

AMENDMENT TO SUBTITLE D
OFFERED BY MR. O'HALLERAN OF ARIZONA

At the end of subtitle D, insert the following:

1 **PART 9—NATIONAL ENERGY WORKFORCE AND**
2 **PROVIDING RECOVERY OPPORTUNITIES TO**
3 **MANAGE THE INDUSTRY'S SHIFTING ECO-**
4 **NOMICS**

5 **SEC. 30491. WHITE HOUSE COUNCIL ON ENERGY TRANSI-**
6 **TIONS.**

7 (a) ESTABLISHMENT.—There is established in the
8 Executive Office of the President a White House Council
9 on Energy Transitions. The Council shall be headed by
10 a Director, who shall be appointed by the President by
11 and with the advice and consent of the Senate.

12 (b) DIRECTOR.—

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

17 (A) carry out the duties and functions of
18 the position and Council set forth in this Act;
19 and

1 (B) formulate and recommend policies to
2 assist workers and communities adversely dis-
3 rupted due to the downturn of employment as-
4 sociated with coal-fired electricity generation
5 amidst the Nation's transition to significantly
6 reducing greenhouse gas emissions across the
7 economy.

8 (2) COMPENSATION.—The annual rate of pay
9 for the Director shall be fixed by the President at
10 a rate that may not exceed the annual rate of pay
11 for level IV of the Executive Schedule.

12 (c) MEMBERSHIP.—

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

15 (A) The Department of Commerce.

16 (B) The Department of Energy.

17 (C) The Department of Labor.

18 (D) The Department of the Treasury.

19 (E) The Department of Health and
20 Human Services.

21 (F) The Department of the Interior.

22 (G) The Environmental Protection Agency.

23 (H) The Office of Management and Budg-

24 et.

1 (I) The Office of Science and Technology
2 Policy.

3 (J) The Small Business Administration.

4 (K) The Council on Environmental Qual-
5 ity.

6 (L) The National Economic Council.

7 (M) The Economic Development Adminis-
8 tration.

9 (N) The Appalachian Regional Commis-
10 sion.

11 (O) The White House Office of Public En-
12 gagement.

13 (P) Any other department, agency, or of-
14 fice of the executive branch as the President or
15 Director may designate.

16 (2) DESIGNEES.—Any member of the Council
17 may designate a senior-level official, who is employed
18 full-time in the department, agency, or office of such
19 member, to carry out the duties of the member
20 under this section.

21 (d) DUTIES OF THE DIRECTOR.—

22 (1) DATA ON IMPACTS OF CLOSURES.—The Di-
23 rector shall assess and publish, in a publicly avail-
24 able format and on the website of the Council, data
25 on the economic and societal impacts of closures, oc-

1 ccurring on or after January 1, 2010, of covered elec-
2 tric generating stations, including associated mines
3 (as applicable), on economically distressed commu-
4 nities, and communities the Director believes based
5 on available information, may become economically
6 distressed communities.

7 (2) OUTREACH.—The Director shall conduct
8 outreach activities—

9 (A) to increase awareness of the technical,
10 financial, and policy assistance resources of the
11 Council, for economically distressed commu-
12 nities, and communities the Director believes,
13 based on available information, may become
14 economically distressed communities; and

15 (B) to facilitate the establishment of, and
16 otherwise support, Regional Transition Advisory
17 Committees.

18 (3) REGIONAL TRANSITION ADVISORY COMMIT-
19 TEES.—

20 (A) FACILITATION AND SUPPORT.—To the
21 extent practicable, not later than 60 days upon
22 receiving a request for assistance from an eco-
23 nomically distressed community, the Director
24 shall provide technical assistance, and other as-
25 sistance the Director determines appropriate, to

1 such community to facilitate the establishment
2 by such community of a Regional Transition
3 Advisory Committee and to otherwise support
4 such Regional Transition Advisory Committee.

5 (B) MEETINGS.—To the extent prac-
6 ticable, the Director shall meet with each Re-
7 gional Transition Advisory Committee at least 2
8 times in the first full calendar year after the
9 Committee is established, and at least once an-
10 nually thereafter.

11 (C) ECONOMIC DEVELOPMENT TRANSITION
12 PLANS.—

13 (i) ASSISTANCE.—The Director may
14 provide technical, policy, and financial as-
15 sistance to a Regional Transition Advisory
16 Committee for developing, implementing,
17 assessing, and evaluating, an economic de-
18 velopment transition plan.

19 (ii) INTERIM GOALS.—In carrying out
20 subparagraph (A), the Director shall evalu-
21 ate any interim economic development
22 transition goals that are voluntarily sub-
23 mitted to the Director prior to submission
24 of an economic development transition plan
25 by a Regional Transition Advisory Com-

1 mittee, and provide such Committee, with-
2 in 90 days of receipt, an evaluation and
3 recommendations with respect to such in-
4 terim goals.

