources, as appropriate. The Director
18 shall determine the amount of funding and personnel each
19 department, agency, or office represented on the Council
20 should contribute in order for the Council to carry out
21 such duties. Such department, agency, or office, shall,
22 upon the request of the Director, make available to the
23 Council personnel, administrative support services, and in-
24 formation.

1 (g) TRANSPARENCY.—The Director shall make avail-
2 able to the public, on a regular basis on the website of
3 the Council and through open meetings, information re-
4 garding the activities of the Council and minutes from
5 meetings of the Council under subsection (e).

6 (h) ADVISORY BODY.—

7 (1) ESTABLISHMENT.—The Council may estab-
8 lish an advisory body to advise and provide rec-
9 ommendations to the Council regarding the execu-
10 tion of its duties and, as necessary and with the ap-
11 proval of the Director, to support the development of
12 economic development transition plans submitted by
13 Regional Transition Advisory Committees under sec-
14 tion 3.

15 (2) COMPOSITION.—The advisory body estab-
16 lished under paragraph (1) shall, to the maximum
17 extent practicable, be comprised of—

18 (A) at least 2 representatives from a union
19 or labor organization representing workers of
20 covered electric generating stations, or associ-
21 ated mines;

22 (B) at least 2 representatives from an elec-
23 tric utility organization with demonstrated ex-
24 perience providing workforce transition support

1 to workers associated with the generation of
2 electricity from coal;

3 (C) at least 2 representatives from an in-
4 stitution of higher education with demonstrated
5 expertise in energy workforce disruption or
6 labor development issues;

7 (D) at least 2 representatives from an en-
8 vironmental organization with demonstrated ex-
9 pertise in energy workforce disruption or labor
10 development issues;

11 (E) at least 3 representatives from an eco-
12 nomic development authority of a State or In-
13 dian Tribe;

14 (F) at least 3 representatives from an envi-
15 ronmental regulatory agency of a State or In-
16 dian Tribe;

17 (G) at least 3 representatives who are serv-
18 ing as the Chief Executive Officer of a State;

19 (H) at least 3 representatives who are rep-
20 resentatives of a Tribal government; and

21 (I) any other representative the Director
22 may designate.

23 (3) DUTIES.—

24 (A) PUBLIC OUTREACH.—Not later than
25 90 days after the date of establishment of the

1 advisory body under this section, and at least
2 twice annually thereafter and in coordination
3 with the Director, the advisory body shall hold
4 a public meeting in an economically distressed
5 community for the purpose of—

6 (i) soliciting feedback from the public,
7 units of local government and Indian
8 Tribes, and dislocated workers on concerns
9 related to the closure, or imminent closure,
10 of a covered electric generating station;
11 and

12 (ii) soliciting recommendations on ac-
13 tions the departments, agencies, and of-
14 fices represented on the Council may con-
15 sider to support the development and im-
16 plementation of economic development
17 transition plans.

18 (B) REPORTS.—Not later than 270 days
19 after the first public meeting described in sub-
20 paragraph (A), and at least once annually
21 thereafter, the advisory body shall submit to the
22 Director a report providing—

23 (i) a summary of recommendations
24 approved by a simple majority of the mem-
25 bers of the Advisory Body on actions the

1 departments, agencies, and offices rep-
2 resented on the Council should take to bet-
3 ter support, through resources provided by
4 the Council, the development and imple-
5 mentation of economic development transi-
6 tion plans; and

7 (ii) an assessment of applicable poli-
8 cies or guidance of the departments, agen-
9 cies, and offices represented on the Council
10 that the advisory body believes are barriers
11 to a Regional Transition Advisory Com-
12 mittee fully implementing an economic de-
13 velopment transition plan.

14 (C) RESPONSE.—The Director shall, with-
15 in 60 days of receipt of a report described in
16 subparagraph (B), provide the advisory body a
17 formal written response describing the Council’s
18 findings on recommendations for potential ac-
19 tions described in such report.

20 (4) FACA EXEMPTION.—Section 14 of the Fed-
21 eral Advisory Committee Act (5 U.S.C. App.) shall
22 not apply to the advisory body established under this
23 subsection.

