

111TH CONGRESS
1ST SESSION

S. 2742

To provide for a Climate Change Worker and Community Assistance Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2009

Mr. CASEY (for himself and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for a Climate Change Worker and Community Assistance Program, 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 “American Worker
5 Transition and Community Assistance Act”.

6 **TITLE I—WORKER TRANSITION**

7 **SEC. 101. PURPOSE.**

8 The purpose of this title is to ensure that individual
9 workers and groups of workers that are adversely affected
10 by Federal climate change policy receive the benefits, skill

1 training, retraining, job matching services, and job search
 2 assistance that will enable the workers and groups to
 3 maintain self-sufficiency and obtain family-sustaining jobs
 4 that contribute to overall economic productivity, inter-
 5 national competitiveness, and the positive quality of life
 6 expected by all individuals and their families in the United
 7 States.

8 **SEC. 102. DEFINITIONS.**

9 In this title:

10 (1) **ADVERSELY AFFECTED EMPLOYMENT.**—

11 The term “adversely affected employment” means
 12 employment at an employment site, at which a sig-
 13 nificant number or proportion of the workers (as de-
 14 termined by the Secretary) are eligible to apply for
 15 benefits described in section 107 under this title.

16 (2) **ADVERSELY AFFECTED WORKER.**—The

17 term “adversely affected worker” means an indi-
 18 vidual who has been totally or partially separated
 19 from employment and is eligible to apply for benefits
 20 described in section 107 under this title.

21 (3) **AVERAGE WEEKLY WAGE.**—

22 (A) **IN GENERAL.**—The term “average
 23 weekly wage”, used with respect to an indi-
 24 vidual, means $\frac{1}{13}$ of the total wages paid to an
 25 individual in the quarter in which the individ-

1 ual’s total wages were highest among the first
2 4 of the last 5 completed calendar quarters im-
3 mediately before the quarter in which occurs
4 the week with respect to which the computation
5 is made.

6 (B) COMPUTATION WEEK.—The week used
7 for computation shall be the week in which total
8 separation occurred, or, in cases where partial
9 separation is claimed, an appropriate week, as
10 defined in regulations prescribed by the Sec-
11 retary.

12 (4) AVERAGE WEEKLY HOURS.—The term “av-
13 erage weekly hours”, used with respect to an indi-
14 vidual, means the average weekly hours worked by
15 the individual (excluding overtime) in the employ-
16 ment from which the individual has been separated,
17 or the employment in which the individual is em-
18 ployed when the individual receives a covered notice,
19 in the 52 weeks (excluding weeks during which the
20 individual was sick or on vacation) preceding the
21 week specified in paragraph (3)(B).

22 (5) CONSUMER GOODS MANUFACTURING.—The
23 term “consumer goods manufacturing” means elec-
24 trical equipment, appliance, and component manu-

1 facturing and transportation equipment manufac-
2 turing.

3 (6) COVERED NOTICE.—The term “covered no-
4 tice” means a notice under section 3 of the Worker
5 Adjustment and Retraining Notification Act (29
6 U.S.C. 2102).

7 (7) EMPLOYMENT SITE.—The term “employ-
8 ment site” means a single facility or site of employ-
9 ment.

10 (8) ENERGY-INTENSIVE MANUFACTURING IN-
11 DUSTRIES.—The term “energy-intensive manufac-
12 turing industries” means industries that—

13 (A) are pulp, paper and paperboard manu-
14 facturing, petroleum and coal products manu-
15 facturing, basic chemical manufacturing, pes-
16 ticide, fertilizer, and other agricultural chemical
17 manufacturing, plastics and rubber products
18 manufacturing, cement and concrete product
19 manufacturing, or alumina and aluminum pro-
20 duction and processing industries; and

21 (B) meet the energy or greenhouse gas in-
22 tensity criteria issued by the Administrator of
23 the Environmental Protection Agency based on
24 the most recent data available.

1 (9) ENERGY PRODUCING AND TRANSFORMING
2 INDUSTRIES.—The term “energy producing and
3 transforming industries” means the coal mining, oil
4 and gas extraction, electricity power generation,
5 transmission, and distribution, and natural gas dis-
6 tribution industries.

7 (10) FEDERAL CLIMATE CHANGE POLICY.—The
8 term “Federal climate change policy” means Federal
9 climate change policy as determined by the Adminis-
10 trator of the Environmental Protection Agency, after
11 consultation with the Secretary of State.

12 (11) INDUSTRIES DEPENDENT ON ENERGY IN-
13 DUSTRIES.—The term “industries dependent on en-
14 ergy industries” means agriculture, forestry, fishing
15 and hunting, agriculture commodity production, con-
16 struction, air transportation, rail transportation,
17 transit and ground passenger transportation, and
18 pipeline transportation industries.

19 (12) LABOR ORGANIZATION.—The term “labor
20 organization” means—

21 (A) a labor organization, as defined in sec-
22 tion 3 of the Labor-Management Reporting and
23 Disclosure Act of 1959 (29 U.S.C. 402); and

24 (B) a State or local central body, within
25 the meaning of that section.

1 (13) ON-THE-JOB TRAINING.—The term “on-
2 the-job training” means training provided by an em-
3 ployer to an individual who is employed by the em-
4 ployer.

5 (14) ONE-STOP OPERATOR, ONE-STOP PART-
6 NER.—The terms “one-stop operator” and “one-stop
7 partner” have the meanings given the terms in sec-
8 tion 101 of the Workforce Investment Act of 1998
9 (29 U.S.C. 2801).

10 (15) PARTIAL SEPARATION; PARTIALLY SEPA-
11 RATED.—The terms “partial separation” and “par-
12 tially separated” refer to a situation, with respect to
13 an individual who has not been totally separated, in
14 which—

15 (A) the individual’s hours of work have
16 been reduced to 80 percent or less of the indi-
17 vidual’s average weekly hours; and

18 (B) the individual’s wages have been re-
19 duced to 80 percent or less of the individual’s
20 average weekly wage, in such individual’s em-
21 ployment.

22 (16) PUBLIC AGENCY.—The term “public agen-
23 cy” means a department or agency of a State or po-
24 litical subdivision of a State or of the Federal Gov-
25 ernment.

1 (17) REGULAR, ADDITIONAL, AND EXTENDED
2 COMPENSATION.—The terms “regular compensa-
3 tion”, “additional compensation”, and “extended
4 compensation” have the meanings given the terms in
5 paragraphs (2), (3), and (4), respectively, of section
6 205 of the Federal-State Extended Unemployment
7 Compensation Act of 1970 (26 U.S.C. 3304 note).

8 (18) SECRETARY.—The term “Secretary”
9 means the Secretary of Labor.

10 (19) SERVICE WORKERS.—The term “service
11 workers” means workers supplying support or auxil-
12 iary services to an employment site.

13 (20) STATE.—The term “State” includes the
14 District of Columbia and the Commonwealth of
15 Puerto Rico.

16 (21) STATE AGENCY.—The term “State agen-
17 cy” means the agency of the State that administers
18 the State law.

19 (22) STATE LAW.—The term “State law”
20 means the unemployment compensation law of the
21 State approved by the Secretary under section 3304
22 of the Internal Revenue Code of 1986.

23 (23) TOTAL SEPARATION; TOTALLY SEPA-
24 RATED.—The terms “total separation” and “totally
25 separated” refer to a situation, involving the layoff

1 or severance of an individual from employment with
2 an employer.

3 (24) UNEMPLOYMENT COMPENSATION.—The
4 term “unemployment compensation” means the un-
5 employment compensation payable to an individual
6 under any State law, or applicable Federal law, as
7 determined by the Secretary, including chapter 85 of
8 title 5, United States Code, and the Railroad Unem-
9 ployment Insurance Act (42 U.S.C. 351 et seq.).

10 (25) UNITED STATES.—The term “United
11 States”, used in the geographical sense, includes the
12 Commonwealth of Puerto Rico.

13 (26) WEEK.—The term “week” means a week
14 as defined in the applicable State law.

15 (27) WEEK OF UNEMPLOYMENT.—The term
16 “week of unemployment” means a week of total,
17 part-total, or partial unemployment as determined
18 by the Secretary under the applicable State law, or
19 Federal unemployment compensation law.

20 (28) WORKER.—The term “worker” means an
21 employee, as defined in section 3 of the Fair Labor
22 Standards Act of 1938 (29 U.S.C. 203).

1 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this title \$1,000,000,000 for fiscal year 2010 and each
4 succeeding fiscal year.

5 **SEC. 104. CLIMATE CHANGE WORKER AND COMMUNITY AS-**
6 **SISTANCE FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States a fund, to be known as the
9 Climate Change Worker and Community Assistance Fund
10 (referred to in this title as the “Fund”), consisting of such
11 amounts as are transferred to the Fund under subsection
12 (b) and any interest earned on investment of amounts in
13 the Fund under subsection (c)(2).

14 (b) TRANSFER OF APPROPRIATED AMOUNTS.—The
15 Secretary of the Treasury shall transfer to the Fund an
16 amount equal to the funds appropriated under section 103
17 for each fiscal year.

18 (c) INVESTMENT OF FUND.—

19 (1) IN GENERAL.—

20 (A) INVESTMENT.—It shall be the duty of
21 the Secretary of the Treasury to invest such
22 portion of the Fund as is not, in the Secretary’s
23 judgment, required to meet current with-
24 drawals. Such investments may be made only in
25 interest-bearing obligations of the United States

1 or in obligations guaranteed as to both prin-
2 cipal and interest by the United States.

3 (B) ACQUISITIONS.—For such purpose,
4 such obligations may be acquired—

5 (i) on original issue at the issue price;

6 or

7 (ii) by purchase of outstanding obliga-
8 tions at the market price.

9 (C) SPECIAL OBLIGATIONS.—

10 (i) IN GENERAL.—The purposes for
11 which obligations of the United States may
12 be issued under chapter 31 of title 31,
13 United States Code, are extended to au-
14 thorize the issuance at par of special obli-
15 gations exclusively to the Fund.

16 (ii) INTEREST.—Except as provided in
17 clause (iii), such special obligations shall
18 bear interest at a rate equal to the average
19 rate of interest, computed as to the end of
20 the calendar month next preceding the
21 date of such issue, borne by all marketable
22 interest-bearing obligations of the United
23 States then forming a part of the Public
24 Debt.

1 (iii) ROUNDING.—In a case in which
 2 such average rate is not a multiple of one-
 3 eighth of 1 percent, the rate of interest of
 4 such special obligations shall be the mul-
 5 tiple of one-eighth of 1 percent next lower
 6 than such average rate.

7 (iv) DETERMINATION FOR
 8 ISSUANCE.—Such special obligations shall
 9 be issued only if the Secretary of the
 10 Treasury determines that the purchase of
 11 other interest-bearing obligations of the
 12 United States, or of obligations guaranteed
 13 as to both principal and interest by the
 14 United States on original issue or at the
 15 market price, is not in the public interest.