5 (iii) CERTIFICATION OF COMMITMENT
6 TO SUBMIT AND IMPLEMENT PLAN.—In
7 order to receive financial assistance pursu-
8 ant to this subparagraph, the Director
9 shall certify that a Regional Transition Ad-
10 visory Committee—

11 (I) has or will submit to the Di-
12 rector an economic development tran-
13 sition plan that meets the criteria de-
14 scribed in section 3(c); and

15 (II) has committed to begin im-
16 plementing such plan, including by
17 adhering to the metrics developed pur-
18 suant to section 3(c), not later than
19 90 days after receiving a certification
20 under clause (iv).

21 (iv) CERTIFICATION OF PLAN.—Not
22 later than 90 days after a Regional Transi-
23 tion Advisory Committee submits to the
24 Director an economic development transi-

1 tion plan, the Director shall provide to the
2 Regional Transition Advisory Committee—

3 (I) a certification of such eco-
4 nomic development transition plan; or

5 (II) recommendations, consistent
6 with the criteria described in section
7 3(c), to improve the economic develop-
8 ment transition plan.

9 (v) BIENNIAL REVIEW.—Not later
10 than every 2 years after the date in which
11 the first economic development transition
12 plan is submitted by a Regional Transition
13 Advisory Committee and certified by the
14 Director under clause (iv), the Director
15 shall conduct periodic outreach to such Re-
16 gional Transition Advisory Committee to
17 review and assist in the revision of such
18 economic development transition plan as
19 necessary.

20 (4) COAL COMMUNITY RESOURCE CLEARING-
21 HOUSE.—

22 (A) MAINTENANCE.—Not later than 180
23 days after the date of enactment of this section,
24 the Director shall publish, maintain, and make
25 publicly available a clearinghouse, to be known

1 as the Coal Community Resource Clearing-
2 house, on the website of the Council for the
3 purpose of increasing awareness of Federal and
4 State programs, grants, loans, loan guarantees,
5 and other assistance resources the Director de-
6 termines will assist economic development ac-
7 tivities in economically distressed communities.

8 (B) PERIODIC UPDATES.—In maintaining
9 the Clearinghouse, the Director shall, not less
10 than once per calendar year, update the Clear-
11 inghouse to address changes to the needs of
12 economically distressed communities, as deter-
13 mined appropriate by the Director.

14 (5) GRANT SPECIALISTS.—

15 (A) IN GENERAL.—The Director shall es-
16 tablish within the Council a team of grant spe-
17 cialists (referred to in this paragraph as the
18 “team”) that shall—

19 (i) to the extent practicable, not later
20 than 90 days upon receiving a request for
21 assistance from a local government rep-
22 resenting an economically distressed com-
23 munity, conduct a visit to the economically
24 distressed community to survey the rel-
25 evant assets and evaluate the requisite

1 needs of the economically distressed com-
2 munity in order to fulfill the goals of the
3 economic development transition plan, if
4 applicable;

5 (ii) assist in soliciting applications
6 from economically distressed communities
7 for financial and technical assistance re-
8 sources identified in the Coal Community
9 Resource Clearinghouse; and

10 (iii) provide technical assistance to
11 economically distressed communities with
12 applications for resources described in
13 clause (ii).

14 (B) TEAM POSITIONS.—

15 (i) IN GENERAL.—The Director shall
16 ensure that the team is comprised of the
17 number of grant specialists necessary to
18 assist each economically distressed commu-
19 nity on an individual basis.

20 (ii) FILLING OF VACANCY.—A vacant
21 position on the team shall be filled not
22 later than 90 days after the date on which
23 the position becomes vacant.

24 (iii) COLLABORATION.—The team
25 shall collaborate with other Federal and

1 State agencies that implement programs
2 aimed at supporting economically dis-
3 tressed communities.

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

8 (1) each member of the Council shall share in-
9 formation regarding the efforts of the members's de-
10 partment, agency, or office to support through tech-
11 nical assistance, or other policy or financial assist-
12 ance the Director determines appropriate, the devel-
13 opment and implementation of economic develop-
14 ment transitions plans by Regional Transition Advi-
15 sory Committees;

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

19 (3) the Council shall discuss methods to iden-
20 tify and disseminate information to Regional Transi-
21 tion Advisory Committees on best practices to con-
22 sider in developing economic development transition
23 plans; and

24 (4) the Council shall discuss such other matters
25 as the Director determines are essential to the

1 Council providing support to the economic transition
2 efforts of dislocated workers and local communities.

3 (f) ADMINISTRATION.—To the extent permitted by
4 law and subject to the amounts made available for such
5 purpose, the Director (or staff designated by the Director)
6 shall provide to the Council administrative support serv-
7 ices and additional resources, as appropriate. The Director
8 shall determine the amount of funding and personnel each
9 department, agency, or office represented on the Council
10 should contribute in order for the Council to carry out
11 such duties. Such department, agency, or office, shall,
12 upon the request of the Director, make available to the
13 Council personnel, administrative support services, and in-
14 formation.