24 (i) REPORTS.—Not later than one year after the date
25 of the enactment of this Act, and annually thereafter, the

1 Director shall submit a report to the appropriate commit-
2 tees of Congress describing the activities carried out pur-
3 suant to this section.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$50,000,000 for each of fiscal years 2022 through 2035.

7 **SEC. 3. REGIONAL TRANSITION ADVISORY COMMITTEES.**

8 (a) IN GENERAL.—An economically distressed com-
9 munity may establish a committee, to be known as a Re-
10 gional Transition Advisory Committee, to develop and im-
11 plement an economic development transition plan for the
12 economically distressed community.

13 (b) COMPOSITION.—

14 (1) IN GENERAL.—Each Regional Transition
15 Advisory Committee established pursuant to this
16 section shall include, to the extent practicable—

17 (A) at least 1 representative from the
18 union or labor organization representing work-
19 ers of the applicable covered electric generating
20 station or associated mine;

21 (B) at least 1 representative who is the
22 Chief Executive Officer, or a designee thereof,
23 of each applicable State where the economically
24 distressed community is located;

1 (C) at least 1 representative from each im-
2 pacted local government;

3 (D) at least 1 representative from each
4 electric utility associated with an applicable cov-
5 ered electric generating station;

6 (E) at least 1 representative from an eco-
7 nomic development agency;

8 (F) at least 1 representative from an insti-
9 tution of higher education with demonstrated
10 experience and expertise in energy workforce
11 disruption or labor development issues;

12 (G) at least 1 representative from an envi-
13 ronmental organization with demonstrated ex-
14 perience and expertise in energy workforce dis-
15 ruption or labor development issues; and

16 (H) at least 1 representative who is the
17 Chief Executive Officer (or a designee thereof)
18 of an impacted Tribal government within an
19 economically distressed community (as applica-
20 ble).

21 (2) CHAIR; CO-CHAIRS.—Each Regional Transi-
22 tion Advisory Committee shall be led by a designee
23 of an impacted local government within an economi-
24 cally distressed community, who shall serve as the
25 Chair of the Committee. In the event multiple local

1 governments are impacted by a closure of a covered
2 electric generating station within an economically
3 distressed community, designees from each such im-
4 pacted local government shall serve as Co-Chairs of
5 the Committee.

6 (c) ECONOMIC DEVELOPMENT TRANSITION PLAN.—

7 (1) IN GENERAL.—A Regional Transition Advi-
8 sory Committee may develop and implement an plan,
9 to be known as an economic development transition
10 plan.

11 (2) CONTENTS.—An economic development
12 transition plan shall include, at a minimum, the fol-
13 lowing:

14 (A) STRATEGIC VISION.—A strategic vision
15 that reflects the values, characteristics, and
16 general economic needs of the applicable eco-
17 nomically distressed community to guide the de-
18 velopment and implementation of the economic
19 development transition plan, such as—

20 (i) geographic proximity to an urban
21 area;

22 (ii) socioeconomic attributes of the
23 general workforce; and

1 (iii) such other characteristics the Re-
2 gional Transition Advisory Committee de-
3 termines are appropriate.

4 (B) STEPS TO IMPLEMENT.—The steps a
5 Regional Transition Advisory Committee will
6 seek to implement in the applicable economi-
7 cally distressed community with the goals of, at
8 a minimum—

9 (i) increasing employment opportuni-
10 ties for dislocated workers, to the extent
11 practicable, including jobs in energy-re-
12 lated industries;

13 (ii) increasing educational opportuni-
14 ties, to the extent practicable, at institu-
15 tions of higher education or provided by
16 labor organizations, for dislocated workers;
17 and

18 (iii) generating revenue, to be received
19 by the applicable unit of local government
20 or Indian Tribe, that is equal to or greater
21 than the covered net revenue received by
22 such unit of local government or Indian
23 Tribe in the last full fiscal year in which
24 the applicable covered electric generating
25 station was operating.