16 (2) SALE OF OBLIGATION.—Any obligation ac-
 17 quired by the Fund (except special obligations issued
 18 exclusively to the Fund) may be sold by the Sec-
 19 retary of the Treasury at the market price, and such
 20 special obligations may be redeemed at par plus ac-
 21 crued interest.

22 (3) CREDITS TO FUND.—The interest on, and
 23 the proceeds from the sale or redemption of, any ob-
 24 ligations held in the Fund shall be credited to and
 25 form a part of the Fund.

1 (d) OBLIGATIONS FROM FUND.—The Secretary of
 2 Labor is authorized to obligate such sums as are available
 3 in the Fund (including any amounts not obligated in pre-
 4 vious fiscal years) for the costs of carrying out the Pro-
 5 gram described in this title.

6 (e) REPORT TO CONGRESS.—It shall be the duty of
 7 the Secretary of the Treasury to hold the Fund, and (after
 8 consultation with the Secretary of Labor) to report to
 9 Congress each year on the financial condition and the re-
 10 sults of the operations of the Fund during the preceding
 11 fiscal year and on its expected condition and operations
 12 during the next fiscal year. Such report shall be printed
 13 as both a House and Senate document of the session of
 14 the Congress to which the report is made.

15 **SEC. 105. ESTABLISHMENT OF PROGRAM.**

16 The Secretary shall establish and carry out a Climate
 17 Change Worker and Community Assistance Program, re-
 18 ferred to in this title as the “Program”.

19 **SEC. 106. PETITIONS, ELIGIBILITY REQUIREMENTS, AND**
 20 **DETERMINATIONS FOR CLIMATE CHANGE**
 21 **ADJUSTMENT ALLOWANCES AND RELATED**
 22 **BENEFITS.**

23 (a) PETITIONS.—

24 (1) FILING.—

1 (A) IN GENERAL.—A petition for certifi-
2 cation of eligibility to apply for benefits de-
3 scribed in section 107 for a group of workers
4 under this title may be filed by—

5 (i) the group of workers;

6 (ii) a labor organization or other duly
7 authorized representative of the workers;
8 or

9 (iii) an employer of the workers, a
10 one-stop operator, a State agency, or the
11 State rapid response dislocated worker unit
12 established under section 112 of such Act
13 (29 U.S.C. 2822), on behalf of such work-
14 ers.

15 (B) RECIPIENTS.—The petition shall be
16 filed with the Secretary and, on the same date,
17 with the Governor of the State in which the
18 workers' employment site is located.

19 (2) ACTION BY GOVERNORS.—Upon receipt of a
20 petition filed under paragraph (1), the Governor
21 shall—

22 (A) ensure that rapid response activities
23 and appropriate core and intensive services (as
24 described in section 134 of the Workforce In-
25 vestment Act of 1998 (29 U.S.C. 2864)) au-

1 thorized under other applicable Federal laws (as
2 determined by the Secretary) are made avail-
3 able to the workers covered by the petition to
4 the extent authorized under such laws; and

5 (B) assist the Secretary in the review of
6 the petition by verifying such information and
7 providing such other assistance as the Secretary
8 may request.

9 (3) ACTION BY THE SECRETARY.—Upon receipt
10 of the petition, the Secretary shall promptly publish
11 notice in the Federal Register and on the website of
12 the Department of Labor that the Secretary has re-
13 ceived the petition and initiated an investigation.

14 (4) HEARINGS.—If the petitioner, or any other
15 person found by the Secretary to have a substantial
16 interest in the proceedings involved, submits, not
17 later than 10 days after the date of the Secretary's
18 publication under paragraph (3), a request for a
19 hearing regarding the petition, the Secretary shall
20 provide for a public hearing and afford the inter-
21 ested persons an opportunity to be present, to
22 produce evidence, and to be heard.

23 (b) ELIGIBILITY.—

24 (1) IN GENERAL.—A group of workers shall be
25 certified by the Secretary under subsection (d) as el-

1 igible to apply for benefits described in section 107
2 pursuant to a petition filed under subsection (a) if—

3 (A) the group of workers is employed in—

4 (i) energy producing and transforming
5 industries;

6 (ii) industries dependent upon energy
7 industries;

8 (iii) energy-intensive manufacturing
9 industries;

10 (iv) consumer goods manufacturing
11 industries; or

12 (v) other industries whose employment
13 the Secretary determines has been ad-
14 versely affected employment due to Federal
15 climate change policy;

16 (B) the Secretary determines that a sig-
17 nificant number or proportion of the workers at
18 the employment site of the group of workers
19 have become totally or partially separated from
20 employment, or have received a covered notice
21 relating to becoming totally or partially sepa-
22 rated from employment; and

23 (C) a decrease occurs in the sales, produc-
24 tion, or delivery of goods or services from that

1 employment site as a result of any requirement
2 of Federal climate change policy, including—

3 (i) a situation in which a shift from
4 reliance upon fossil fuels to other sources
5 of energy, including renewable energy, oc-
6 curs that results in the closing of a facility
7 or layoff of workers at a facility that
8 mines, produces, processes, or utilizes fos-
9 sil fuels to generate electricity;

10 (ii) a situation in which a substantial
11 increase occurs in the cost of energy re-
12 quired for a manufacturing facility to
13 produce items whose prices are competitive
14 in the marketplace; or

15 (iii) another documented occurrence
16 that the Secretary determines is an indi-
17 cator of an adverse impact on an industry
18 described in subparagraph (A) as a result
19 of any requirement of Federal climate
20 change policy.

21 (2) WORKERS IN PUBLIC AGENCIES.—A group
22 of workers in a public agency shall be certified by
23 the Secretary as eligible to apply for benefits de-
24 scribed in section 107 pursuant to a petition filed if
25 the Secretary determines that a significant number

1 or proportion of the workers in the public agency
 2 have become totally or partially separated from em-
 3 ployment, or have received a covered notice relating
 4 to becoming totally or partially separated from em-
 5 ployment as a result of any requirement of Federal
 6 climate change policy.

7 (3) ADVERSELY AFFECTED SERVICE WORK-
 8 ERS.—A group of service workers shall be certified
 9 by the Secretary as eligible to apply for benefits de-
 10 scribed in section 107 pursuant to a petition filed if
 11 the Secretary determines that—

12 (A) a significant number or proportion of
 13 the service workers at an employment site
 14 where a group of workers has been certified by
 15 the Secretary as eligible to apply for benefits
 16 described in section 107 pursuant to paragraph
 17 (1), have become totally or partially separated
 18 from employment, or have received a covered
 19 notice relating to becoming totally or partially
 20 separated from employment; and

21 (B) a loss of business for the business pro-
 22 viding service workers to the employment site is
 23 directly attributable to 1 or more of the docu-
 24 mented occurrences listed in paragraph (1)(C).

1 (c) AUTHORITY TO INVESTIGATE AND COLLECT IN-
 2 FORMATION.—

3 (1) IN GENERAL.—The Secretary shall, in de-
 4 termining whether to certify a group of workers
 5 under subsection (d), obtain information the Sec-
 6 retary determines to be necessary to make the cer-
 7 tification, through questionnaires and in such other
 8 manner as the Secretary determines appropriate,
 9 from—

10 (A) the workers' employer;

11 (B) officials of labor organizations or other
 12 duly authorized representatives of the workers;
 13 or

14 (C) one-stop operators or one-stop part-
 15 ners.

16 (2) VERIFICATION OF INFORMATION.—The Sec-
 17 retary shall require an employer, labor organization
 18 (or other duly authorized representative of the work-
 19 ers), or one-stop operator or partner to certify all in-
 20 formation that the Secretary obtains under para-
 21 graph (1) from the employer, labor organization (or
 22 other duly organized representative), or one-stop op-
 23 erator or partner (as the case may be) and on which
 24 the Secretary relies in making a determination
 25 under subsection (d), unless the Secretary has a rea-

sonable basis for determining that such information is accurate and complete without being certified.

(3) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the employer submitting the confidential business information had notice, 2 weeks prior to the release involved, that the information would be released by the Secretary, or the employer subsequently consents to the release of the information. Nothing in this paragraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

(d) DETERMINATION BY THE SECRETARY OF LABOR.—

(1) CERTIFICATION.—

(A) IN GENERAL.—As soon as possible after the date on which a petition is filed under subsection (a), but in any event not later than 40 days after that date, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection

1 Agency, as necessary, shall determine whether
2 the petitioning group (or the group of workers
3 covered by the petition) meets the requirements
4 of subsection (b), and shall issue a certification
5 of eligibility, to apply for assistance under this
6 title, covering workers in any group that meets
7 such requirements. Each certification shall
8 specify the date on which the total or partial
9 separation involved began or (if the workers re-
10 ceived a covered notice relating to such a sepa-
11 ration) the date on which the separation is to
12 begin.

13 (B) PUBLICATION.—Upon reaching a de-
14 termination on such a petition, the Secretary of
15 Labor shall promptly publish a summary of the
16 determination in the Federal Register and on
17 the website of the Department of Labor, to-
18 gether with the Secretary's reasons for making
19 such determination.

20 (C) ADVERSELY AFFECTED EMPLOY-
21 MENT.—In issuing a certification for the group,
22 the Secretary determines that the employment
23 of members of the group is adversely affected
24 employment.

1 (2) ONE-YEAR LIMITATION.—A certification
2 under this section shall not apply to any worker
3 whose last total or partial separation from employ-
4 ment at the employment site involved, before the
5 worker's application under subsection (a), occurred
6 more than 1 year before the date of the petition for
7 which such certification was granted.

8 (3) REVOCATION OF CERTIFICATION.—When-
9 ever the Secretary determines, with respect to any
10 certification under this section of eligibility of the
11 workers at an employment site, that total or partial
12 separations of the workers from employment at such
13 site are no longer a result of the factors specified in
14 subsection (b)(1), the Secretary shall terminate the
15 certification and promptly publish a notice of such
16 termination in the Federal Register and on the
17 website of the Department of Labor, together with
18 the Secretary's reasons for making such determina-
19 tion. Such termination shall apply only with respect
20 to total or partial separations occurring after the
21 termination date specified by the Secretary.

22 (4) NOTIFICATION OF GOVERNORS BY SEC-
23 RETARY.—As soon as practicable after making a de-
24 termination under this subsection that a group of
25 workers in a State is eligible for benefits under this

1 title, the Secretary shall notify the Governor of the
2 State in which the group is located of the determina-
3 tion.

4 (e) INDUSTRY NOTIFICATION OF ASSISTANCE.—

5 Upon making a determination under subsection (d)(1)
6 with respect to a domestic industry, the Secretary shall—

7 (1) notify the representatives of the domestic
8 industry affected by the determination, employers
9 publicly identified by name during the course of the
10 proceeding relating to the determination, and labor
11 organization (or other duly recognized representa-
12 tive) of workers employed by employers in the do-
13 mestic industry, of—

14 (A) the adjustment allowances, training,
15 and other benefits available under this title;

16 (B) the requirements and procedures for
17 filing a petition and applying for such benefits;
18 and

19 (C) the availability of assistance in filing
20 such petitions;

21 (2) notify the Governor of each State in which
22 1 or more employers in such industry are located of
23 the Secretary's determination and the identity of the
24 employers; and

1 (3) upon request, provide any assistance that is
2 necessary to file a petition under subsection (a).