15 (g) TRANSPARENCY.—The Director shall make avail-
16 able to the public, on a regular basis on the website of
17 the Council and through open meetings, information re-
18 garding the activities of the Council and minutes from
19 meetings of the Council under subsection (e).

20 (h) ADVISORY BODY.—

21 (1) ESTABLISHMENT.—The Council may estab-
22 lish an advisory body to advise and provide rec-
23 ommendations to the Council regarding the execu-
24 tion of its duties and, as necessary and with the ap-
25 proval of the Director, to support the development of

1 economic development transition plans submitted by
2 Regional Transition Advisory Committees under sec-
3 tion 3.

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

7 (A) at least 2 representatives from a union
8 or labor organization representing workers of
9 covered electric generating stations, or associ-
10 ated mines;

11 (B) at least 2 representatives from an elec-
12 tric utility organization with demonstrated ex-
13 perience providing workforce transition support
14 to workers associated with the generation of
15 electricity from coal;

16 (C) at least 2 representatives from an in-
17 stitution of higher education with demonstrated
18 expertise in energy workforce disruption or
19 labor development issues;

20 (D) at least 2 representatives from an en-
21 vironmental organization with demonstrated ex-
22 pertise in energy workforce disruption or labor
23 development issues;

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

4 (F) at least 3 representatives from an envi-
5 ronmental regulatory agency of a State or In-
6 dian Tribe;

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

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

11 (I) any other representative the Director
12 may designate.

13 (3) DUTIES.—

14 (A) PUBLIC OUTREACH.—Not later than
15 90 days after the date of establishment of the
16 advisory body under this section, and at least
17 twice annually thereafter and in coordination
18 with the Director, the advisory body shall hold
19 a public meeting in an economically distressed
20 community for the purpose of—

21 (i) soliciting feedback from the public,
22 units of local government and Indian
23 Tribes, and dislocated workers on concerns
24 related to the closure, or imminent closure,

1 of a covered electric generating station;
2 and

3 (ii) soliciting recommendations on ac-
4 tions the departments, agencies, and of-
5 fices represented on the Council may con-
6 sider to support the development and im-
7 plementation of economic development
8 transition plans.

9 (B) REPORTS.—Not later than 270 days
10 after the first public meeting described in sub-
11 paragraph (A), and at least once annually
12 thereafter, the advisory body shall submit to the
13 Director a report providing—

14 (i) a summary of recommendations
15 approved by a simple majority of the mem-
16 bers of the Advisory Body on actions the
17 departments, agencies, and offices rep-
18 resented on the Council should take to bet-
19 ter support, through resources provided by
20 the Council, the development and imple-
21 mentation of economic development transi-
22 tion plans; and

23 (ii) an assessment of applicable poli-
24 cies or guidance of the departments, agen-
25 cies, and offices represented on the Council

1 that the advisory body believes are barriers
2 to a Regional Transition Advisory Com-
3 mittee fully implementing an economic de-
4 velopment transition plan.

5 (C) RESPONSE.—The Director shall, with-
6 in 60 days of receipt of a report described in
7 subparagraph (B), provide the advisory body a
8 formal written response describing the Council’s
9 findings on recommendations for potential ac-
10 tions described in such report.

11 (4) FACCA EXEMPTION.—Section 14 of the Fed-
12 eral Advisory Committee Act (5 U.S.C. App.) shall
13 not apply to the advisory body established under this
14 subsection.

15 (i) REPORTS.—Not later than one year after the date
16 of the enactment of this Act, and annually thereafter, the
17 Director shall submit a report to the appropriate commit-
18 tees of Congress describing the activities carried out pur-
19 suant to this section.

20 (j) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$50,000,000 for each of fiscal years 2022 through 2035.

1 **SEC. 30492. REGIONAL TRANSITION ADVISORY COMMIT-**
2 **TEES.**

3 (a) IN GENERAL.—An economically distressed com-
4 munity may establish a committee, to be known as a Re-
5 gional Transition Advisory Committee, to develop and im-
6 plement an economic development transition plan for the
7 economically distressed community.

8 (b) COMPOSITION.—

9 (1) IN GENERAL.—Each Regional Transition
10 Advisory Committee established pursuant to this
11 section shall include, to the extent practicable—

12 (A) at least 1 representative from the
13 union or labor organization representing work-
14 ers of the applicable covered electric generating
15 station or associated mine;

16 (B) at least 1 representative who is the
17 Chief Executive Officer, or a designee thereof,
18 of each applicable State where the economically
19 distressed community is located;

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

22 (D) at least 1 representative from each
23 electric utility associated with an applicable cov-
24 ered electric generating station;

25 (E) at least 1 representative from an eco-
26 nomic development agency;

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

5 (G) at least 1 representative from an envi-
6 ronmental organization with demonstrated ex-
7 perience and expertise in energy workforce dis-
8 ruption or labor development issues; and

9 (H) at least 1 representative who is the
10 Chief Executive Officer (or a designee thereof)
11 of an impacted Tribal government within an
12 economically distressed community (as applica-
13 ble).