1 (C) ASSESSMENT.—An assessment and de-
2 scription of—

3 (i) available infrastructure, including
4 a status on the condition of such infra-
5 structure, to support economic develop-
6 ment in the economically distressed com-
7 munity related to essential community
8 services;

9 (ii) the extent to which such environ-
10 mental restoration activities described in
11 subparagraph (D)(iii) may prioritize the
12 employment of dislocated workers pre-
13 viously employed at the covered electric
14 generating station or associated mine to
15 carry out such activities (to the extent
16 practicable);

17 (iii) types of industries or occupations
18 located in or near the economically dis-
19 tressed community which dislocated work-
20 ers could likely transition to, including any
21 available data on average wages and em-
22 ployment-related benefits associated for
23 each occupation;

24 (iv) covered net revenue losses in-
25 curred by the economically distressed com-

1 community in the preceding fiscal year, or pro-
2 jected covered net revenue losses likely to
3 be incurred, as a result of the closure of a
4 covered electric generation station (includ-
5 ing an associated mine), and the observed
6 impact, or projected impact, such closure
7 will impose on the provision of essential
8 community services in the economically
9 distressed community;

10 (v) the potential for distributed or re-
11 newable energy resources to provide elec-
12 tricity to electric consumers residing in the
13 applicable economically distressed commu-
14 nity;

15 (vi) any disruptions experienced by
16 dislocated workers in the economically dis-
17 tressed community in terms of—

18 (I) real wages, calculated on a
19 weekly average basis;

20 (II) access to a health insurance
21 policy previously available through an
22 employer operating a covered electric
23 generating station or associated mine;

24 (III) earned benefits, including—

1 (aa) the retirement and
2 health benefits for coal miners;
3 or

4 (bb) the United Mine Work-
5 ers of America Combined Benefit
6 Fund established under section
7 9702 of the Internal Revenue
8 Code of 1986; or

9 (IV) benefits under any qualified
10 employer plan (as defined in section
11 72(p)(4) of the Internal Revenue Code
12 of 1986); and

13 (vii) available institutions of higher
14 education or labor organizations in or near
15 the applicable economically distressed com-
16 munity offering professional certification,
17 technical training, apprenticeships, or edu-
18 cational instruction on jobs in energy-re-
19 lated industries.

20 (D) TIMELINE.—A timeline, with bench-
21 marks to measure progress, to—

22 (i) promote infrastructure investments
23 to maintain or expand essential community
24 services through available Federal, State,
25 or local programs, or from the private sec-

1 tor, in the applicable economically dis-
2 tressed community;

3 (ii) mitigate or replace the loss of cov-
4 ered net revenue for the economically dis-
5 tressed community to a level necessary to
6 continue provide essential services and sup-
7 port the goals of a comprehensive economic
8 development transition plan;

9 (iii) conduct environmental restoration
10 activities with respect to any mines (in-
11 cluding surface mines, underground mines,
12 or mine openings), coal ash ponds, and
13 other coal mining operations directly asso-
14 ciated with a covered electric generating
15 station that has ceased producing elec-
16 tricity, including any necessary decommis-
17 sioning activities at the site of the covered
18 electric generating station; and

19 (iv) increase technical training, pro-
20 fessional certification, apprenticeships, or
21 educational instruction opportunities for
22 dislocated workers at institutions of higher
23 education or provided by labor organiza-
24 tions in or near the applicable economically

1 distressed community for jobs in energy-re-
2 lated industries.

3 (3) METRICS.—A Regional Transition Advisory
4 Committee shall, in consultation with the applicable
5 economic development agency, develop measurable
6 evaluation and performance metrics that the Re-
7 gional Transition Advisory Committee shall adhere
8 to throughout the implementation of the economic
9 development transition plan.

10 **SEC. 4. RURAL AND REMOTE COMMUNITIES ELECTRIFICA-**
11 **TION GRANTS.**

12 (a) IN GENERAL.—Section 609 of the Public Utility
13 Regulatory Policies Act of 1978 (7 U.S.C. 918c) is amend-
14 ed—

15 (1) in subsection (a)—

16 (A) in paragraph (1), by striking “or mu-
17 nicipality” and inserting “, municipality, or In-
18 dian Tribe”;

19 (B) in paragraph (5), by striking “10,000”
20 and inserting “20,000”; and

21 (C) by adding at the end the following:

22 “(6) The term ‘economically distressed commu-
23 nity’ has the meaning given such term in section 8
24 of the NEW PROMISE Act.”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) by inserting “or the deployment of
3 energy storage technologies” after “energy
4 efficiency”;