3 (f) BENEFIT INFORMATION TO WORKERS, PRO-
4 VIDERS OF TRAINING.—

5 (1) IN GENERAL.—

6 (A) INFORMATION AND ASSISTANCE TO
7 WORKERS.—The Secretary shall provide full in-
8 formation to workers about the adjustment al-
9 lowances, training, and other benefits available
10 under this title and about the petition and ap-
11 plication procedures, and the appropriate filing
12 dates, for such allowances, training, and bene-
13 fits. The Secretary shall provide whatever as-
14 sistance is necessary to enable groups of work-
15 ers to prepare petitions or applications for Pro-
16 gram benefits.

17 (B) COMPLIANCE BY STATES.—The Sec-
18 retary shall make every effort to insure that co-
19 operating States and cooperating State agencies
20 (as described in section 108(a)) fully comply
21 with the agreements entered into under section
22 108(a) and shall periodically review such com-
23 pliance.

24 (C) INFORMATION ON CERTIFICATIONS.—
25 The Secretary shall inform the eligible agency

(as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the one-stop operators or one-stop partners involved, and other public or private agencies, institutions, and employers, as appropriate, of each certification issued under subsection (d) and of projections, if available, of the needs for training as a result of such certification.

(2) NOTICE BY MAIL.—The Secretary shall provide written notice through the mail of the benefits available under this title to each worker whom the Secretary has reason to believe is covered by a certification made under subsection (d)—

(A) at the time such certification is made, if the worker was partially or totally separated from the adversely affected employment involved before such certification; or

(B) at the time of the total or partial separation of the worker from the adversely affected employment, if subparagraph (A) does not apply.

(3) NEWSPAPERS; WEBSITE.—The Secretary shall publish notice of the benefits available under this title to workers covered by each certification

1 made under subsection (d) in newspapers of general
2 circulation in the areas in which such workers reside
3 and shall make such information available on the
4 website of the Department of Labor.

5 **SEC. 107. PROGRAM BENEFITS.**

6 (a) CLIMATE CHANGE ADJUSTMENT ALLOWANCE.—

7 (1) ELIGIBILITY.—The Secretary (or a cooper-
8 ating State agency, acting through an agreement de-
9 scribed in section 108(a)) shall pay a climate change
10 adjustment allowance to an adversely affected work-
11 er covered by a certification under section 106(d)
12 who files an application for the adjustment allow-
13 ance for any week of unemployment that begins on
14 or after the date of the certification, if each of the
15 following conditions are met:

16 (A) The worker’s total or partial separa-
17 tion before the worker’s application under this
18 title occurred—

19 (i) on or after the date, as specified in
20 the certification under which the worker is
21 covered, on which total or partial separa-
22 tion began or (if the workers covered by
23 the certification received a covered notice
24 relating to such a separation) on which the

1 separation was to begin, in the adversely
2 affected employment;

3 (ii) before the expiration of the 2-year
4 period beginning on the date on which the
5 determination under section 106(d) was
6 made; and

7 (iii) before the termination date, if
8 any, determined pursuant to section
9 106(d)(3).

10 (B) The worker had, in the 52-week period
11 ending with the week in which the worker's
12 total or partial separation began, at least 26
13 weeks of full-time employment or 1,040 hours
14 of part-time employment (or, if data with re-
15 spect to weeks of employment are not available,
16 equivalent amounts of employment computed
17 under regulations prescribed by the Secretary)
18 in employment that has been determined to be
19 adversely affected employment. For the pur-
20 poses of this subparagraph, any week in which
21 the worker—

22 (i) is on employer-authorized leave for
23 purposes of vacation, sickness, injury, or
24 inactive duty or active duty military service

1 for training, or employer-authorized family
2 and medical leave;

3 (ii) does not work because of a dis-
4 ability that is compensable under a work-
5 er's compensation law or plan of a State or
6 the United States;

7 (iii) had the worker's employment in-
8 terrupted in order to serve as a full-time
9 representative of a labor organization for,
10 or another duly authorized representatives
11 of, workers employed by the employer in-
12 volved;

13 (iv) is a Reserve on active duty in the
14 Armed Forces, which duty is Federal serv-
15 ice for purposes of subchapter II of chap-
16 ter 85 of title 5, United States Code; or

17 (v) was separated from employment
18 because of a lockout or other similar action
19 initiated by the employer,

20 shall be treated as a week of employment and
21 an individual who was separated from employ-
22 ment as described in clause (v) shall be treated
23 as an individual who has been totally or par-
24 tially separated from such employment because

1 of a lack of work in adversely affected employ-
2 ment.

3 (C) The worker is enrolled in a training
4 program approved by the Secretary under sub-
5 section (b)(2).

6 (2) INELIGIBILITY FOR CERTAIN OTHER BENE-
7 FITS.—An adversely affected worker receiving a cli-
8 mate change adjustment allowance under this sec-
9 tion shall be ineligible to receive any other form of
10 unemployment compensation for the period for
11 which such worker is receiving a climate change ad-
12 justment allowance under this section.

13 (3) REVOCATION.—If—

14 (A) the Secretary determines that—

15 (i) the adversely affected worker—

16 (I) has failed to begin participa-
17 tion in the training program in which
18 the worker is required to enroll under
19 paragraph (1)(C); or

20 (II) has ceased to participate in
21 such training program before com-
22 pleting such training program; and

23 (ii) there is no justifiable cause for
24 such failure or cessation; or

1 (B) the certification made with respect to
2 such worker under section 106(d) is revoked
3 under paragraph (3) of such section,
4 no adjustment allowance may be paid to the ad-
5 versely affected worker under this title for the week
6 in which such failure, cessation, or revocation oc-
7 curred, or any succeeding week, until the adversely
8 affected worker begins or resumes participation in a
9 training program approved by the Secretary under
10 section (b)(2).

11 (4) WAIVERS OF TRAINING REQUIREMENTS.—
12 The Secretary may issue a written statement to an
13 adversely affected worker waiving the requirement of
14 paragraph (1)(C) to be enrolled in training described
15 in subsection (b)(2) if the Secretary determines that
16 it is not feasible or appropriate for the worker to
17 participate in the training, because of 1 or more of
18 the following reasons:

19 (A) RECALL.—The worker has been noti-
20 fied that the worker will be recalled by the em-
21 ployer that employed the worker on the date of
22 the separation.

23 (B) MARKETABLE SKILLS.—

24 (i) IN GENERAL.—The worker pos-
25 sesses marketable skills for suitable em-

1 ployment (as determined pursuant to an
 2 assessment of the worker, which may in-
 3 clude an assessment under the profiling
 4 system under section 303(j) of the Social
 5 Security Act (42 U.S.C. 503(j)), carried
 6 out in accordance with guidelines issued by
 7 the Secretary) and there is a reasonable
 8 expectation that the worker will be em-
 9 ployed at equivalent wages in the foresee-
 10 able future.

11 (ii) MARKETABLE SKILLS DEFINED.—

12 For purposes of clause (i), the term “pos-
 13 sesses marketable skills” may include the
 14 possession of a postgraduate degree from
 15 an institution of higher education (as de-
 16 fined in section 102 of the Higher Edu-
 17 cation Act of 1965 (20 U.S.C. 1002)) or
 18 an equivalent institution, or the possession
 19 of an equivalent postgraduate certification
 20 in a specialized field.

21 (C) RETIREMENT.—The worker is within 2
 22 years of meeting all requirements for entitle-
 23 ment to—

24 (i) old-age insurance benefit payments
 25 under title II of the Social Security Act

(42 U.S.C. 401 et seq.) (except for application for such benefits); or

(ii) a private pension sponsored by an employer or labor organization (or another duly authorized representative of such workers).

(D) HEALTH.—The worker is unable to participate in training due to the health of the worker, except that a waiver on the basis of this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

(E) ENROLLMENT UNAVAILABLE.—The first available enrollment date for the training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

(F) TRAINING NOT AVAILABLE.—Training described in subsection (b)(2) is not reasonably available to the worker from either govern-

1 mental agencies or private sources (which may
 2 include area career and technical education
 3 schools, as defined in section 3 of the Carl D.
 4 Perkins Career and Technical Education Act of
 5 2006 (20 U.S.C. 2302), and employers), no
 6 such training that is suitable for the worker is
 7 available at a reasonable cost, or no training
 8 funds are available for such training.

9 (5) WEEKLY AMOUNTS.—The climate change
 10 adjustment allowance payable to an adversely af-
 11 fected worker under this subsection for a week of
 12 unemployment shall be an amount equal to 70 per-
 13 cent of the average weekly wage of such worker, but
 14 in no case shall such allowance exceed the average
 15 weekly wage for all workers in the State where the
 16 adversely affected worker resides.

17 (6) MAXIMUM DURATION OF BENEFITS.—An el-
 18 igible worker may receive a climate change adjust-
 19 ment allowance under this subsection for a period of
 20 not more than 156 weeks.

21 (b) EMPLOYMENT SERVICES AND TRAINING.—

22 (1) INFORMATION AND EMPLOYMENT SERV-
 23 ICES.—The Secretary shall make available, directly
 24 or through agreements with cooperating States or
 25 cooperating State agencies under section 108(a), to

1 adversely affected workers covered by a certification
2 under section 106(d) the following information and
3 employment services:

4 (A) Comprehensive and specialized assess-
5 ment of skill levels and service needs, including
6 through—

7 (i) diagnostic testing and use of other
8 assessment tools; and

9 (ii) in-depth interviewing and evalua-
10 tion to identify employment barriers and
11 appropriate employment goals.

12 (B) Development of an individual employ-
13 ment plan to identify employment goals and ob-
14 jectives, and appropriate training to achieve
15 those goals and objectives.

16 (C) Information on training available in
17 local and regional areas, information on indi-
18 vidual counseling to determine which training is
19 suitable training, and information on how to
20 apply for such training.

21 (D) Information on training programs and
22 other services provided by a State pursuant to
23 title I of the Workforce Investment Act of 1998
24 (29 U.S.C. 2801 et seq.) and available in local
25 and regional areas, information on individual

1 counseling to determine which training is suit-
2 able training, and information on how to apply
3 for such training.

4 (E) Information on how to apply for finan-
5 cial aid, including referring workers to edu-
6 cational opportunity centers described in section
7 402F of the Higher Education Act of 1965 (20
8 U.S.C. 1070a–16), where applicable, and noti-
9 fying workers that the workers may request fi-
10 nancial aid administrators at institutions of
11 higher education (as defined in section 102 of
12 such Act (20 U.S.C. 1002)) to use the adminis-
13 trators’ discretion under section 479A of such
14 Act (20 U.S.C. 1087tt) to use current year in-
15 come data, rather than preceding year income
16 data, for determining the amount of need of the
17 workers for Federal financial assistance under
18 title IV of such Act (20 U.S.C. 1070 et seq.).

