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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To provide economic stabilization resources to distressed rural communities directly impacted by the closure of an electric generating station, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. O'HALLERAN introduced the following bill; which was referred to the Committee on _____

A BILL

To provide economic stabilization resources to distressed rural communities directly impacted by the closure of an electric generating station, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Providing Recovery
5 Opportunities & Mitigating Industry’s Shifting Economics
6 (PROMISE) Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—CLOSURE OF ELECTRIC GENERATING STATIONS

- Sec. 101. Closure of electric generating stations.

TITLE II—WORKFORCE INNOVATION AND OPPORTUNITY ACT

- Sec. 201. Dislocated Worker Project.

TITLE III—FUNDS FOR LOSS OF REVENUES

- Sec. 301. Funds for loss of revenues.

TITLE IV—SIGNIFICANTLY IMPACTED FEDERAL COMMUNITY
ECONOMIC ADJUSTMENT PROGRAM

- Sec. 401. Function of the Secretary.
- Sec. 402. Functions of program.
- Sec. 403. Economic adjustment committee.
- Sec. 404. Office of Economic Adjustment of the Department of the Interior.
- Sec. 405. Responsibilities of executive agencies.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the following apply:

3 (1) DEPARTMENT.—The term “Department”
4 means the Department of the Interior.

5 (2) ELECTRIC GENERATING STATION OWNED IN
6 PART BY THE DEPARTMENT.—The term “electric
7 generating station owned in part by the Depart-
8 ment” means an electric generating station in which
9 the Department or any of its subagencies owns or
10 has the right to use more than 20 percent of the
11 electricity generated at a facility that currently pro-
12 duces over 2,000 megawatts of electricity.

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

1 **TITLE I—CLOSURE OF ELECTRIC**
2 **GENERATING STATIONS**

3 **SEC. 101. CLOSURE OF ELECTRIC GENERATING STATIONS.**

4 (a) REUSE STUDIES.—Whenever the Secretary or the
5 operator of an electric generating station owned in part
6 by the Department announces that an electric generating
7 station owned in part by the Department is a candidate
8 for closure or that a final decision has been made to close
9 an electric generating station owned in part by the De-
10 partment and the Secretary determines, because of the lo-
11 cation, facilities, or other particular characteristics of the
12 electric generating station that it may be suitable for some
13 specific Federal, State, Tribal, or local use potentially ben-
14 eficial to the Nation, the Secretary may conduct such
15 studies, including the preparation of an environmental im-
16 pact statement in accordance with the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
18 consultations with Indian Tribes as required by the De-
19 partment, in connection with the electric generating sta-
20 tion and such potential use as may be necessary to provide
21 information sufficient to make sound conclusions and rec-
22 ommendations regarding the possible use of the property.

23 (b) ADJUSTMENT AND DIVERSIFICATION ASSIST-
24 ANCE.—

1 (1) ASSISTANCE AVAILABLE UNDER OTHER
2 PROGRAMS.—The Secretary may make grants, con-
3 clude cooperative agreements, and supplement funds
4 available under Federal programs administered by
5 agencies other than the Department in order to as-
6 sist State, Tribal, and local governments in planning
7 community adjustments and economic diversification
8 required by—

9 (A) the proposed or actual establishment,
10 realignment, or closure of an electric generating
11 station owned in part or whole by the Depart-
12 ment; and

13 (B) a publicly announced planned major
14 reduction in Department spending that would
15 directly and adversely affect a community, if
16 the Secretary determines that an action de-
17 scribed in subparagraph (A) or this subpara-
18 graph is likely to have a direct and significantly
19 adverse consequence on the affected community.

20 (2) CONDITIONS.—In the case of a publicly an-
21 nounced planned reduction in the Department
22 spending, the closure or realignment of an electric
23 generating station, assistance may be made under
24 paragraph (1) only if the reduction, closure or re-
25 alignment, cancellation or termination, or failure will

1 have a direct and significant adverse impact on a
2 community or its residents.

3 (3) COMMUNITY ADJUSTMENT AND ECONOMIC
4 DIVERSIFICATION PROGRAM.—(A) In the case of a
5 State or local government eligible for assistance
6 under paragraph (1), the Secretary may also make
7 grants, conclude cooperative agreements, and supple-
8 ment other Federal funds in order to assist the
9 State, Tribal, county, or local government to carry
10 out a community adjustment and economic diver-
11 sification program (including State industrial exten-
12 sion or modernization efforts to facilitate the eco-
13 nomic diversification of displaced workers) in addi-
14 tion to planning such a program.