5 (ii) by inserting “or economically dis-
6 tressed communities” after “rural areas”;
7 and

8 (iii) by striking “or” at the end;

9 (B) in paragraph (2)—

10 (i) by inserting “or economically dis-
11 tressed communities” after “rural areas”;
12 and

13 (ii) by striking the period at the end
14 and inserting “; or”; and

15 (C) by adding at the end the following:

16 “(3) refurbishing, redeveloping, or repurposing
17 electric generating facilities that primarily consume
18 coal as a fuel source that have recently ceased oper-
19 ation, or will cease operation in the near future, for
20 manufacturing, including manufacturing clean en-
21 ergy technologies or materials.”; and

22 (3) in subsection (d)—

23 (A) by striking “\$20,000,000” and insert-
24 ing “\$50,000,000”; and

1 (B) by striking “2006 through 2012” and
2 inserting “2022 through 2026”.

3 **SEC. 5. ADVANCED NOTICE TO COMMUNITIES POTEN-**
4 **Tially IMPACTED BY CLOSURE OF AN ELEC-**
5 **TRIC GENERATING FACILITY THAT PRI-**
6 **MARILY CONSUMES COAL AS A FUEL**
7 **SOURCE.**

8 (a) FEDERAL STANDARD.—Section 111(d) of the
9 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
10 2621(d)) is amended by adding at the end the following:

11 “(20) ADVANCED NOTICE OF CLOSURE.—

12 “(A) Each electric utility shall provide to
13 potentially impacted local governments and In-
14 dian Tribes (as applicable) a formal written no-
15 tice of any closure of an electric generating fa-
16 cility (including any generating unit thereof) of
17 such electric utility that primarily consumes
18 coal as a fuel source.

19 “(B) With respect to an electric utility for
20 which a State regulatory authority has rate-
21 making authority, notice under subparagraph
22 (A) shall be provided by such electric utility to
23 local governments and Indian Tribes within 7
24 days of submitting to the State regulatory au-
25 thority any similar notice.

1 “(C) An electric utility providing a written
2 notice under subparagraph (A) shall, to the
3 maximum extent practicable, include in such
4 notice—

5 “(i) a schedule describing the pro-
6 jected timeline—

7 “(I) for the closure, which shall,
8 to maximum extent practicable, not
9 occur prior to the date that is 3 years
10 after the date of such notice, includ-
11 ing dates of any phases of closure;

12 “(II) for workforce transition ac-
13 tivities sponsored by the electric util-
14 ity for applicable employees of the
15 electric utility, if applicable; and

16 “(III) for future reclamation ac-
17 tivities on the land of the electric gen-
18 erating facility (or generating unit
19 thereof) that is closing; and

20 “(ii) a description of the extent to
21 which the electric utility will prioritize the
22 use of the incumbent workforce of the fa-
23 cility or associated mine in carrying out
24 reclamation activities described in clause
25 (i)(III).

“(D) An electric utility providing a written notice under this subsection shall, within 7 days of obtaining new information that would refine, alter, or otherwise update any timeline described in subparagraph (C), provide such update in a new formal written notice to potentially impacted local governments and Indian Tribes (as applicable).”.

(b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

“(7)(A) Not later than 1 year after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

“(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each

1 nonregulated electric utility, shall complete the con-
2 sideration, and shall make the determination, re-
3 ferred to in section 111 with respect to the standard
4 established by paragraph (20) of section 111(d).”.

5 (2) FAILURE TO COMPLY.—Section 112(c) of
6 the Public Utility Regulatory Policies Act of 1978
7 (16 U.S.C. 2622(c)) is amended—

8 (A) by striking “subsection (b)(2)” and in-
9 serting “subsection (b)”; and

10 (B) by adding at the end the following: “In
11 the case of the standard established by para-
12 graph (20) of section 111(d), the reference con-
13 tained in this subsection to the date of enact-
14 ment of this Act shall be deemed to be a ref-
15 erence to the date of enactment of such para-
16 graph (20).”.