19 (F) Short-term prevocational services, in-
20 cluding development of learning skills, commu-
21 nications skills, interviewing skills, punctuality,
22 personal maintenance skills, and professional
23 conduct to prepare individuals for employment
24 or training.

1 (G) Individual career counseling, including
2 job search and placement counseling, during the
3 period in which the worker involved is receiving
4 a benefit under this title, and (if the worker re-
5 ceives training under this title) after receiving
6 such training for purposes of job placement.

7 (H) Provision of employment statistics in-
8 formation, including the provision of accurate
9 information relating to local, regional, and na-
10 tional labor market areas, including—

11 (i) job vacancy listings in the labor
12 market areas;

13 (ii) information on jobs skills nec-
14 essary to obtain jobs identified in job va-
15 cancy listings described in clause (i);

16 (iii) information relating to local occu-
17 pations that are in demand and earnings
18 potential of such occupations; and

19 (iv) skills requirements for local occu-
20 pations described in clause (iii).

21 (I) Information relating to the availability
22 of supportive services, including services relat-
23 ing to child care, transportation, dependent
24 care, housing assistance, and need-related pay-
25 ments that are necessary to enable an indi-

vidual to participate in training described in paragraph (2).

(2) TRAINING.—

(A) APPROVAL OF AND PAYMENT FOR TRAINING.—

(i) APPROVAL.—The Secretary (or a cooperating State agency) shall approve training for an adversely affected worker, if the Secretary (or agency) determines, with respect to the worker, that—

(I) there is no suitable employment (which may include technical and professional employment) available for an adversely affected worker;

(II) the worker would benefit from appropriate training;

(III) there is a reasonable expectation of employment following completion of such training;

(IV) training approved by the Secretary (or State or agency) is reasonably available to the worker from either governmental agencies or private sources (including area career and technical education schools, as de-

1 fined in section 3 of the Carl D. Per-
2 kins Career and Technical Education
3 Act of 2006 (20 U.S.C. 2302), and
4 employers);

5 (V) the worker is qualified to un-
6 dertake and complete such training;
7 and

8 (VI) such training is suitable for
9 the worker and available at a reason-
10 able cost.

11 (ii) PAYMENT.—Upon such approval,
12 the worker shall be entitled to have pay-
13 ment of the costs of such training (subject
14 to the limitations imposed by this section)
15 paid on the worker's behalf by the Sec-
16 retary (or cooperating State agency) di-
17 rectly or through a voucher system.

18 (B) DISTRIBUTION.—The Secretary shall
19 establish procedures for the distribution of
20 funds to States to carry out the training pro-
21 grams approved under this paragraph, and shall
22 make an initial distribution of the funds made
23 available to carry out this paragraph as soon as
24 practicable after the beginning of each fiscal
25 year.

1 (C) ADDITIONAL RULE REGARDING AP-
 2 PROVAL OF TRAINING.—For purposes of apply-
 3 ing subparagraph (A)(i)(III), a reasonable ex-
 4 pectation of employment does not require that
 5 employment opportunities for a worker be avail-
 6 able, or offered, immediately upon the comple-
 7 tion of training approved under subparagraph
 8 (A).

9 (D) ADDITIONAL RULES REGARDING PAY-
 10 MENT FOR TRAINING.—

11 (i) NO LATER PAYMENT FOR SAME
 12 COSTS.—If the costs of training an ad-
 13 versely affected worker are paid by the
 14 Secretary (or cooperating State agency)
 15 under subparagraph (A), no other payment
 16 for such costs may be made under any
 17 other provision of Federal law.

18 (ii) NO PRIOR PAYMENT FOR SAME
 19 COSTS.—No payment may be made under
 20 subparagraph (A) for the costs of training
 21 an adversely affected worker (including an
 22 adversely affected incumbent worker) if the
 23 costs—

24 (I) have already been paid under
 25 any other provision of Federal law; or

1 (II) are reimbursable under any
 2 other provision of Federal law and a
 3 portion of such costs has already been
 4 paid under such other provision of
 5 Federal law.

6 (iii) EXCEPTION.—The provisions of
 7 this subparagraph shall not apply to, or
 8 take into account, any funds provided
 9 under any other provision of Federal law
 10 that are used for any purpose other than
 11 the direct payment of the costs incurred in
 12 training, under this paragraph, a par-
 13 ticular adversely affected worker, even if
 14 such use has the effect of indirectly paying
 15 or reducing any portion of the costs in-
 16 volved in training the adversely affected
 17 worker.

18 (E) TRAINING PROGRAMS.—The training
 19 programs that may be approved under subpara-
 20 graph (A) include—

21 (i) an employer-based training pro-
 22 gram, including—

23 (I) an on-the-job training pro-
 24 gram if approved by the Secretary (or

1 a cooperating State agency) under
2 subsection (c); and

3 (II) joint labor-management ap-
4 prenticeship programs;

5 (ii) any training program provided by
6 a State pursuant to title I of the Work-
7 force Investment Act of 1998 (29 U.S.C.
8 2801 et seq.), including each program pro-
9 viding training services under chapter 5 of
10 subtitle B of that title (29 U.S.C. 2861 et
11 seq.);

12 (iii) any programs in career and tech-
13 nical education, as defined in section 3 of
14 the Carl D. Perkins Career and Technical
15 Education Act of 2006 (20 U.S.C. 2302);

16 (iv) any program of remedial edu-
17 cation;

18 (v) any program of prerequisite edu-
19 cation or coursework required to enroll in
20 training that may be approved under this
21 paragraph;

22 (vi) any training program for which
23 all, or any portion, of the costs of training
24 the worker involved are paid—

1 (I) under any Federal or State
 2 program other than this title; or

3 (II) from any source other than
 4 funds made available under this title;

5 (vii) any training program or program
 6 of coursework at an accredited institution
 7 of higher education (as defined in section
 8 102 of the Higher Education Act of 1965
 9 (20 U.S.C. 1002)), including a training
 10 program or program of coursework for the
 11 purpose of—

12 (I) obtaining a degree or certifi-
 13 cation; or

14 (II) completing a degree or cer-
 15 tification that the worker had pre-
 16 viously begun at such an accredited
 17 institution of higher education; and

18 (viii) any other training program de-
 19 termined by the Secretary to be appro-
 20 priate.

21 (3) SUPPLEMENTAL ASSISTANCE.—The Sec-
 22 retary (or a cooperating State agency) may, as ap-
 23 propriate, authorize supplemental assistance that is
 24 necessary to defray reasonable transportation and
 25 subsistence expenses for separate maintenance in a

1 case in which training under paragraph (2) for a
2 worker is provided in a facility that is not within
3 commuting distance of the regular place of residence
4 of the worker.

5 (c) ON-THE-JOB TRAINING REQUIREMENTS.—

6 (1) IN GENERAL.—The Secretary (or a cooper-
7 ating State agency) may approve on-the-job training
8 for an adversely affected worker if—

9 (A) the Secretary determines that the on-
10 the-job training—

11 (i) can reasonably be expected to lead
12 to suitable employment with the employer
13 offering the on-the-job training;

14 (ii) is compatible with the skills of the
15 worker;

16 (iii) includes a curriculum through
17 which the worker will gain the knowledge
18 or skills to become proficient in the job for
19 which the worker is being trained; and

20 (iv) can be measured by benchmarks
21 that indicate whether the worker is gaining
22 such knowledge or skills; and

23 (B) the State involved determines that the
24 on-the-job training program meets the require-

1 ments of clauses (iii) and (iv) of subparagraph
2 (A).

3 (2) MONTHLY PAYMENTS.—The Secretary (or a
4 cooperating State agency) shall pay the costs of on-
5 the-job training approved under paragraph (1) in
6 monthly installments.

7 (3) CONTRACTS FOR ON-THE-JOB TRAINING.—

8 (A) IN GENERAL.—The Secretary (or a co-
9 operating State agency) shall ensure, in enter-
10 ing into a contract with an employer to provide
11 on-the-job training to a worker under this sub-
12 section, that the skill requirements of the job
13 for which the worker is being trained, the aca-
14 demic and occupational skill level of the worker,
15 and the work experience of the worker are
16 taken into consideration.

17 (B) TERM OF CONTRACT.—Training under
18 any such contract shall be limited to the period
19 of time required for the worker receiving on-
20 the-job training to become proficient in the job
21 for which the worker is being trained, but may
22 not exceed 156 weeks in any case.

23 (4) EXCLUSION OF CERTAIN EMPLOYERS.—The
24 Secretary (or a cooperating State agency) shall not
25 enter into a contract for on-the-job training under

1 this subsection with an employer that exhibits a pat-
2 tern of failing to provide workers receiving such on-
3 the-job training from the employer with—

4 (A) continued, long-term employment as
5 regular workers; and

6 (B) wages, benefits, and working condi-
7 tions that are equivalent to the wages, benefits,
8 and working conditions provided to regular
9 workers who have worked a similar period of
10 time and are doing the same type of work as
11 the workers receiving on-the-job training from
12 the employer.

13 (d) ADMINISTRATIVE AND EMPLOYMENT SERVICES
14 FUNDING.—

15 (1) ADMINISTRATIVE FUNDING.—In addition to
16 any funds made available to a State to carry out
17 title I of the Workforce Investment Act of 1998 (29
18 U.S.C. 2801 et seq.) for a fiscal year, the Secretary
19 shall ensure that the State receives for the fiscal
20 year a payment in an amount that is equal to 15
21 percent of the amount of such funds, for the admin-
22 istration of the Program.

23 (2) INFORMATION AND EMPLOYMENT SERVICES
24 FUNDING.—

1 (A) IN GENERAL.—In addition to any
 2 funds made available to a State to carry out the
 3 Workforce Investment Act of 1998 and make
 4 the payment under paragraph (1) for a fiscal
 5 year, the Secretary shall provide to the State
 6 for the fiscal year a reasonable payment for the
 7 purpose of providing information and employ-
 8 ment services under subsection (b)(1).

9 (B) VOLUNTARY RETURN OF FUNDS.—A
 10 State that receives a payment under subpara-
 11 graph (A) may decline or otherwise return such
 12 payment to the Secretary.

13 (e) JOB SEARCH ALLOWANCES.—

14 (1) IN GENERAL.—The Secretary (or a cooper-
 15 ating State agency) may provide to adversely af-
 16 fected workers a one-time job search allowance in
 17 accordance with regulations prescribed by the Sec-
 18 retary.

19 (2) CIRCUMSTANCES AND CONDITIONS.—Any
 20 job search allowance provided under this subsection
 21 shall be available only if each of the following cir-
 22 cumstances and conditions occur:

23 (A) INELIGIBILITY; COMPLETION OF
 24 TRAINING.—The worker is no longer eligible for
 25 the climate change adjustment allowance under

1 subsection (a) and has completed the training
2 program required by subsection (a)(1)(C).