15 (B) The Secretary shall establish criteria for
16 the selection of community adjustment and economic
17 diversification programs to receive assistance under
18 subparagraph (A). Such criteria shall include a re-
19 quirement that the State, Tribal, county, or local
20 government agree—

21 (i) to provide not less than 10 percent of
22 the funding for the program from non-Federal
23 sources;

24 (ii) to provide business planning and mar-
25 ket exploration services under the program to

1 displaced workers that seek modernization or
2 diversification assistance; and

3 (iii) to provide training, counseling, and
4 placement services for dislocated workers.

5 (C) The Secretary shall carry out this para-
6 graph in coordination with the Secretary of Com-
7 merce.

8 (4) COMMUNITY ADJUSTMENTS AND ECONOMIC
9 DIVERSIFICATION PLANNING.—(A) The Secretary
10 may also make grants, conclude cooperative agree-
11 ments, and supplement other Federal funds in order
12 to assist a State, Tribal, county government or local
13 government in planning community adjustments and
14 economic diversification even though the State, Trib-
15 al, county government or local government is not
16 currently eligible for assistance under paragraph (1)
17 if the Secretary determines that a substantial por-
18 tion of the economic activity or population of the ge-
19 ographic area to be subject to the advance planning
20 is dependent on expenditures of the Department.

21 (B) The Secretary may also make grants, con-
22 clude cooperative agreements, and supplement other
23 Federal funds in order to assist a State, Tribal,
24 county, or local government in enhancing its capac-
25 ities—

1 (i) to assist communities, businesses, and
2 workers adversely affected by an action de-
3 scribed in paragraph (1);

4 (ii) to support local adjustment and diver-
5 sification initiatives; and

6 (iii) to stimulate cooperation between
7 statewide and local adjustment and diversifica-
8 tion efforts.

9 (C) The Secretary may also make grants, con-
10 clude cooperative agreements, and supplement other
11 Federal funds in order to assist a State, Tribal,
12 county, or local government in enhancing the capa-
13 bilities of the government to support efforts of the
14 Department to privatize, contract for, or diversify
15 the performance of family support services of the
16 Department in cases in which the capability of the
17 Department to provide such services is adversely af-
18 fected by an action described in paragraph (1).

19 (5) USE OF FUNDS FOR NON-FEDERAL CON-
20 TRIBUTION.—Funds provided to State, County,
21 Tribal, and local governments and regional organiza-
22 tions under this section may be used as part or all
23 of any required non-Federal contribution to a Fed-
24 eral grant-in-aid program for the purposes stated in
25 paragraph (1).

1 (6) TIMELINE FOR APPROVAL OR REJECTION.—

2 (A) To the extent practicable, the Sec-
3 retary shall inform a State, Tribal, county, or
4 local government applying for assistance under
5 this subsection of the approval or rejection by
6 the Secretary of the application for such assist-
7 ance as follows:

8 (i) Before the end of the 7-day period
9 beginning on the date on which the Sec-
10 retary receives the application, in the case
11 of an application for a planning grant.

12 (ii) Before the end of the 30-day pe-
13 riod beginning on such date, in the case of
14 an application for assistance to carry out a
15 community adjustments and economic di-
16 versifications program

17 (B) If an application under this paragraph
18 is rejected by the Secretary, the Secretary shall
19 promptly inform the State, county, Tribal or
20 local government of the reasons for the rejec-
21 tion of the application..

22 (c) RESEARCH AND TECHNICAL ASSISTANCE.—The
23 Secretary may make grants to, or conclude cooperative
24 agreements or enter into contracts with, another Federal
25 agency, a State, Tribal, county, or local government, or

1 any private entity to conduct research and provide tech-
2 nical assistance in support of activities under this section.

3 (d) INTERIOR PILOT PROGRAM.—

4 (1) ASSISTANCE FOR DEFICIENCIES IN COMMU-
5 NITY INFRASTRUCTURE.—The Secretary may make
6 grants, conclude cooperative agreements, and supple-
7 ment funds available under Federal programs ad-
8 ministered by agencies other than the Department to
9 assist State, Tribal, county, and local governments
10 to address deficiencies in community infrastructure
11 supportive of economic development if the Secretary
12 determines that such assistance will enhance the
13 economy of the area affected by the closure of an
14 electric generating station owned in part or whole by
15 the Department.

16 (2) CRITERIA.—The Secretary shall establish
17 criteria for the selection of community infrastructure
18 projects to receive assistance under paragraph (1).
19 The criteria shall include a requirement that the
20 State, Tribal, county, or local government agree to
21 contribute not less than 30 percent of the funding
22 for the community infrastructure project, unless the
23 community infrastructure project is located in a
24 rural area, in which case the Secretary may waive

1 the requirement for a State, Tribal, or local govern-
2 ment contribution.