17 (c) PRIOR STATE ACTIONS.—Section 112 of the Pub-
18 lic Utility Regulatory Policies Act of 1978 (16 U.S.C.
19 20622) is amended by adding at the end the following:

20 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
21 (c) of this section shall not apply to the standard estab-
22 lished by paragraph (20) of section 111(d) in the case of
23 any electric utility in a State if, before the enactment of
24 this subsection—

1 “(1) the State has implemented for such utility
2 the standard concerned (or a comparable standard);

3 “(2) the State regulatory authority for such
4 State or relevant nonregulated electric utility has
5 conducted a proceeding to consider implementation
6 of the standard concerned (or a comparable stand-
7 ard) for such utility; or

8 “(3) the State legislature has voted on the im-
9 plementation of such standard (or a comparable
10 standard) for such utility.”.

11 **SEC. 6. WORKFORCE INNOVATION AND OPPORTUNITY ACT**

12 **PILOT PROGRAM.**

13 (a) PILOT PROGRAM.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary of
15 Labor, in consultation with the Director, shall establish
16 a pilot program under section 169(c) of the Workforce In-
17 novation and Opportunity Act (29 U.S.C. 3224(c)) to as-
18 sist dislocated workers in economically distressed commu-
19 nities.

20 (b) ELIGIBILITY.—A dislocated worker shall be cer-
21 tified by the Secretary as eligible to participate in the pilot
22 program under this section if—

23 (1) the dislocated worker was, within the 60-
24 month period prior to the date of enactment of this
25 Act, employed in an occupation primarily associated

1 with the generation of electricity from coal as a fuel
2 source; or

3 (2) the Secretary determines, based on available
4 information that a worker, or significant proportion
5 of the workers' employment site that primarily gen-
6 erates electricity from coal, including an associated
7 mine, has become totally, partially, or are likely to
8 be separated from employment.

9 (c) AUTHORITY TO COLLECT INFORMATION.—

10 (1) IN GENERAL.—The Secretary shall, in de-
11 termining whether to certify a worker or group of
12 workers under subsection (b), obtain information the
13 Secretary determines to be necessary to make the
14 certification from—

15 (A) the employer of the worker or group of
16 workers;

17 (B) officials of certified or recognized labor
18 organizations or other duly authorized rep-
19 resentatives of the group of workers; or

20 (C) one-stop operators or one-stop partners
21 (as defined in section 3 of the Workforce Inno-
22 vation and Opportunity Act (29 U.S.C. 3102)).

23 (2) VERIFICATION OF INFORMATION.—The Sec-
24 retary shall require an employer, labor organization,
25 or one-stop operator or partner to certify all infor-

1 mation obtained under paragraph (1) from the em-
2 ployer, labor organization, or one-stop operator or
3 partner (as the case may be) on which the Secretary
4 relies in making a determination under subsection
5 (b), unless the Secretary has reasonable basis for de-
6 termining that such information is accurate and
7 complete without being certified.

8 (d) CRITERIA.—In establishing the pilot program
9 under this section, the Secretary of Labor and the Direc-
10 tor shall consider, in addition to other such criteria as the
11 Secretary of Labor and the Director of the Council deter-
12 mine appropriate, the extent to which the pilot program
13 will be able to provide dislocated workers in economically
14 distressed communities education, employment search, or
15 training opportunities to—

16 (1) support entrepreneurship and small busi-
17 ness development; and

18 (2) enter jobs in energy-related industries, with
19 an emphasis on construction, engineering, manufac-
20 turing, or retro-fitting jobs for renewable energy, en-
21 ergy efficiency, carbon dioxide removal, or carbon
22 capture, utilization, and storage projects.

23 (e) CONSULTATION WITH STATE AND LOCAL PRO-
24 GRAMS.—Not later than 180 days after the date of enact-
25 ment of this Act, the Secretary of Labor shall consult with

1 entities described in paragraph (2) to evaluate lessons
2 learned, solicit best practices, and evaluate the feasibility
3 of, and solicit best practices or lessons learned for estab-
4 lishing or expanding transitional support benefits through
5 programs described in paragraph (1) for eligible dislocated
6 workers participating in the pilot program established
7 under this section.

8 (1) TRANSITIONAL SUPPORT BENEFITS DE-
9 SCRIBED.—The programs described in this para-
10 graph are as follows:

11 (A) Under a State plan amendment pursu-
12 ant to section 1916A of the Social Security Act
13 (42 U.S.C. 1396o–1).