3 (B) NO EXPECTATION OF SUITABLE EM-
4 PLOYMENT.—The Secretary (or cooperating
5 State agency) determines that the worker can-
6 not reasonably be expected to secure suitable
7 employment in the commuting area in which
8 the worker resides.

9 (C) USE OF FUNDS.—A worker that re-
10 ceives a job search allowance under this sub-
11 section may use that allowance as reimburse-
12 ment for all necessary job search expenses as
13 prescribed by the Secretary in regulations. The
14 allowance provided under this subsection may
15 not exceed \$1,500 for any worker.

16 (f) RELOCATION ALLOWANCE AUTHORIZED.—

17 (1) IN GENERAL.—Any adversely affected work-
18 er covered by a certification issued under section
19 106(d) may file an application for a relocation allow-
20 ance with the Secretary (or a cooperating State
21 agency), and the Secretary (or State or agency) may
22 grant the relocation allowance, subject to the terms
23 and conditions of this subsection.

1 (2) CONDITIONS FOR GRANTING ALLOWANCE.—

2 The relocation allowance may be granted if all of the
3 following terms and conditions are met:

4 (A) ASSIST AN ADVERSELY AFFECTED
5 WORKER.—The relocation allowance will assist
6 an adversely affected worker in relocating with-
7 in the United States.

8 (B) LOCAL EMPLOYMENT NOT AVAIL-
9 ABLE.—The Secretary (or cooperating State
10 agency) determines that the worker cannot rea-
11 sonably be expected to secure suitable employ-
12 ment in the commuting area in which the work-
13 er resides.

14 (C) TOTAL SEPARATION.—The worker is
15 totally separated from employment at the time
16 the relocation commences.

17 (D) SUITABLE EMPLOYMENT OBTAINED.—
18 The worker—

19 (i) has obtained suitable employment
20 affording a reasonable expectation of long-
21 term employment in the area in which the
22 worker wishes to relocate; or

23 (ii) has obtained a bona fide offer of
24 employment described in clause (i).

1 (E) APPLICATION.—The worker filed an
2 application with the Secretary (or cooperating
3 State agency) at such time and in such manner
4 as the Secretary shall specify by regulation.

5 (3) AMOUNT OF ALLOWANCE.—The relocation
6 allowance granted to a worker under paragraph (1)
7 shall include—

8 (A) payment for all reasonable and nec-
9 essary expenses (including subsistence and
10 transportation expenses at levels not exceeding
11 amounts prescribed by the Secretary in regula-
12 tions) incurred in transporting the worker, the
13 worker's family, and household effects for the
14 relocation; and

15 (B) a lump sum equivalent to 3 times the
16 worker's average weekly wage, up to a max-
17 imum payment of \$1,500.

18 (4) LIMITATIONS.—A relocation allowance may
19 not be granted under this subsection to a worker un-
20 less—

21 (A) the relocation occurs within 182 days
22 after the filing of the application for relocation
23 assistance; or

24 (B) the relocation occurs within 182 days
25 after the conclusion of training, if the worker

1 entered a training program approved by the
2 Secretary (or cooperating State agency) under
3 subsection (b)(2).

4 (g) HEALTH INSURANCE COVERAGE.—Not later than
5 1 year after the date of enactment of this Act, the Sec-
6 retary shall prescribe regulations to enable the Secretary
7 (or a cooperating State agency) to provide for an adversely
8 affected worker, for each month in the period in which
9 the worker is participating in a training program de-
10 scribed in subsection (b)(2), a health insurance allowance.
11 The monthly allowance shall be 80 percent of the monthly
12 premium for any health insurance coverage that the work-
13 er was receiving from the worker’s employer prior to the
14 worker’s separation from employment referred to in the
15 worker’s application described in subsection (a)(1). The
16 allowance shall be paid to any health insurance plan des-
17 ignated by the worker.

18 (h) PAYMENTS TO RETIREMENT PLANS.—Not later
19 than 1 year after the date of enactment of this Act, the
20 Secretary shall prescribe regulations to enable the Sec-
21 retary (or a cooperating State agency) to provide for lump
22 sum payments from the Fund to retirement plans for in-
23 dustries that have experienced mass layoffs (within the
24 meaning of section 101 of the Workforce Investment Act

1 of 1998 (29 U.S.C. 2801)) due to Federal climate change
 2 policy.

3 **SEC. 108. GENERAL PROVISIONS.**

4 (a) AGREEMENTS WITH STATES.—

5 (1) IN GENERAL.—

6 (A) IN GENERAL.—The Secretary is au-
 7 thorized on behalf of the United States to enter
 8 into an agreement with any State, or with any
 9 State agency (referred to in this title as a “co-
 10 operating State” and a “cooperating State
 11 agency”, respectively).

12 (B) RESPONSIBILITIES.—Under such an
 13 agreement, the cooperating State agency of the
 14 State involved—

15 (i) as agent of the United States,
 16 shall receive applications for and provide
 17 payments for benefits described in section
 18 107 on the basis provided in this title;

19 (ii) in accordance with paragraph (6),
 20 shall make available to adversely affected
 21 workers covered by a certification under
 22 section 106(d) the information and em-
 23 ployment services described in section
 24 107(b)(1); and

1 (iii) shall otherwise cooperate with the
2 Secretary and with other State and Fed-
3 eral agencies in providing payments and
4 services under this title.

5 (C) AMENDMENT; SUSPENSION; TERMI-
6 NATION.—Each agreement under this section
7 shall provide the terms and conditions upon
8 which the agreement may be amended, sus-
9 pended, or terminated.

10 (2) FORM AND MANNER OF DATA.—Each
11 agreement under this section shall—

12 (A) provide the Secretary with the author-
13 ity to collect any data the Secretary determines
14 necessary to meet the requirements of this title,
15 including authority for the Secretary to require
16 that a State collect such data and report it to
17 the Secretary; and

18 (B) specify the form and manner in which
19 any such data required by the Secretary shall
20 be reported.

21 (3) RELATIONSHIP TO UNEMPLOYMENT COM-
22 PENSATION.—Each agreement under this section
23 shall provide that an adversely affected worker re-
24 ceiving a climate change adjustment allowance under
25 this title shall not be eligible for unemployment com-

1 pensation otherwise payable to such worker under
2 the laws of the State.

3 (4) REVIEW.—A determination by a cooper-
4 ating State agency with respect to a worker's entitle-
5 ment to Program benefits under the agreement shall
6 be subject to review in the same manner and to the
7 same extent as a determination under the applicable
8 State law (and only in that manner and to that ex-
9 tent).

10 (5) COORDINATION.—Any agreement entered
11 into under this subsection shall provide for the co-
12 ordination of the administration of the information
13 and employment services, training, and supplemental
14 assistance provided under subsections (b), (c), and
15 (e) through (h) of section 107 and the services pro-
16 vided under title I of the Workforce Investment Act
17 of 1998 (29 U.S.C. 2801 et seq.) on such terms and
18 under such conditions as are established by the Sec-
19 retary in consultation with the States and set forth
20 in such agreement. Any agency of the State jointly
21 administering such information, services, training,
22 and supplemental assistance under such agreement
23 shall be considered to be a cooperating State agency
24 for purposes of this title.

1 (6) RESPONSIBILITIES OF COOPERATING AGEN-
2 CIES.—Each cooperating State agency shall, in car-
3 rying out paragraph (1)(B)(ii)—

4 (A) advise each worker who applies for un-
5 employment compensation in the State of the
6 benefits provided under this title and the proce-
7 dures and deadlines for applying for such bene-
8 fits;

9 (B) facilitate the early filing of petitions
10 under section 106(a) to cover any workers that
11 the agency considers to be likely to be eligible
12 for benefits under this title;

13 (C) advise each adversely affected worker
14 applying for a climate change adjustment allow-
15 ance under section 107(a) to apply for training
16 under section 107(b) before, or at the same
17 time as, the worker applies for the adjustment
18 allowance;

19 (D) perform outreach to, intake of, and
20 orientation for adversely affected workers (in-
21 cluding adversely affected incumbent workers)
22 covered by a certification issued under section
23 106(d) with respect to benefits (including allow-
24 ances) available under this title;

1 (E) make information and employment
2 services described in section 107(b)(1) available
3 to adversely affected workers (including ad-
4 versely affected incumbent workers) covered by
5 a certification under section 106(d) and, if
6 funds provided to carry out this title are insuf-
7 ficient to make such information and services
8 available, make arrangements to make such in-
9 formation and services available through other
10 Federal programs; and

11 (F) provide the benefits (including infor-
12 mation and employment services, and training)
13 under this title in a manner that is necessary
14 for the proper and efficient administration of
15 this title (including the use of cooperating State
16 agency personnel employed in accordance with a
17 merit system of personnel administration stand-
18 ards), including—

19 (i) making verifications of eligibility
20 for, and payment of, climate change ad-
21 justment allowances under section
22 107(a)(1) and making payment of job
23 search, relocation, and health insurance al-
24 lowances under subsections (e), (f), and (g)
25 of section 107;

(ii) developing recommendations regarding providing payments as a bridge to retirement, such as lump sum payments to retirement plans, in accordance with section 107(h), and providing the payments in accordance with that section, including any regulations issued under that section; and

(iii) the provision of information and employment services described in section 107(b)(1) to eligible workers, including providing training and referral to training described in section 107(b)(2) and providing supplemental assistance under section 107(b)(3).

(7) DESCRIPTION OF AND INFORMATION ON WORKFORCE INVESTMENT ACTIVITIES.—In order to promote the coordination of workforce investment activities carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) in each State with activities carried out under this title, any agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) (with respect to activities described in this title,

as well as activities described in that paragraph) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)) and a description of the State's rapid response activities under section 134(a)(2)(A) of that Act (29 U.S.C. 2864(a)(2)(A)).

(8) CONTROL MEASURES.—

(A) IN GENERAL.—The Secretary shall require each cooperating State agency to implement effective control measures and to oversee effectively the operation and administration of the Program, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported on the Program.

(B) DEFINITION.—For purposes of subparagraph (A), the term “control measures” means measures that—

(i) are internal to a system used by a State to collect data; and

(ii) are designed to ensure the accuracy and verifiability of such data.

(9) DATA REPORTING.—

(A) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State agency to report to the Secretary on

a quarterly basis comprehensive performance accountability data, to consist of—

(i) data on the core indicators of performance described in subparagraph (B)(i);

(ii) data on the additional indicators of performance described in subparagraph (B)(ii), if any; and

(iii) a description of efforts made to improve outcomes for workers under the Program.

(B) CORE INDICATORS DESCRIBED.—

(i) IN GENERAL.—The core indicators of performance referred to in subparagraph (A)(i) are—

(I) the percentage of workers receiving benefits under this title who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

(II) the percentage of workers receiving benefits under this title who are employed, for each of the third and fourth calendar quarters following the calendar quarter in which the

1 workers cease receiving such benefits;
 2 and

3 (III) the earnings of workers re-
 4 ceiving benefits under this title who
 5 are employed, for each of the third
 6 and fourth calendar quarters following
 7 the calendar quarter in which the
 8 workers cease receiving such benefits.