14 (2) CHAIR; CO-CHAIRS.—Each Regional Transi-
15 tion Advisory Committee shall be led by a designee
16 of an impacted local government within an economi-
17 cally distressed community, who shall serve as the
18 Chair of the Committee. In the event multiple local
19 governments are impacted by a closure of a covered
20 electric generating station within an economically
21 distressed community, designees from each such im-
22 pacted local government shall serve as Co-Chairs of
23 the Committee.

24 (c) ECONOMIC DEVELOPMENT TRANSITION PLAN.—

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

5 (2) CONTENTS.—An economic development
6 transition plan shall include, at a minimum, the fol-
7 lowing:

8 (A) STRATEGIC VISION.—A strategic vision
9 that reflects the values, characteristics, and
10 general economic needs of the applicable eco-
11 nomically distressed community to guide the de-
12 velopment and implementation of the economic
13 development transition plan, such as—

14 (i) geographic proximity to an urban
15 area;

16 (ii) socioeconomic attributes of the
17 general workforce; and

18 (iii) such other characteristics the Re-
19 gional Transition Advisory Committee de-
20 termines are appropriate.

21 (B) STEPS TO IMPLEMENT.—The steps a
22 Regional Transition Advisory Committee will
23 seek to implement in the applicable economi-
24 cally distressed community with the goals of, at
25 a minimum—

1 (i) increasing employment opportuni-
2 ties for dislocated workers, to the extent
3 practicable, including jobs in energy-re-
4 lated industries;

5 (ii) increasing educational opportuni-
6 ties, to the extent practicable, at institu-
7 tions of higher education or provided by
8 labor organizations, for dislocated workers;
9 and

10 (iii) generating revenue, to be received
11 by the applicable unit of local government
12 or Indian Tribe, that is equal to or greater
13 than the covered net revenue received by
14 such unit of local government or Indian
15 Tribe in the last full fiscal year in which
16 the applicable covered electric generating
17 station was operating.

18 (C) ASSESSMENT.—An assessment and de-
19 scription of—

20 (i) available infrastructure, including
21 a status on the condition of such infra-
22 structure, to support economic develop-
23 ment in the economically distressed com-
24 munity related to essential community
25 services;

1 (ii) the extent to which such environ-
2 mental restoration activities described in
3 subparagraph (D)(iii) may prioritize the
4 employment of dislocated workers pre-
5 viously employed at the covered electric
6 generating station or associated mine to
7 carry out such activities (to the extent
8 practicable);

9 (iii) types of industries or occupations
10 located in or near the economically dis-
11 tressed community which dislocated work-
12 ers could likely transition to, including any
13 available data on average wages and em-
14 ployment-related benefits associated for
15 each occupation;

16 (iv) covered net revenue losses in-
17 curred by the economically distressed com-
18 munity in the preceding fiscal year, or pro-
19 jected covered net revenue losses likely to
20 be incurred, as a result of the closure of a
21 covered electric generation station (includ-
22 ing an associated mine), and the observed
23 impact, or projected impact, such closure
24 will impose on the provision of essential

1 community services in the economically
2 distressed community;

3 (v) the potential for distributed or re-
4 newable energy resources to provide elec-
5 tricity to electric consumers residing in the
6 applicable economically distressed commu-
7 nity;

8 (vi) any disruptions experienced by
9 dislocated workers in the economically dis-
10 tressed community in terms of—

11 (I) real wages, calculated on a
12 weekly average basis;

13 (II) access to a health insurance
14 policy previously available through an
15 employer operating a covered electric
16 generating station or associated mine;

17 (III) earned benefits, including—

18 (aa) the retirement and
19 health benefits for coal miners;
20 or

21 (bb) the United Mine Work-
22 ers of America Combined Benefit
23 Fund established under section
24 9702 of the Internal Revenue
25 Code of 1986; or

1 (IV) benefits under any qualified
2 employer plan (as defined in section
3 72(p)(4) of the Internal Revenue Code
4 of 1986); and

5 (vii) available institutions of higher
6 education or labor organizations in or near
7 the applicable economically distressed com-
8 munity offering professional certification,
9 technical training, apprenticeships, or edu-
10 cational instruction on jobs in energy-re-
11 lated industries.