14 (B) Wage differential benefits, in terms of
15 the difference in wages previously earned on a
16 weekly basis by an employee from an employer
17 that is directly associated with the operation of
18 a covered electric generating station or associ-
19 ated mine in the final applicable calendar year
20 of such operation, and compensation received by
21 a dislocated worker who, as part of an unem-
22 ployment fund administered by a State agency,
23 is experiencing employment loss directly associ-
24 ated with the closure or cessation of operations

at a covered electric generating station or associated mine (as the case may be).

(C) Continuation coverage under a COBRA continuation provision (as defined in section 7333(d)(1) of the Employee Retirement Income Security Act of 1974) or a similar State program, or under section 8905(a) of title 5, United States Code.

(D) Benefits similar in type, amount, and duration pursuant to chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2101).

(2) ENTITIES DESCRIBED.—An entity described under this paragraph shall have demonstrated experience providing one or multiple programs described in paragraph (1) to dislocated workers, including—

(A) a Chief Executive Officer of a State;

(B) a State public health official;

(C) a Local workforce development board;

(D) a State workforce development board;

or

(E) the head of a Federal agency.

(f) DURATION.—

(1) IN GENERAL.—The Secretary of Labor shall carry out the pilot program under this section for a period of not less than 10 years.

1 (2) WORKER PARTICIPATION PERIOD.—A dis-
2 located worker participating in the pilot program
3 under this section may participate for a period to be
4 determined by the Secretary and in consultation
5 with the Director, until such point that—

6 (A) a dislocated worker obtains full-time
7 employment; or

8 (B) a dislocated worker submits a request
9 for an extension to participate in the pilot pro-
10 gram to the Secretary due to the length of
11 training, education, or job placement services
12 received through the pilot program under this
13 section exceeding the initial period for partici-
14 pation determined by the Secretary.

15 (g) REPORTS.—In carrying out this section, the Sec-
16 retary of Labor and the Director shall submit to the ap-
17 propriate committees of Congress a report annually de-
18 scribing—

19 (1) recommendations for establishing transi-
20 tional support benefits as a benefit provided under
21 the pilot program under this section for dislocated
22 workers as described in subsection (e)(1);

23 (2) recommendations for developing tailored
24 educational and instructional curricula for dislocated
25 workers to obtain skills, certification, or training re-

1 quired for emerging energy-related industries or
2 other industries;

3 (3) barriers impacting dislocated workers from
4 entering emerging energy-related industries or find-
5 ing employment in other industries; and

6 (4) such other information as the Secretary of
7 Labor and the Director determine appropriate.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There are authorized to be
10 appropriated to the Secretary of Labor to carry out
11 this section \$100,000,000 for fiscal year 2022,
12 which shall remain available until expended.

13 (2) ADMINISTRATIVE COSTS.—Not more than 5
14 percent of the amount appropriated under para-
15 graph (1) shall be used for administrative purposes.

16 **SEC. 7. COVERED ELECTRIC GENERATING STATION CES-**
17 **SATION MITIGATION FUND.**

18 (a) ESTABLISHMENT OF FUND.—

19 (1) IN GENERAL.—There is established in the
20 Treasury of the United States a fund, to be known
21 as the “Covered Electric Generating Station Ces-
22 sation Mitigation Fund” (referred to in this section
23 as the “Mitigation Fund”) consisting of—

24 (A) such amounts as are deposited in the
25 Fund pursuant to this section; and

1 (B) such amounts as may be appropriated
2 to supplement the Fund.

3 (2) USE OF FUND.—Amounts deposited in the
4 Mitigation Fund shall be available to the Secretary
5 of Treasury, in consultation with the Director, to
6 make payments to economically distressed commu-
7 nities in amounts described in subsection (b) to miti-
8 gate the impact from the loss of covered net reve-
9 nues.

10 (3) TIMING.—Subject to amounts available in
11 the Mitigation Fund, not later than 180 days after
12 the date of enactment of this Act, the Secretary of
13 Treasury shall begin making payments under this
14 section.