9 (ii) ADDITIONAL INDICATORS.—The
 10 Secretary, and a cooperating State agency,
 11 may agree upon additional indicators of
 12 performance for the State's activities
 13 under the Program.

14 (C) STANDARDS WITH RESPECT TO RELI-
 15 ABILITY OF DATA.—In preparing the quarterly
 16 report required by subparagraph (A), each co-
 17 operating State agency shall establish proce-
 18 dures that are consistent with guidelines to be
 19 issued by the Secretary to ensure that the data
 20 reported are valid and reliable.

21 (10) VERIFICATION OF ELIGIBILITY FOR PRO-
 22 GRAM BENEFITS.—

23 (A) IN GENERAL.—

24 (i) VERIFICATION.—An agreement
 25 under this section shall provide that the

1 State shall periodically redetermine that a
2 worker receiving benefits under this title
3 who is not a citizen or national of the
4 United States (as defined in section
5 101(a)(22) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1101(a)(22))) remains
7 in a satisfactory immigration status.

8 (ii) REVERIFICATION.—Once satisfac-
9 tory immigration status has been initially
10 verified through the income and eligibility
11 verification system described in section
12 1137(d) of the Social Security Act (42
13 U.S.C. 1320b–7(d)) for purposes of estab-
14 lishing a worker’s eligibility for unemploy-
15 ment compensation, the State shall reverify
16 the worker’s immigration status if the doc-
17 umentation provided during initial
18 verification will expire during the period in
19 which that worker is potentially eligible to
20 receive benefits under this title. The State
21 shall conduct such redetermination in a
22 timely manner, utilizing the income and
23 eligibility verification system described in
24 section 1137(d) of the Social Security Act.

1 (B) PROCEDURES.—The Secretary shall
2 establish procedures to ensure the uniform ap-
3 plication by the States of the requirements of
4 this paragraph.

5 (b) ADMINISTRATION ABSENT STATE AGREE-
6 MENT.—

7 (1) REGULATIONS.—In any State where there
8 is no agreement in force between the Secretary, and
9 a cooperating State or cooperating State agency,
10 under subsection (a), the Secretary shall promulgate
11 regulations for the performance of all necessary
12 functions under sections 106(d) and 107, including
13 provision for a fair hearing for any worker whose
14 application for a payment is denied.

15 (2) REVIEW.—

16 (A) IN GENERAL.—A final determination
17 under paragraph (1) by the Secretary with re-
18 spect to entitlement to Program benefits under
19 section 107 is subject to review by the courts in
20 the same manner and to the same extent as is
21 provided by section 205(g) of the Social Secu-
22 rity Act (42 U.S.C. 405(g)).

23 (B) APPLICATION.—For purposes of apply-
24 ing that section 205(g) under this subsection, a
25 reference to a regulation prescribed under sec-

1 tion 205(a) of the Social Security Act (42
2 U.S.C. 405(a)) should be considered to be a ref-
3 erence to a regulation prescribed under this
4 title.

5 (c) PROHIBITION ON CONTRACTING WITH PRIVATE
6 ENTITIES.—Neither the Secretary nor a State may con-
7 tract with any private for-profit or private nonprofit entity
8 for the administration of the Program.

9 (d) PAYMENT TO THE STATES.—

10 (1) IN GENERAL.—The Secretary shall from
11 time to time pay under section 104(d) to each co-
12 operating State the sums necessary to enable the
13 State as agent of the United States to make pay-
14 ments provided for by this title.

15 (2) RESTRICTION.—All money paid to a State
16 under this subsection shall be used solely for the
17 purposes for which the money is paid. Money paid
18 under this subsection that is not used for such pur-
19 poses shall be returned, at the time specified in the
20 agreement under this section, to the Secretary for
21 deposit in the Fund.

22 (3) BONDS.—Any agreement under this section
23 may require any officer or worker of the State certi-
24 fying payments or disbursing funds under the agree-
25 ment or otherwise participating in the performance

1 of the agreement, to give a surety bond to the
2 United States in such amount as the Secretary may
3 determine to be necessary. The Secretary may pro-
4 vide for the payment of the cost of such bond from
5 sums available in the Fund.

6 (e) LABOR STANDARDS.—

7 (1) PROHIBITION ON DISPLACEMENT.—An indi-
8 vidual in an apprenticeship program or on-the-job
9 training program under this title shall not displace
10 (including a partial displacement, such as a reduc-
11 tion in the hours of nonovertime work, wages, or em-
12 ployment benefits) any employed worker.

13 (2) PROHIBITION ON IMPAIRMENT OF CON-
14 TRACTS.—An apprenticeship program or on-the-job
15 training program under this Act shall not impair an
16 existing contract for services or collective bargaining
17 agreement, and no such activity that would be incon-
18 sistent with the terms of a collective bargaining
19 agreement shall be undertaken without the written
20 concurrence of the labor organization (or other duly
21 authorized representative of the workers concerned)
22 and employer concerned.

23 (3) ADDITIONAL STANDARDS.—The Secretary,
24 or a State acting under an agreement described in
25 subsection (a) may pay the costs of on-the-job train-

1 ing for an adversely affected worker under this title,
2 notwithstanding any other provision of this section,
3 only if—

4 (A) in the case of training that would be
5 inconsistent with the terms of a collective bar-
6 gaining agreement, the written concurrence of
7 the labor organization (or other duly authorized
8 representative) concerned has been obtained;

9 (B) the job for which such adversely af-
10 fected worker is being trained is not being cre-
11 ated in a promotional line that will infringe in
12 any way upon the promotional opportunities of
13 currently employed individuals (as of the date
14 of the training);

15 (C) such training is not for the same occu-
16 pation in which the worker was employed before
17 being separated from employment and with re-
18 spect to which the worker's group was certified
19 pursuant to section 106(d);

20 (D) the employer is provided reimburse-
21 ment of not more than 50 percent of the wages
22 of the participant, for the cost of providing the
23 training and additional supervision related to
24 the training; and

1 (E) the employer has not received payment
2 under Federal law with respect to any other on-
3 the-job training provided by the employer that
4 failed to meet the requirements of subpara-
5 graphs (A) through (D).

6 (f) SPECIAL RULE WITH RESPECT TO MILITARY
7 SERVICE.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of this title, the Secretary may waive any
10 requirement of this title if the Secretary determines
11 that the waiver is necessary to ensure that an ad-
12 versely affected worker who is a member of a reserve
13 component of the armed forces (within the meaning
14 of section 101 of title 10, United States Code) and
15 serves a period of duty described in paragraph (2)
16 is eligible to receive a climate change adjustment al-
17 lowance, training, and other benefits under this title
18 in the same manner and to the same extent as if the
19 worker had not served the period of duty.

20 (2) PERIOD OF DUTY DESCRIBED.—An ad-
21 versely affected worker serves a period of duty de-
22 scribed in this paragraph if, before completing train-
23 ing under this title, the worker—

1 (A) serves on active duty for a period of
 2 more than 30 days under a call or order to ac-
 3 tive duty of more than 30 days; or

4 (B) in the case of a member of the Army
 5 National Guard of the United States or Air Na-
 6 tional Guard, performs full-time National
 7 Guard duty under section 502(f) of title 32,
 8 United States Code, for 30 consecutive days or
 9 more when authorized by the President or the
 10 Secretary of Defense for the purpose of re-
 11 sponding to a national emergency declared by
 12 the President and supported by Federal funds.

13 (3) DEFINITIONS.—In this section, the terms
 14 “active duty”, “Air National Guard”, and “Army
 15 National Guard of the United States” have the
 16 meanings given the terms in section 101 of title 10,
 17 United States Code.

18 (g) FRAUD AND RECOVERY OF OVERPAYMENTS.—

19 (1) RECOVERY OF PAYMENTS TO WHICH AN IN-
 20 DIVIDUAL WAS NOT ENTITLED.—If the Secretary of
 21 Labor or a court of competent jurisdiction deter-
 22 mines that any person has received any payment
 23 under this title to which the individual was not enti-
 24 tled, the individual shall be liable to repay the
 25 amount to the Secretary, except that the Secretary

1 shall waive the repayment if the Secretary deter-
2 mines that—

3 (A) the payment was made without fault of
4 the individual; and

5 (B) requiring such repayment would cause
6 a financial hardship for the individual (or the
7 individual's household, if applicable), taking
8 into consideration the income and resources
9 reasonably available to the individual (or house-
10 hold) and other ordinary living expenses of the
11 individual (or household).

12 (2) MEANS OF RECOVERY.—Unless a payment
13 described in paragraph (1) is otherwise recovered, or
14 waived under paragraph (1), the Secretary shall re-
15 cover the payment by deductions from any sums
16 payable to such individual under this title, or under
17 any Federal unemployment compensation law or
18 other Federal law administered by the Secretary
19 that provides for the payment of assistance or an al-
20 lowance with respect to unemployment. Any amount
21 recovered under this section shall be returned to the
22 Fund.

23 (3) PENALTIES FOR FRAUD.—Any person
24 who—

1 (A) makes a false statement of a material
2 fact knowing the statement to be false, or
3 knowingly fails to disclose a material fact, for
4 the purpose of obtaining or increasing for that
5 person or for any other person any payment au-
6 thorized to be furnished under this title; or

7 (B) makes a false statement of a material
8 fact knowing the statement to be false, or
9 knowingly fails to disclose a material fact, when
10 providing information to the Secretary during
11 an investigation under section 106(c),

12 shall be imprisoned for not more than 1 year, or
13 fined under title 18, United States Code, or both,
14 and be ineligible for any further payments under
15 this title.

16 (h) ADMINISTRATIVE EXPENSES.—For any fiscal
17 year, not more than 5 percent of the funds disbursed from
18 the Fund may be used for the administrative costs of car-
19 rying out the Program.

20 (i) REGULATIONS.—The Secretary shall prescribe
21 such regulations as may be necessary to carry out the pro-
22 visions of this title.

23 (j) REGULATIONS REGARDING FULL BENEFITS.—
24 The Secretary shall promulgate regulations to ensure that
25 workers who receive any of the benefits described in sec-

tion 107 shall receive full benefits. The regulations shall provide for the establishment of a waiting list for workers in the event that the requests for the benefits, if approved, would require provision of benefits in an amount that exceeds the sums available in the Fund.

(k) **STUDY ON OLDER WORKERS.**—The Secretary shall conduct a study to examine the circumstances of older adversely affected workers and the ability of such workers to access their retirement benefits. Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress containing the findings of the study and the Secretary’s recommendations on how to ensure that adversely affected workers who expect to retire in not more than 2 years are able to access their retirement benefits.