3 (3) FUNDS AVAILABLE UNTIL EXPENDED.—
4 Amounts appropriated or otherwise made available
5 for assistance under paragraph (1) shall remain
6 available until expended.

7 (4) SUNSET.—The authority under this sub-
8 section shall expire 10 years after the date of the en-
9 actment of this Act.

10 (e) DEFINITIONS.—In this section:

11 (1) COMMUNITY ADJUSTMENT.—The terms
12 “community adjustment” and “economic diversifica-
13 tion” include the development of feasibility studies
14 and business plans for market diversification within
15 a community that is located or residing, as the case
16 may be, not more than 100 miles from an electric
17 generating facility, owned in part by the Department
18 or which the Department has rights to, or a coal
19 mine associated with such a facility, one or both of
20 which has closed adversely affected by an action de-
21 scribed in subsection (b)(1) by adversely affected
22 businesses and labor organizations located in the
23 community.

24 (2) COMMUNITY INFRASTRUCTURE.—The term
25 “community infrastructure” means any transpor-

1 tation project; school, hospital, police, fire, emer-
2 gency response, or other community support facility;
3 or water, waste-water, telecommunications, electric,
4 gas, or other utility infrastructure project that has
5 a significant nexus to the closed electric generating
6 station and owned by a State, Tribal, county, or
7 local government.

8 (3) RURAL AREA.—The term “rural area”
9 means a city, town, or unincorporated area that has
10 a population of not more than 150,000 inhabitants.

11 **TITLE II—WORKFORCE INNOVA-** 12 **TION AND OPPORTUNITY ACT**

13 **SEC. 201. DISLOCATED WORKER PROJECT.**

14 Not later than 60 days after the date of the enact-
15 ment of this Act, the Secretary of Labor, in consultation
16 with the Secretary of the Interior, shall establish a dis-
17 located worker demonstration project under section 169(c)
18 of the Workforce Innovation and Opportunity Act (29
19 U.S.C. 3224(c)) to assist communities impacted by the
20 electric generating station owned in part by the Depart-
21 ment.

1 **TITLE III—FUNDS FOR LOSS OF**
 2 **REVENUES**

3 **SEC. 301. FUNDS FOR LOSS OF REVENUES.**

4 (a) PAYMENT TO LOCAL GOVERNMENT ENTITIES.—

5 To the extent funds are made available for this purpose,
 6 the Secretary may make annual payments under this sec-
 7 tion to an eligible State, Tribal, or local government entity
 8 reflecting the loss of revenues due to the cessation of oper-
 9 ations of an electric generating facility, owned in part by
 10 the Department, located within such State, Tribal, or local
 11 government entity, on a first come, first served basis, as
 12 follows:

Award Year	Maximum Potential Award
1	no more than eighty percent of the 5-year average of revenue
2	no more than seventy percent of the 5-year average of revenue
3	no more than sixty percent of the 5-year average of revenue
4	no more than fifty percent of the 5-year average of revenue
5	no more than forty percent of the 5-year average of revenue
6	no more than thirty percent of the 5-year average of revenue
7	no more than twenty percent of the 5-year average of revenue

13 (b) ELIGIBLE LOCAL GOVERNMENT ENTITY.—The
 14 term “eligible local government entity” means a Tribal
 15 government, county, municipality, school district or special
 16 district, where an electric generating facility owned in part
 17 by the Department, or the mine solely associated with such

1 an electric generation facility, located within such local
2 government entity—

3 (1) has ceased operations; and

4 (2) the closing of the facility or mine has
5 caused a reduction in the real property tax collec-
6 tions, royalties, lease payments, transaction privilege
7 taxes and sales taxes, or payments in lieu of taxes
8 owed by the electric generating facility or the mine
9 solely associated with the electric generating facility.

10 (c) CONDITIONS ON PAYMENTS AND ASSISTANCE.—

11 An eligible local government entity—

12 (1) shall be eligible for not more than one pay-
13 ment each fiscal year; and

14 (2) may not receive payments for more than 7
15 fiscal years.

16 (d) ORDER OF PAYMENT.—The date of submission
17 of an eligible local government entity's application for as-
18 sistance shall establish the order in which assistance is
19 paid to program applicants, except that in no event shall
20 assistance be paid to an eligible local government entity
21 until such time that an electric generating facility has
22 been closed. For purposes of this section, any local govern-
23 mental entity seeking assistance under the electric gener-
24 ating facility cessation mitigation fund must submit an af-

1 fidavit to the Secretary that a facility is no longer pro-
2 ducing electricity.