15 (b) PAYMENT TO ECONOMICALLY DISTRESSED COM-
16 MUNITIES.—

17 (1) ASSISTANCE.—The Secretary of Treasury
18 may provide assistance, in the form of annual pay-
19 ments, to an economically distressed community rep-
20 resenting a portion of the loss of covered net reve-
21 nues due to the cessation of operations of a covered
22 electric generating station.

23 (2) ANNUAL PAYMENTS.—

24 (A) DETERMINATION OF PAYMENT
25 AMOUNT.—The amount of an annual payment

under this section shall be determined by the Secretary of Treasury.

(B) MAXIMUM AMOUNT.—The amount of an annual payment under this section shall be not more than the applicable percentage of the average annual covered net revenues received by the applicable unit of local government or Indian Tribe from the applicable covered electric generation station for the 5-year period that ends with the fiscal year that immediately precedes the last fiscal year in which such covered electric generating station operated, as specified in the following table for an award year:

Award Year	Applicable Percentage
1	80 percent
2	70 percent
3	60 percent
4	50 percent
5	40 percent
6	30 percent
7	20 percent

(3) CONDITIONS OF PAYMENTS.—An economically distressed community—

(A) shall be eligible for not more than 1 payment under this section each fiscal year; and

1 (B) may not receive payments under this
2 section for more than 7 fiscal years.

3 (4) APPLICATION.—The Secretary shall not
4 provide any payment under this section to an eco-
5 nomically distressed community until such time as
6 the economically distressed community completes an
7 application including such information in such form
8 as the Secretary may require, including an affidavit
9 that a covered electric generating station located in
10 such community has, on or after January 1, 2010,
11 closed (or is no longer generating electricity), and
12 that such community has been significantly impacted
13 by such closure.

14 (5) ORDER OF PAYMENT.—The date of submis-
15 sion of an economically distressed community's ap-
16 plication for assistance shall establish the order in
17 which the Secretary of Treasury provides assistance
18 under this section.

19 (c) ANNUAL REPORT.—Not later than 1 year after
20 the date of enactment of this Act, and annually thereafter
21 for each fiscal year during which amounts in the Mitiga-
22 tion Fund are available, an economically distressed com-
23 munity receiving payment under this section shall submit
24 to the Secretary a report that—

1 (1) describes how amounts from the Mitigation
2 Fund support such economically distressed commu-
3 nity in—

4 (A) maintaining essential community serv-
5 ices in such economically distressed community;
6 and

7 (B) fulfilling the objectives described in
8 any applicable economic development transition
9 plan; and

10 (2) includes any additional information that the
11 Secretary determines appropriate.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There are authorized to be
14 appropriated to deposit into the Mitigation Fund
15 and to carry out this section \$250,000,000 for fiscal
16 year 2022, to remain available until expended.

17 (2) ADMINISTRATIVE COSTS.—Not more than 5
18 percent of the amount appropriated pursuant to
19 paragraph (1) shall be used for administrative pur-
20 poses.

21 **SEC. 8. DEFINITIONS.**

22 In this Act:

23 (1) APPRENTICESHIP.—The term “apprentice-
24 ship” means an apprenticeship registered under the
25 Act of August 16, 1937 (commonly referred to as

1 the “National Apprenticeship Act”; 50 Stat. 664,
2 chapter 663; 29 U.S.C. 50 et seq.).

3 (2) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Appropriations of
7 the Senate;

8 (B) the Committee on Energy and Natural
9 Resources of the Senate;

10 (C) the Committee on Health, Education,
11 Labor, and Pensions of the Senate;

12 (D) the Committee on Appropriations of
13 the House of Representatives;

14 (E) the Committee on Education and
15 Labor of the House of Representatives;

16 (F) the Committee on Energy and Com-
17 merce of the House of Representatives; and

18 (G) the Committee on Way and Means of
19 the House of Representatives.

20 (3) COUNCIL.—The term “Council” means the
21 White House Council on Energy Transitions estab-
22 lished by section 2.

23 (4) COVERED ELECTRIC GENERATING STA-
24 TION.—The term “covered electric generating sta-

1 tion” means an electric generating station that pri-
2 marily consumes coal as a fuel source.