SEC. 109. NATIONAL CLIMATE CHANGE ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—There is established the National Climate Change Advisory Committee (referred to in this section as the “Committee”).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Committee shall be composed of members consisting of—

(A)(i) 2 representatives of labor organizations (or other duly authorized representatives

1 of the workers concerned), appointed by the
2 Speaker of the House of Representatives; and

3 (ii) 2 representatives of such organizations
4 or authorized representatives, appointed by the
5 minority leader of the House of Representa-
6 tives;

7 (B)(i) 2 representatives of business organi-
8 zations, appointed by the Speaker of the House
9 of Representatives; and

10 (ii) 2 representatives of such organizations,
11 appointed by the minority leader of the House
12 of Representatives;

13 (C)(i) 2 representatives of labor organiza-
14 tions (or other duly authorized representatives
15 of the workers concerned), appointed by the
16 majority leader of the Senate; and

17 (ii) 2 representatives of such organizations
18 or authorized representatives, appointed by the
19 minority leader of the Senate; and

20 (D)(i) 2 representatives of business organi-
21 zations, appointed by the majority leader of the
22 Senate; and

23 (ii) 2 representatives of such organizations,
24 appointed by the minority leader of the Senate.

1 (2) TIMING.—The Speaker of the House of
2 Representatives and the minority leader of the Sen-
3 ate shall make the appointments described in para-
4 graph (1) not later than 120 days after the date of
5 enactment of this Act.

6 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
7 bers shall be appointed for a term of 3 years. Any vacancy
8 in the Committee shall not affect the powers of the Com-
9 mittee, but shall be filled in the same manner as the origi-
10 nal appointment was made.

11 (d) DUTIES.—

12 (1) PLAN AND ADVICE.—

13 (A) STRATEGIC PLAN.—The Committee
14 shall, not later than 270 days after the date of
15 enactment of this Act—

16 (i) formulate a comprehensive stra-
17 tegic plan for addressing the effect of Fed-
18 eral climate change policy on each segment
19 of the workforce; and

20 (ii) submit the plan to the President,
21 the Secretary, and the appropriate commit-
22 tees of Congress.

23 (B) ADVICE.—The Committee shall advise
24 the Secretary on—

1 (i) the strategic plan and the struc-
2 ture and operation of the Program;

3 (ii) the content of applicable regula-
4 tions; and

5 (iii) industry trends, workforce devel-
6 opment, industry-wide certifications, and
7 other matters relating to the impact of
8 Federal climate change policy.

9 (C) MONITORING.—The Committee shall—

10 (i) monitor the administration of the
11 Program; and

12 (ii) advise the Secretary concerning
13 whether the Program is being carried out
14 in a manner consistent with the purpose of
15 the Program.

16 (2) REPORT.—The Committee shall submit to
17 the President, the Secretary, and the appropriate
18 committees of Congress an annual report on the per-
19 formance, achievements, and challenges of the Pro-
20 gram.

21 (e) CHAIRPERSON.—The Committee shall select a
22 Chairperson from among its members.

23 (f) MEETINGS.—The Committee shall hold its first
24 meeting not later than 180 days after the date of enact-
25 ment of this Act. The Committee shall meet as often as

1 the Chairperson may determine to be necessary, but not
2 less often than quarterly.

3 (g) POWERS.—

4 (1) HEARINGS.—The Committee may hold such
5 hearings, sit and act at such times and places, take
6 such testimony, and receive such evidence as the
7 Committee considers advisable to carry out the ob-
8 jectives of this section.

9 (2) INFORMATION FROM FEDERAL AGENCIES.—

10 The Committee may secure directly from any Fed-
11 eral department or agency such information as the
12 Committee considers necessary to carry out the pro-
13 visions of this section. Upon request of the Com-
14 mittee, the head of such department or agency shall
15 furnish such information to the Committee.

16 (3) POSTAL SERVICES.—The Committee may
17 use the United States mails in the same manner and
18 under the same conditions as other departments and
19 agencies of the Federal Government.

20 (h) PERSONNEL.—

21 (1) TRAVEL EXPENSES.—The members of the
22 Committee shall not receive compensation for the
23 performance of services for the Committee, but shall
24 be allowed travel expenses, including per diem in lieu
25 of subsistence, at rates authorized for workers of

1 agencies under subchapter I of chapter 57 of title 5,
 2 United States Code, while away from their homes or
 3 regular places of business in the performance of
 4 services for the Committee. Notwithstanding section
 5 1342 of title 31, United States Code, the Secretary
 6 may accept the voluntary and uncompensated serv-
 7 ices of members of the Committee.

8 (2) DETAIL OF GOVERNMENT WORKERS.—Any
 9 Federal Government worker may be detailed to the
 10 Committee without reimbursement, and such detail
 11 shall be without interruption or loss of civil service
 12 status or privilege.

13 (i) PERMANENT COMMITTEE.—Section 14 of the
 14 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 15 apply to the Committee.

16 (j) DEFINITION.—In this section, the term “labor or-
 17 ganization” has the meaning given the term in section
 18 401.9 of title 29, Code of Federal Regulations (as in effect
 19 on the date of enactment of this Act).

20 **TITLE II—COMMUNITY**

21 **ADJUSTMENT ASSISTANCE**

22 **SEC. 201. PURPOSE.**

23 The purpose of this title is to establish a program
 24 to assist communities adversely affected by Federal cli-
 25 mate change policy by providing economic adjustment as-

1 assistance and economic development resources to such com-
 2 munities through—

3 (1) the coordination of Federal, State, and local
 4 resources;

5 (2) grants for developing, updating, and mod-
 6 ernizing strategic plans under section 206;

7 (3) grants for the implementation of such stra-
 8 tegic plans; and

9 (4) the provision of economic assistance.

10 **SEC. 202. DEFINITIONS.**

11 In this title:

12 (1) ASSISTANT SECRETARY.—The term “Assist-
 13 ant Secretary” means Assistant Secretary for Cli-
 14 mate Change Community Economic Adjustment ap-
 15 pointed under section 203(b).

16 (2) COMMUNITY.—The term “community”
 17 means a city, county, municipal corporation, or other
 18 political subdivision of a State or a consortium of
 19 political subdivisions of a State.

20 (3) COMMUNITY OFFICE.—The term “Commu-
 21 nity Office” means the Office of Climate Change
 22 Community Economic Adjustment established under
 23 section 203(a).

24 (4) COMMUNITY PROGRAM.—The term “Com-
 25 munity Program” means the Climate Change Com-

1 munity Economic Adjustment Program established
2 under section 204(a)(1).

3 (5) ELIGIBLE COMMUNITY.—The term “eligible
4 community” means a community that is certified
5 under section 205(c) as eligible for assistance under
6 this title.

7 (6) HIGH ROAD PARTNERSHIP.—The term
8 “High Road Partnership” means a partnership be-
9 tween organizations, including labor unions, private-
10 and public-sector employers, and community groups,
11 that are working together in a cooperative fashion to
12 preserve good jobs, expand the number of high-skill
13 jobs that pay family-sustaining wages, and build an
14 economy based on continuous skill development, in-
15 novation, opportunity, economic and environmental
16 sustainability, and equitably shared prosperity.

17 (7) JOINT LABOR-MANAGEMENT COMMITTEE.—
18 The term “joint labor-management committee”
19 means a not-for-profit organization characterized by
20 equal participation from industry, including rep-
21 resentatives of public or private employers, and labor
22 organizations, including unions that engage in collec-
23 tive bargaining, central labor councils, and State-
24 wide federations or other groups of labor organiza-
25 tions.

1 (8) SECRETARY.—Except as otherwise provided,
2 the term “Secretary” means the Secretary of Com-
3 merce.

4 **SEC. 203. OFFICE OF CLIMATE CHANGE COMMUNITY ECO-**
5 **NOMIC ADJUSTMENT.**

6 (a) ESTABLISHMENT.—Not later than 180 days of
7 the date of the enactment of this Act, the Secretary shall
8 establish in the Department of Commerce an office to be
9 known as the “Office of Climate Change Community Eco-
10 nomic Adjustment”.

11 (b) HEAD.—The head of the Community Office shall
12 be the Assistant Secretary for Climate Change Community
13 Economic Adjustment, who shall be appointed by the
14 President, by and with the advice and consent of the Sen-
15 ate. The Assistant Secretary shall be responsible for car-
16 rying out the function of the Community Office.

17 (c) FUNCTION.—The function of the Community Of-
18 fice is to assist the Secretary in carrying out the provisions
19 of this title, including the following:

20 (1) Overseeing and administering the Commu-
21 nity Program.

22 (2) Providing information to communities about
23 the Community Program.

1 (3) Establishing specific criteria for submission
2 and evaluation of strategic plans submitted under
3 section 206(c).

4 (4) Administering the grant programs estab-
5 lished under sections 207 and 208, including over-
6 seeing the application and selection process for such
7 grant programs and establishing specific criteria for
8 submitting and evaluating applications for grants
9 under such programs.

10 (5) Receiving complaints, grievances, and re-
11 quests for assistance from communities under this
12 title.

13 (6) Carrying out such other functions as the
14 Secretary may specify for purposes of carrying out
15 the provisions of this title.

16 (7) Submitting to Congress each year, a written
17 report on the activities of the Community Office
18 under this title.

19 **SEC. 204. CLIMATE CHANGE COMMUNITY ECONOMIC AD-**
20 **JUSTMENT PROGRAM.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary shall establish a program to carry out the ac-
25 tivities described in subsection (b).

1 (2) DESIGNATION.—The program established
2 under paragraph (1) shall be known as the “Climate
3 Change Community Economic Adjustment Pro-
4 gram”.

5 (b) ACTIVITIES.—The activities described in this sub-
6 section are the following:

7 (1) Coordinating the provision of assistance
8 from Federal agencies to eligible communities to
9 mitigate the adverse effects of Federal climate
10 change policy on such communities by—

11 (A) identifying all Federal, State, and local
12 resources that are available to assist such com-
13 munities in recovering from the adverse effects
14 of Federal climate change policy;

15 (B) ensuring that all Federal agencies of-
16 fering assistance to such communities to ad-
17 dress the adverse effects of Federal climate
18 change policy do so in a targeted, integrated
19 manner that ensures that such communities
20 have access to all available and relevant Federal
21 assistance;

22 (C) assuring timely consultation and co-
23 operation between Federal, State, and regional
24 officials with respect to the provision of eco-

1 nomic adjustment assistance to such commu-
2 nities; and

3 (D) identifying and strengthening existing
4 agency mechanisms designed to assist such
5 communities in their efforts to achieve sustain-
6 able economic adjustment and workforce reem-
7 ployment that enables workers to achieve eco-
8 nomic self-sufficiency.

9 (2) Providing comprehensive technical assist-
10 ance to communities in the efforts of such commu-
11 nities—

12 (A) to identify serious economic problems
13 that professional economists demonstrate are
14 associated with the adverse effects of Federal
15 climate change policy;

16 (B) to foster cooperation and joint action
17 by employers and labor organizations adversely
18 affected by Federal climate change policy;

19 (C) to access Federal, State, and local re-
20 sources designed to assist in economic develop-
21 ment and climate change adjustment assistance;

22 (D) to develop, update, or modernize a
23 strategic plan under section 206(a); and

24 (E) in consultation with relevant national
25 nonprofit organizations that represent workers

1 and have expertise in developing High Road
 2 Partnerships, support joint labor-management
 3 committees to carry out programs that assist
 4 communities in retaining and expanding em-
 5 ployment in high-wage, high-demand jobs.