3 (e) DETERMINATION OF PAYMENT AMOUNT.—After
4 receipt of such an affidavit under subsection (d), the Sec-
5 retary shall confirm such information. In the case that the
6 facility and its solely associated mine is no longer pro-
7 ducing electricity and contributing to or participating in
8 electricity markets it shall be deemed that the electric gen-
9 erating facility located within the local government entity
10 has ceased operation. The determination of the amount
11 of such annual payment shall be determined by the Sec-
12 retary on the amount of the differential between the an-
13 nual real property taxes, royalty or lease payments, trans-
14 action privilege taxes and sales taxes, or payments in lieu
15 of taxes imposed upon the facility, exclusive of interest and
16 penalties, during the most recent year of operations and
17 the current real property taxes and payments in lieu of
18 taxes imposed upon the facility, exclusive of interest and
19 penalties.

1 **TITLE IV—SIGNIFICANTLY IM-**
2 **PACTED FEDERAL COMMU-**
3 **NITY ECONOMIC ADJUST-**
4 **MENT PROGRAM**

5 **SEC. 401. FUNCTION OF THE SECRETARY.**

6 (a) IN GENERAL.—The Secretary, acting through the
7 Economic Adjustment Committee established under this
8 title, shall design and establish a Significantly Impacted
9 Federal Community Economic Adjustment Program to as-
10 sist substantially and seriously affected communities, busi-
11 nesses, and workers from the effects of major federally
12 owned, in part or whole, energy infrastructure closures
13 taking place on Federal lands.

14 (b) SUBSTANTIALLY AND SERIOUSLY AFFECTED
15 COMMUNITIES, BUSINESSES, AND WORKERS.—For the
16 purposes of this title, “substantially and seriously affected
17 communities, businesses, and workers” includes commu-
18 nities, businesses, and persons located or residing, as the
19 case may be, not more than 100 miles from an electric
20 generating facility, owned in part by the Department, or
21 a coal mine associated with such a facility, one or both
22 of which has closed.

23 **SEC. 402. FUNCTIONS OF PROGRAM.**

24 The Significantly Impacted Federal Community Eco-
25 nomic Adjustment Program shall—

1 (1) identify problems of counties, regions, met-
2 ropolitan areas, Tribal governments or communities
3 that result from major federally owned, in part or
4 whole, energy infrastructure closures taking place on
5 Federal lands. and that require Federal assistance;

6 (2) use and maintain a uniform socioeconomic
7 impact analysis to justify the use of Federal eco-
8 nomic adjustment resources;

9 (3) apply consistent policies, practices, and pro-
10 cedures in the administration of Federal programs
11 that are used to assist significantly Federal affected
12 counties, Tribal governments, regions, metropolitan
13 areas, communities, and businesses;

14 (4) identify and strengthen existing agency
15 mechanisms to coordinate employment opportunities
16 for displaced agency personnel;

17 (5) identify and strengthen existing agency
18 mechanisms to improve reemployment opportunities
19 for dislocated Energy production industry personnel;

20 (6) assure timely consultation and cooperation
21 with Federal, State, regional, Tribal, county, metro-
22 politan, and community officials concerning Federal
23 energy production-related impacts on affected com-
24 munities' problems;

1 (7) prepare, facilitate, and implement cost-ef-
2 fective strategies and action plans to coordinate
3 interagency and intergovernmental economic adjust-
4 ment efforts;

5 (8) encourage effective Federal, State, Tribal,
6 county, regional, metropolitan, and community co-
7 operation and concerted involvement of public inter-
8 est groups and private sector organizations in eco-
9 nomic adjustment activities;

10 (9) serve as a clearinghouse to exchange infor-
11 mation among Federal, State, County, Tribal, re-
12 gional, metropolitan, and community officials in-
13 volved in the resolution of community economic ad-
14 justment problems. Such information may include,
15 for example, previous studies, technical information,
16 and sources of public and private financing;

17 (10) assist in the diversification of local econo-
18 mies to lessen dependence on Federal activities;

19 (11) encourage and facilitate private sector and
20 Tribal interim use of lands and buildings to generate
21 jobs as Federal activities diminish;

22 (12) develop ways to streamline property dis-
23 posal procedures to enable communities to acquire
24 former energy production property to generate jobs
25 as Federal energy production activities diminish; and

1 (13) encourage resolution of regulatory issues
2 that impede encroachment prevention and local eco-
3 nomic adjustment efforts.