3 (5) COVERED NET REVENUE.—The term “cov-
4 ered net revenue” means revenue derived by a unit
5 of local government or Indian Tribe in a fiscal year
6 from a covered electric generating station in the
7 form of annual real property taxes, royalty or lease
8 payments, transaction privilege taxes, sales taxes, or
9 payments in lieu of taxes imposed upon the covered
10 electric generating station, exclusive of interest and
11 penalties.

12 (6) DIRECTOR.—The term “Director” means
13 the Director of the White House Council on Energy
14 Transitions.

15 (7) DISLOCATED WORKER.—The term “dis-
16 located worker” has the meaning given such term in
17 section 3 of the Workforce Innovation and Oppor-
18 tunity Act (29 U.S.C. 3102).

19 (8) ECONOMIC DEVELOPMENT AGENCY.—The
20 term “economic development agency” has the mean-
21 ing given such term in section 3 of the Workforce
22 Innovation and Opportunity Act (29 U.S.C. 3102).

23 (9) ECONOMIC DEVELOPMENT TRANSITION
24 PLAN.—The term “economic development transition
25 plan” means a plan developed by a Regional Transi-

tion Advisory Committee in accordance with section 3.

(10) ECONOMICALLY DISTRESSED COMMUNITY.—The term “economically distressed community” means a unit of local government or Indian Tribe that is located within a 75-mile radius of a covered electric generating station and that is significantly impacted by the closure of such covered electric generating station occurring on or after January 1, 2010, including by, as a result of such closure experiencing—

(A) a net labor loss of at least 50 workers who lost employment directly from or associated with the covered electric generating station, including an associated mine;

(B) a covered net revenue loss of over 25 percent compared to the previous fiscal year; or

(C) at least a 10-percent increase in the cost of electricity for applicable electric consumers compared to the previous calendar year.

(11) ELECTRIC CONSUMER.—The term “electric consumer” has the meaning given such term in section 3(5) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(5)).

1 (12) EMPLOYMENT LOSS.—The term “employ-
2 ment loss” has the meaning given such term in sec-
3 tion 2(a) of the Worker Adjustment and Retraining
4 Notification Act (29 U.S.C. 2101(a)).

5 (13) ESSENTIAL COMMUNITY SERVICES.—The
6 term “essential community services” means infra-
7 structure located entirely or partially within an eco-
8 nomically distressed community and services that
9 provide direct support to residents of a community,
10 including services related to—

- 11 (A) health care;
- 12 (B) transportation;
- 13 (C) energy;
- 14 (D) telecommunications;
- 15 (E) public education;
- 16 (F) public safety; and
- 17 (G) housing.

18 (14) INSTITUTION OF HIGHER EDUCATION.—
19 The term “institution of higher education” has the
20 meaning given such term in section 102 of the High-
21 er Education Act of 1965 (20 U.S.C. 1002), except
22 that such term does not include institutions de-
23 scribed in subparagraphs (A) or (C) of subsection
24 (a)(1) of such section 102.

1 (15) JOBS IN ENERGY-RELATED INDUSTRIES.—

2 The term “jobs in energy-related industries” in-
3 cludes manufacturing, engineering, installation, con-
4 struction, and retrofitting jobs in energy-related in-
5 dustries.

6 (16) LABOR ORGANIZATION.—The term “labor
7 organization” has the meaning given the term in
8 section 7103 of title 5, United States Code.

9 (17) LOCAL WORKFORCE DEVELOPMENT
10 BOARD.—The term “local workforce development
11 board” means a local board, as defined in section 3
12 of the Workforce Innovation and Opportunity Act
13 (29 U.S.C. 3102).

14 (18) REGIONAL TRANSITION ADVISORY COM-
15 MITTEE.—The term “Regional Transition Advisory
16 Committee” means a committee described in section
17 3 that is established by an economically distressed
18 community.

19 (19) STATE AGENCY.—The term “State agen-
20 cy” has the meaning given the term in section 3306
21 of the Internal Revenue Code of 1986.

22 (20) STATE WORKFORCE DEVELOPMENT
23 BOARD.—The term “State workforce development
24 board” means a State board, as defined in section

1 3 of the Workforce Innovation and Opportunity Act
2 (29 U.S.C. 3102).

3 (21) UNEMPLOYMENT FUND.—The term “un-
4 employment fund” has the meaning given the term
5 in section 3306 of the Internal Revenue Code of
6 1986.