6 (3) Working with labor and business leaders in
 7 eligible communities that have a strategic plan ap-
 8 proved under section 206(c) to maximize the access
 9 of such communities to Federal grants, loans, and
 10 other economic development and educational re-
 11 sources consistent with the projects and training
 12 programs described in the plan.

13 **SEC. 205. ELIGIBLE COMMUNITIES.**

14 (a) PETITION.—Not later than 180 days after the
 15 date on which the governor of a State is notified that a
 16 group of workers of such State have been certified under
 17 section 106 as eligible for climate change readjustment al-
 18 lowances under section 107(a), the community that in-
 19 cludes such group may submit to the Secretary a petition
 20 for a determination that the community is adversely af-
 21 fected by Federal climate change policy.

22 (b) DETERMINATION.—

23 (1) IN GENERAL.—Not later than 60 days after
 24 the date on which the Secretary receives a petition
 25 from a community under subsection (a), the Sec-

1 retary shall determine whether such community is
2 adversely affected by Federal climate change policy.

3 (2) CONSIDERATIONS.—In determining under
4 paragraph (1) whether a community is adversely af-
5 fected by Federal climate change policy, the Sec-
6 retary shall consider the following:

7 (A) The number of jobs affected in relation
8 to the size of the workforce of the community.

9 (B) The severity of the rate of unemploy-
10 ment in the community and the number of un-
11 employed individuals who have exhausted their
12 entitlement to unemployment compensation
13 payable under any State law or Federal unem-
14 ployment compensation law, including chapter
15 85 of title 5, United States Code, and the Rail-
16 road Unemployment Insurance Act (45 U.S.C.
17 351 et seq.).

18 (C) The level of per capita income of the
19 community and the extent of underemployment
20 in the community.

21 (D) The number of manufacturing jobs in
22 the community currently relative to the average
23 number of manufacturing jobs in the commu-
24 nity in 1970.

1 (E) The rate of emigration from the com-
 2 munity and the extent to which the emigration
 3 is causing economic hardship in the community.

4 (F) Economic analysis, research, and re-
 5 ports prepared by professional, nongovern-
 6 mental economists whose research has been
 7 commissioned by the Community Office.

8 (G) The unique problems and needs of the
 9 community.

10 (c) CERTIFICATION.—If the Secretary determines
 11 under subsection (b) that a community is adversely af-
 12 fected by Federal climate change policy, the Secretary
 13 shall certify the community as eligible for assistance under
 14 this title.

15 (d) NOTIFICATIONS.—

16 (1) NOTIFICATION OF GOVERNORS BY SEC-
 17 RETARY.—As soon as practicable after making a de-
 18 termination under subsection (b) that a community
 19 is adversely affected by Federal climate change pol-
 20 icy, the Secretary shall notify the governor of the
 21 State of such community of such determination.

22 (2) NOTIFICATION OF COMMUNITIES BY SEC-
 23 RETARY.—As soon as practicable after making a de-
 24 termination under subsection (b) that a community
 25 is adversely affected by Federal climate change pol-

1 iciency, the Secretary shall notify the chief elected offi-
 2 cial of the community, the State labor federation of
 3 the State of the community, and a pertinent busi-
 4 ness association in the community—

5 (A) of the determination;

6 (B) of the provisions of this title;

7 (C) how to obtain technical assistance
 8 under this title; and

9 (D) how to obtain such grants, tax credits,
 10 low income loans, and other economic develop-
 11 ment assistance as may be appropriate and
 12 available for such community.

13 **SEC. 206. STRATEGIC PLANS.**

14 (a) IN GENERAL.—A community may develop, up-
 15 date, or modernize under this section a strategic plan for
 16 the redevelopment and economic adjustment of the com-
 17 munity, including plans for—

18 (1) community economic adjustment assistance;

19 (2) diversifying employment opportunities in
 20 the community;

21 (3) environmental remediation projects; or

22 (4) the conversion of underutilized facilities for
 23 more productive uses.

1 (b) CONTENTS.—A strategic plan developed, updated,
2 or modernized under subsection (a) contains, at a min-
3 imum, the following:

4 (1) A description of the commitment of the
5 community for carrying out the strategic plan over
6 the long-term.

7 (2) A description and assessment of the capac-
8 ity of the community to achieve the objectives of the
9 strategic plan of the community, including the avail-
10 ability and use of alternative methods of financing.

11 (3) A description of the projects to be under-
12 taken by the community, which may include—

13 (A) assistance to particular firms;

14 (B) funding for public and nonprofit orga-
15 nizations;

16 (C) support for entrepreneurial develop-
17 ment;

18 (D) support for economic development ini-
19 tiatives, including those associated with environ-
20 mental sustainability; and

21 (E) support for public services and con-
22 struction of public infrastructure projects that
23 will improve the economic competitiveness of
24 the community and its quality of life.

1 (4) A description of how the plan and the
2 projects to be undertaken by the community will
3 lead to the creation and retention of jobs that are
4 capable of sustaining families in the community.

5 (5) A description of how the plan will achieve—

6 (A) economic adjustment of the commu-
7 nity;

8 (B) diversification of the industry of the
9 community; and

10 (C) conversion of underutilized facilities
11 for more productive uses.

12 (6) A description of how carrying out the plan
13 will contribute to establishing or maintaining a level
14 of public services that are necessary to attract and
15 retain productive economic investment.

16 (7) A description and justification of the cost
17 and timing of proposed basic and advanced infra-
18 structure improvements in the community.

19 (8) A description of how the plan will address
20 the issues relating to occupation and workforce con-
21 ditions in the community, including how the plan
22 will support the formation of industry sector part-
23 nerships involving employers and labor organiza-
24 tions.

1 (9) A description of the educational, job train-
2 ing, skill upgrading, and registered joint apprentice-
3 ship programs available for workforce training and
4 future employment needs of the community.

5 (10) A description of how implementation of the
6 plan will enable the community to adapt to changing
7 market conditions, business cycles, global competi-
8 tiveness, and trends in workforce composition, in-
9 cluding the retirement of the Baby Boom generation.

10 (11) A description and justification for the cost
11 and timing of the total funds required by the com-
12 munity to carry out the strategic plan.

13 (12) A graduation strategy through which the
14 community will achieve economic sustainability and
15 terminate the need for economic adjustment assist-
16 ance.

17 (13) A description of the public consultation
18 and comment process used in making the plan, in-
19 cluding a description of how interested parties, non-
20 governmental and community organizations, labor
21 organizations, and members of the public were pro-
22 vided with an opportunity to review and comment on
23 the proposed plan and grant applications, and will
24 continue to be informed of the progress of the imple-

1 mentation of the strategic plan and any projects
2 contained in the plan.

3 (14) A summary of all such comments.

4 (c) EVALUATION AND APPROVAL.—Except as pro-
5 vided in section 207(d), a community may submit to the
6 Secretary for evaluation and approval a strategic plan de-
7 veloped, updated, or modernized under subsection (a).

8 (d) PUBLICATION.—A community that submits a
9 strategic plan to the Secretary under subsection (c) shall
10 make such strategic plan available to the public at such
11 location as the Secretary considers appropriate.

12 **SEC. 207. GRANT PROGRAM FOR DEVELOPMENT OF STRA-**
13 **TEGIC PLANS.**

14 (a) GRANTS AUTHORIZED.—The Secretary may
15 award a grant to an eligible community to develop, update,
16 or modernize a strategic plan under section 206(a).

17 (b) APPLICATION.—An eligible community seeking a
18 grant under this section shall submit to the Secretary an
19 application therefor in such form, in such manner, and
20 containing such information as the Secretary considers ap-
21 propriate.

22 (c) SELECTION PRIORITY FOR STRATEGIC PLANS TO
23 BE IMPLEMENTED BY JOINT LABOR-MANAGEMENT COM-
24 MITTEES.—In selecting eligible communities to receive
25 grants under this section, the Secretary shall give pref-

1 erence to eligible communities seeking a grant to develop,
 2 update, or modernize a strategic plan that will be imple-
 3 mented by a joint labor-management committee.

4 (d) SUBMITTAL AND APPROVAL OF COMPLETED
 5 STRATEGIC PLANS.—A recipient of a grant under this sec-
 6 tion shall submit to the Secretary for evaluation and ap-
 7 proval under section 206(c) the strategic plan developed,
 8 updated, or modernized with such grant.

9 **SEC. 208. GRANT PROGRAM FOR ECONOMIC DEVELOP-**
 10 **MENT.**

11 (a) GRANTS AUTHORIZED.—The Secretary may
 12 award a grant to an eligible community with a strategic
 13 plan that is approved by the Secretary under section
 14 206(c) to carry out one or more projects or training pro-
 15 grams that is included in the strategic plan or is consistent
 16 with the strategic plan.

17 (b) APPLICATION.—

18 (1) IN GENERAL.—An eligible community seek-
 19 ing a grant under this section shall submit to the
 20 Secretary an application therefor in such form and
 21 in such manner as the Secretary considers appro-
 22 priate.

23 (2) CONTENTS.—An application submitted
 24 under paragraph (1) shall include such information
 25 as the Secretary may require, including a description

1 of the extent to which the activities funded by the
 2 grant will promote sustainable communities, foster
 3 economic self-sufficiency, and encourage cooperation
 4 between employers, labor unions, and postsecondary
 5 educational institutions.

6 (c) **SELECTION PRIORITY.**—In selecting eligible com-
 7 munities to receive grants under this section, the Sec-
 8 retary shall give preference to eligible communities with
 9 regional economies and workforces that have been affected
 10 by decreased employment in facilities associated with an
 11 industry receiving industry-wide certification under title I.

12 (d) **ENTITIES.**—A grant awarded to a community
 13 under this section shall be awarded to—

14 (1) the appropriate entity identified in the stra-
 15 tegic plan of the community; or

16 (2) in the case that the strategic plan of the
 17 community does not identify an appropriate entity,
 18 a local or county government agency.

19 **SEC. 209. WAGE RATE REQUIREMENTS.**

20 Notwithstanding any other provision of law and in
 21 a manner consistent with other provisions in this title, all
 22 laborers and mechanics employed by contractors and sub-
 23 contractors on projects funded directly by or assisted in
 24 whole or in part by and through the Federal Government
 25 pursuant to this title shall be paid wages at rates not less

1 than those prevailing on projects of a character similar
2 in the locality as determined by the Secretary of Labor
3 in accordance with subchapter IV of chapter 31 of title
4 40, United States Code (commonly referred to as the
5 “Davis-Bacon Act”).

6 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to the Sec-
8 retary such amounts from the trust fund established under
9 section 104 as may be necessary for the Secretary to carry
10 out this title.

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