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

14 (i) promote infrastructure investments
15 to maintain or expand essential community
16 services through available Federal, State,
17 or local programs, or from the private sec-
18 tor, in the applicable economically dis-
19 tressed community;

20 (ii) mitigate or replace the loss of cov-
21 ered net revenue for the economically dis-
22 tressed community to a level necessary to
23 continue provide essential services and sup-
24 port the goals of a comprehensive economic
25 development transition plan;

1 (iii) conduct environmental restoration
2 activities with respect to any mines (in-
3 cluding surface mines, underground mines,
4 or mine openings), coal ash ponds, and
5 other coal mining operations directly asso-
6 ciated with a covered electric generating
7 station that has ceased producing elec-
8 tricity, including any necessary decommis-
9 sioning activities at the site of the covered
10 electric generating station; and

11 (iv) increase technical training, pro-
12 fessional certification, apprenticeships, or
13 educational instruction opportunities for
14 dislocated workers at institutions of higher
15 education or provided by labor organiza-
16 tions in or near the applicable economically
17 distressed community for jobs in energy-re-
18 lated industries.

19 (3) METRICS.—A Regional Transition Advisory
20 Committee shall, in consultation with the applicable
21 economic development agency, develop measurable
22 evaluation and performance metrics that the Re-
23 gional Transition Advisory Committee shall adhere
24 to throughout the implementation of the economic
25 development transition plan.

1 **SEC. 30493. RURAL AND REMOTE COMMUNITIES ELEC-**
2 **TRIFICATION GRANTS.**

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

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “or mu-
8 nicipality” and inserting “, municipality, or In-
9 dian Tribe”;

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

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

13 “(6) The term ‘economically distressed commu-
14 nity’ means a unit of local government or Indian
15 Tribe that is located within a 75-mile radius of an
16 electric generating station that primarily consumes
17 coal as a fuel source and that is significantly im-
18 pacted by the closure of such electric generating sta-
19 tion occurring on or after January 1, 2010, includ-
20 ing by, as a result of such closure experiencing—

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

25 “(B) a loss of over 25 percent in revenue
26 compared to the previous fiscal year, including

1 loss of annual real property taxes, royalty or
2 lease payments, transaction privilege taxes,
3 sales taxes, or payments in lieu of taxes, exclu-
4 sive of interest and penalties; or

5 “(C) at least a 10-percent increase in the
6 cost of electricity for applicable electric con-
7 sumers compared to the previous calendar
8 year.”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) by inserting “or the deployment of
12 energy storage technologies” after “energy
13 efficiency”;

14 (ii) by inserting “or economically dis-
15 tressed communities” after “rural areas”;

16 and

17 (iii) by striking “or” at the end;

18 (B) in paragraph (2)—

19 (i) by inserting “or economically dis-
20 tressed communities” after “rural areas”;

21 and

22 (ii) by striking the period at the end
23 and inserting “; or”; and

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

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

7 (3) in subsection (d)—

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

10 (B) by striking “2006 through 2012” and
11 inserting “2022 through 2026”.

12 **SEC. 30494. ADVANCED NOTICE TO COMMUNITIES POTEN-**
13 **TIALLY IMPACTED BY CLOSURE OF AN ELEC-**
14 **TRIC GENERATING FACILITY THAT PRI-**
15 **MARILY CONSUMES COAL AS A FUEL**
16 **SOURCE.**

17 (a) FEDERAL STANDARD.—Section 111(d) of the
18 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
19 2621(d)) is amended by adding at the end the following:

20 “(20) ADVANCED NOTICE OF CLOSURE.—

21 “(A) Each electric utility shall provide to
22 potentially impacted local governments and In-
23 dian Tribes (as applicable) a formal written no-
24 tice of any closure of an electric generating fa-
25 cility (including any generating unit thereof) of

1 such electric utility that primarily consumes
2 coal as a fuel source.

3 “(B) With respect to an electric utility for
4 which a State regulatory authority has rate-
5 making authority, notice under subparagraph
6 (A) shall be provided by such electric utility to
7 local governments and Indian Tribes within 7
8 days of submitting to the State regulatory au-
9 thority any similar notice.

10 “(C) An electric utility providing a written
11 notice under subparagraph (A) shall, to the
12 maximum extent practicable, include in such
13 notice—

14 “(i) a schedule describing the pro-
15 jected timeline—

16 “(I) for the closure, which shall,
17 to maximum extent practicable, not
18 occur prior to the date that is 3 years
19 after the date of such notice, includ-
20 ing dates of any phases of closure;

21 “(II) for workforce transition ac-
22 tivities sponsored by the electric util-
23 ity for applicable employees of the
24 electric utility, if applicable; and

1 “(III) for future reclamation ac-
2 tivities on the land of the electric gen-
3 erating facility (or generating unit
4 thereof) that is closing; and

5 “(ii) a description of the extent to
6 which the electric utility will prioritize the
7 use of the incumbent workforce of the fa-
8 cility or associated mine in carrying out
9 reclamation activities described in clause
10 (i)(III).