4 **SEC. 403. ECONOMIC ADJUSTMENT COMMITTEE.**

5 (a) ESTABLISHMENT.—There is established an “Eco-
6 nomic Adjustment Committee” (hereafter in the title re-
7 ferred to as the “Committee”) composed of the following
8 or a designee or representative of the following, and such
9 other individuals from the executive branch as the Presi-
10 dent may designate:

11 (1) Secretary of Agriculture.

12 (2) Attorney General.

13 (3) Secretary of Commerce.

14 (4) Secretary of Defense.

15 (5) Secretary of Education.

16 (6) Secretary of Energy.

17 (7) Secretary of Health and Human Services.

18 (8) Secretary of Housing and Urban Develop-

19 ment.

20 (9) Secretary of the Interior.

21 (10) Secretary of Labor.

22 (11) Secretary of State.

23 (12) Secretary of Transportation.

24 (13) Secretary of Treasury.

25 (14) Secretary of Veterans Affairs.

1 (15) Secretary of Homeland Security.

2 (16) Chairman, Council of Economic Advisers.

3 (17) Director of the Office of Management and
4 Budget.

5 (18) Director of the Office of Personnel Man-
6 agement.

7 (19) Administrator of the Environmental Pro-
8 tection Agency.

9 (20) Administrator of General Services.

10 (21) Administrator of the Small Business Ad-
11 ministration.

12 (22) Postmaster General.

13 (23) Each impacted County Board of Super-
14 visors.

15 (24) Each impacted Tribal legislature.

16 (25) Each impacted Tribal executive.

17 (26) Each impacted town or city.

18 (27) Each local union representing workers the
19 electric generating facility or mine.

20 (28) The Governor of the State in which the
21 electric generating facility or mine is located.

22 (b) CHAIR.—The Secretary, or the Secretary's des-
23 ignee, shall chair the Committee.

24 (c) VICE CHAIRS.—The Secretaries of Labor and
25 Commerce shall serve as Vice Chairmen of the Committee.

1 The Vice Chairmen shall co-chair the Committee in the
2 absence of both the Chairman and the Chairman's des-
3 ignee and may also preside over meetings of designated
4 representatives of the concerned executive agencies.

5 (d) DUTIES.—The Committee shall—

6 (1) advise, assist, and support the Significantly
7 Impacted Federal Community Economic Adjustment
8 Program;

9 (2) develop procedures to ensure that substan-
10 tially and seriously affected communities, businesses,
11 and workers and representatives of thereof are noti-
12 fied of available Federal economic adjustment pro-
13 grams; and

14 (3) report annually to the President and Con-
15 gress on the work of the Economic Adjustment Com-
16 mittee during the preceding fiscal year.

17 **SEC. 404. OFFICE OF ECONOMIC ADJUSTMENT OF THE DE-**
18 **PARTMENT OF THE INTERIOR.**

19 (a) ESTABLISHMENT.—There is hereby established in
20 the Department of the Interior the Office of Economic Ad-
21 justment.

22 (b) DUTIES.—The head of the Office of Economic
23 Adjustment established by subsection (a) shall—

24 (1) provide all necessary policy and administra-
25 tive support to the Committee; and

1 (2) coordinate the Significantly Impacted Fed-
2 eral Community Economic Adjustment Program es-
3 tablished pursuant to this title.

4 **SEC. 405. RESPONSIBILITIES OF EXECUTIVE AGENCIES.**

5 (a) AGENCY REPRESENTATIVES.—The head of each
6 agency represented on the Committee shall designate an
7 agency representative to—

8 (1) serve as a liaison with the Secretary’s eco-
9 nomic adjustment staff;

10 (2) coordinate agency support and participation
11 in economic adjustment assistance projects; and

12 (3) assist in resolving impacts on substantially
13 and seriously affected communities, businesses, and
14 workers related to the closure of an electric gener-
15 ating facility, owned in part by the Department, or
16 a coal mine associated with such a facility.

17 (b) AGENCY SUPPORT.—All Federal executive agen-
18 cies shall support, to the extent permitted by law, the eco-
19 nomic adjustment assistance activities of the Secretary
20 under this title. Such support may include the following:

21 (1) Use and application of personnel, technical
22 expertise, legal authorities, and available financial
23 resources.

24 (2) Providing a coordinated Federal response to
25 the needs of substantially and seriously affected

1 communities, businesses, and workers related to the
2 closure of an electric generating facility an electric
3 generating facility, owned in part by the Depart-
4 ment, or a coal mine associated with such a facility.

5 (3) Giving priority consideration to requests
6 from substantially and seriously affected commu-
7 nities, businesses, and workers for Federal technical
8 assistance, financial resources, excess or surplus
9 property, or other requirements, that are part of a
10 comprehensive plan used by the Committee.