11 “(D) An electric utility providing a written
12 notice under this subsection shall, within 7 days
13 of obtaining new information that would refine,
14 alter, or otherwise update any timeline de-
15 scribed in subparagraph (C), provide such up-
16 date in a new formal written notice to poten-
17 tially impacted local governments and Indian
18 Tribes (as applicable).”.

19 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

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

24 “(7)(A) Not later than 1 year after the date of
25 the enactment of this paragraph, each State regu-

1 latory authority (with respect to each electric utility
2 for which it has ratemaking authority) and each
3 nonregulated electric utility shall commence the con-
4 sideration referred to in section 111, or set a hear-
5 ing date for consideration, with respect to the stand-
6 ard established by paragraph (20) of section 111(d).

7 “(B) Not later than 2 years after the date of
8 the enactment of this paragraph, each State regu-
9 latory authority (with respect to each electric utility
10 for which it has ratemaking authority), and each
11 nonregulated electric utility, shall complete the con-
12 sideration, and shall make the determination, re-
13 ferred to in section 111 with respect to the standard
14 established by paragraph (20) of section 111(d).”.

15 (2) FAILURE TO COMPLY.—Section 112(c) of
16 the Public Utility Regulatory Policies Act of 1978
17 (16 U.S.C. 2622(c)) is amended—

18 (A) by striking “subsection (b)(2)” and in-
19 serting “subsection (b)”; and

20 (B) by adding at the end the following: “In
21 the case of the standard established by para-
22 graph (20) of section 111(d), the reference con-
23 tained in this subsection to the date of enact-
24 ment of this Act shall be deemed to be a ref-

1 erence to the date of enactment of such para-
2 graph (20).”.

3 (c) PRIOR STATE ACTIONS.—Section 112 of the Pub-
4 lic Utility Regulatory Policies Act of 1978 (16 U.S.C.
5 20622) is amended by adding at the end the following:

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

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

13 “(2) the State regulatory authority for such
14 State or relevant nonregulated electric utility has
15 conducted a proceeding to consider implementation
16 of the standard concerned (or a comparable stand-
17 ard) for such utility; or

18 “(3) the State legislature has voted on the im-
19 plementation of such standard (or a comparable
20 standard) for such utility.”.

21 **SEC. 30495. WORKFORCE INNOVATION AND OPPORTUNITY**
22 **ACT PILOT PROGRAM.**

23 (a) PILOT PROGRAM.—Not later than 90 days after
24 the date of the enactment of this Act, the Secretary of
25 Labor, in consultation with the Director, shall establish

1 a pilot program under section 169(c) of the Workforce In-
2 novation and Opportunity Act (29 U.S.C. 3224(c)) to as-
3 sist dislocated workers in economically distressed commu-
4 nities.

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

8 (1) the dislocated worker was, within the 60-
9 month period prior to the date of enactment of this
10 Act, employed in an occupation primarily associated
11 with the generation of electricity from coal as a fuel
12 source; or

13 (2) the Secretary determines, based on available
14 information that a worker, or significant proportion
15 of the workers' employment site that primarily gen-
16 erates electricity from coal, including an associated
17 mine, has become totally, partially, or are likely to
18 be separated from employment.

19 (c) AUTHORITY TO COLLECT INFORMATION.—

20 (1) IN GENERAL.—The Secretary shall, in de-
21 termining whether to certify a worker or group of
22 workers under subsection (b), obtain information the
23 Secretary determines to be necessary to make the
24 certification from—

1 (A) the employer of the worker or group of
2 workers;

3 (B) officials of certified or recognized labor
4 organizations or other duly authorized rep-
5 resentatives of the group of workers; or

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

9 (2) VERIFICATION OF INFORMATION.—The Sec-
10 retary shall require an employer, labor organization,
11 or one-stop operator or partner to certify all infor-
12 mation obtained under paragraph (1) from the em-
13 ployer, labor organization, or one-stop operator or
14 partner (as the case may be) on which the Secretary
15 relies in making a determination under subsection
16 (b), unless the Secretary has reasonable basis for de-
17 termining that such information is accurate and
18 complete without being certified.

19 (d) CRITERIA.—In establishing the pilot program
20 under this section, the Secretary of Labor and the Direc-
21 tor shall consider, in addition to other such criteria as the
22 Secretary of Labor and the Director of the Council deter-
23 mine appropriate, the extent to which the pilot program
24 will be able to provide dislocated workers in economically

1 distressed communities education, employment search, or
2 training opportunities to—

3 (1) support entrepreneurship and small busi-
4 ness development; and

5 (2) enter jobs in energy-related industries, with
6 an emphasis on construction, engineering, manufac-
7 turing, or retro-fitting jobs for renewable energy, en-
8 ergy efficiency, carbon dioxide removal, or carbon
9 capture, utilization, and storage projects.

10 (e) CONSULTATION WITH STATE AND LOCAL PRO-
11 GRAMS.—Not later than 180 days after the date of enact-
12 ment of this Act, the Secretary of Labor shall consult with
13 entities described in paragraph (2) to evaluate lessons
14 learned, solicit best practices, and evaluate the feasibility
15 of, and solicit best practices or lessons learned for estab-
16 lishing or expanding transitional support benefits through
17 programs described in paragraph (1) for eligible dislocated
18 workers participating in the pilot program established
19 under this section.

20 (1) TRANSITIONAL SUPPORT BENEFITS DE-
21 SCRIBED.—The programs described in this para-
22 graph are as follows:

23 (A) Under a State plan amendment pursu-
24 ant to section 1916A of the Social Security Act
25 (42 U.S.C. 1396o–1).

1 (B) Wage differential benefits, in terms of
2 the difference in wages previously earned on a
3 weekly basis by an employee from an employer
4 that is directly associated with the operation of
5 a covered electric generating station or associ-
6 ated mine in the final applicable calendar year
7 of such operation, and compensation received by
8 a dislocated worker who, as part of an unem-
9 ployment fund administered by a State agency,
10 is experiencing employment loss directly associ-
11 ated with the closure or cessation of operations
12 at a covered electric generating station or asso-
13 ciated mine (as the case may be).

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

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

23 (2) ENTITIES DESCRIBED.—An entity described
24 under this paragraph shall have demonstrated expe-

1 rience providing one or multiple programs described
2 in paragraph (1) to dislocated workers, including—

- 3 (A) a Chief Executive Officer of a State;
- 4 (B) a State public health official;
- 5 (C) a Local workforce development board;
- 6 (D) a State workforce development board;

7 or

- 8 (E) the head of a Federal agency.

9 (f) DURATION.—

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

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

18 (A) a dislocated worker obtains full-time
19 employment; or

20 (B) a dislocated worker submits a request
21 for an extension to participate in the pilot pro-
22 gram to the Secretary due to the length of
23 training, education, or job placement services
24 received through the pilot program under this

1 section exceeding the initial period for partici-
2 pation determined by the Secretary.

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

7 (1) recommendations for establishing transi-
8 tional support benefits as a benefit provided under
9 the pilot program under this section for dislocated
10 workers as described in subsection (e)(1);

11 (2) recommendations for developing tailored
12 educational and instructional curricula for dislocated
13 workers to obtain skills, certification, or training re-
14 quired for emerging energy-related industries or
15 other industries;

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

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

21 (h) AUTHORIZATION OF APPROPRIATIONS.—

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

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

4 **SEC. 30496. COVERED ELECTRIC GENERATING STATION**
5 **CESSATION MITIGATION FUND.**

6 (a) ESTABLISHMENT OF FUND.—

7 (1) IN GENERAL.—There is established in the
8 Treasury of the United States a fund, to be known
9 as the “Covered Electric Generating Station Ces-
10 sation Mitigation Fund” (referred to in this section
11 as the “Mitigation Fund”) consisting of—

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

14 (B) such amounts as may be appropriated
15 to supplement the Fund.

16 (2) USE OF FUND.—Amounts deposited in the
17 Mitigation Fund shall be available to the Secretary
18 of Treasury, in consultation with the Director, to
19 make payments to economically distressed commu-
20 nities in amounts described in subsection (b) to miti-
21 gate the impact from the loss of covered net reve-
22 nues.

23 (3) TIMING.—Subject to amounts available in
24 the Mitigation Fund, not later than 180 days after
25 the date of enactment of this Act, the Secretary of

1 Treasury shall begin making payments under this
2 section.

3 (b) PAYMENT TO ECONOMICALLY DISTRESSED COM-
4 MUNITIES.—

5 (1) ASSISTANCE.—The Secretary of Treasury
6 may provide assistance, in the form of annual pay-
7 ments, to an economically distressed community rep-
8 resenting a portion of the loss of covered net reve-
9 nues due to the cessation of operations of a covered
10 electric generating station.

11 (2) ANNUAL PAYMENTS.—

12 (A) DETERMINATION OF PAYMENT
13 AMOUNT.—The amount of an annual payment
14 under this section shall be determined by the
15 Secretary of Treasury.

16 (B) MAXIMUM AMOUNT.—The amount of
17 an annual payment under this section shall be
18 not more than the applicable percentage of the
19 average annual covered net revenues received by
20 the applicable unit of local government or In-
21 dian Tribe from the applicable covered electric
22 generation station for the 5-year period that
23 ends with the fiscal year that immediately pre-
24 cedes the last fiscal year in which such covered

1 electric generating station operated, as specified
 2 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 (3) **CONDITIONS OF PAYMENTS.**—An economi-
 4 cally distressed community—

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

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

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

1 that such community has been significantly impacted
2 by such closure.

3 (5) ORDER OF PAYMENT.—The date of submis-
4 sion of an economically distressed community’s ap-
5 plication for assistance shall establish the order in
6 which the Secretary of Treasury provides assistance
7 under this section.

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

14 (1) describes how amounts from the Mitigation
15 Fund support such economically distressed commu-
16 nity in—

17 (A) maintaining essential community serv-
18 ices in such economically distressed community;
19 and

20 (B) fulfilling the objectives described in
21 any applicable economic development transition
22 plan; and

23 (2) includes any additional information that the
24 Secretary determines appropriate.

25 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

9 **SEC. 30497. DEFINITIONS.**

10 In this part:

11 (1) APPRENTICESHIP.—The term “apprentice-
12 ship” means an apprenticeship registered under the
13 Act of August 16, 1937 (commonly referred to as
14 the “National Apprenticeship Act”; 50 Stat. 664,
15 chapter 663; 29 U.S.C. 50 et seq.).

16 (2) APPROPRIATE COMMITTEES OF CON-
17 GRESS.—The term “appropriate committees of Con-
18 gress” means—

19 (A) the Committee on Appropriations of
20 the Senate;

21 (B) the Committee on Energy and Natural
22 Resources of the Senate;

23 (C) the Committee on Health, Education,
24 Labor, and Pensions of the Senate;

1 (D) the Committee on Appropriations of
2 the House of Representatives;

3 (E) the Committee on Education and
4 Labor of the House of Representatives;

5 (F) the Committee on Energy and Com-
6 merce of the House of Representatives; and

7 (G) the Committee on Way and Means of
8 the House of Representatives.

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

12 (4) COVERED ELECTRIC GENERATING STA-
13 TION.—The term “covered electric generating sta-
14 tion” means an electric generating station that pri-
15 marily consumes coal as a fuel source.

16 (5) COVERED NET REVENUE.—The term “cov-
17 ered net revenue” means revenue derived by a unit
18 of local government or Indian Tribe in a fiscal year
19 from a covered electric generating station in the
20 form of annual real property taxes, royalty or lease
21 payments, transaction privilege taxes, sales taxes, or
22 payments in lieu of taxes imposed upon the covered
23 electric generating station, exclusive of interest and
24 penalties.

1 (6) DIRECTOR.—The term “Director” means
2 the Director of the White House Council on Energy
3 Transitions.

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

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

12 (9) ECONOMIC DEVELOPMENT TRANSITION
13 PLAN.—The term “economic development transition
14 plan” means a plan developed by a Regional Transi-
15 tion Advisory Committee in accordance with section
16 3.

17 (10) ECONOMICALLY DISTRESSED COMMU-
18 NITY.—The term “economically distressed commu-
19 nity” means a unit of local government or Indian
20 Tribe that is located within a 75-mile radius of a
21 covered electric generating station and that is sig-
22 nificantly impacted by the closure of such covered
23 electric generating station occurring on or after Jan-
24 uary 1, 2010, including by, as a result of such clo-
25 sure experiencing—

1 (A) a net labor loss of at least 50 workers
2 who lost employment directly from or associated
3 with the covered electric generating station, in-
4 cluding an associated mine;

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

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

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

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

18 (13) ESSENTIAL COMMUNITY SERVICES.—The
19 term “essential community services” means infra-
20 structure located entirely or partially within an eco-
21 nomically distressed community and services that
22 provide direct support to residents of a community,
23 including services related to—

24 (A) health care;

25 (B) transportation;

- 1 (C) energy;
- 2 (D) telecommunications;
- 3 (E) public education;
- 4 (F) public safety; and
- 5 (G) housing.

6 (14) INSTITUTION OF HIGHER EDUCATION.—

7 The term “institution of higher education” has the
8 meaning given such term in section 102 of the High-
9 er Education Act of 1965 (20 U.S.C. 1002), except
10 that such term does not include institutions de-
11 scribed in subparagraphs (A) or (C) of subsection
12 (a)(1) of such section 102.

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

14 The term “jobs in energy-related industries” in-
15 cludes manufacturing, engineering, installation, con-
16 struction, and retrofitting jobs in energy-related in-
17 dustries.

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

21 (17) LOCAL WORKFORCE DEVELOPMENT

22 BOARD.—The term “local workforce development
23 board” means a local board, as defined in section 3
24 of the Workforce Innovation and Opportunity Act
25 (29 U.S.C. 3102).

1 (18) REGIONAL TRANSITION ADVISORY COM-
2 MITTEE.—The term “Regional Transition Advisory
3 Committee” means a committee described in section
4 3 that is established by an economically distressed
5 community.

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

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

14 (21) UNEMPLOYMENT FUND.—The term “un-
15 employment fund” has the meaning given the term
16 in section 3306 of the Internal Revenue Code of
17 1986.

