

114TH CONGRESS
1ST SESSION

S. 2398

To provide benefits and services to workers who have lost their jobs or have experienced a reduction in wages or hours due to the transition to clean energy, to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2015

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide benefits and services to workers who have lost their jobs or have experienced a reduction in wages or hours due to the transition to clean energy, to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Clean Energy Worker Just Transition Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—ADJUSTMENT ASSISTANCE PROGRAM

Subtitle A—Group Certification

- Sec. 101. Petitions.
 Sec. 102. Group eligibility requirements.
 Sec. 103. Determinations and certifications.
 Sec. 104. Subpoena power.
 Sec. 105. Judicial review.

Subtitle B—Individual Applications; Termination of Assistance

- Sec. 111. Adjustment assistance.
 Sec. 112. Termination of adjustment assistance.

Subtitle C—Federally Funded Unemployment Compensation

- Sec. 121. Temporary additional unemployment compensation program for certain adversely affected workers.
 Sec. 122. Permanent State requirement for the provision of additional unemployment compensation for certain adversely affected workers.

Subtitle D—Other Benefits and Services

- Sec. 131. Eligibility for premium subsidy credit and cost sharing benefits for health insurance.
 Sec. 132. Training and support for employment.
 Sec. 133. Additional pensions benefits.

Subtitle E—Funding

- Sec. 141. Establishment of clean energy workers trust fund.
 Sec. 142. Modifications to rules relating to inverted corporations.

Subtitle F—Miscellaneous Provisions

- Sec. 151. Credit for hiring unemployed certified adversely affected workers.
 Sec. 152. Enforcement.
 Sec. 153. Benefit information to workers.
 Sec. 154. Amendment to Surface Mining Control and Reclamation Act of 1977.
 Sec. 155. Regulations.

TITLE II—WORKPLACE DEMOCRACY ACT

- Sec. 201. Short title.
 Sec. 202. Streamlining certification for labor organizations.
 Sec. 203. Facilitating initial collective bargaining agreements.

TITLE III—COMMUNITY NEED-BASED ECONOMIC TRANSITION
 ASSISTANCE PROGRAM

- Sec. 301. Community need-based economic transition assistance program.

Sec. 302. Economic development grant programs.

Sec. 303. Need-based water, broadband, and electric grid infrastructure investment program.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADVERSELY AFFECTED EMPLOYMENT.—

4 The term “adversely affected employment” means
5 employment in an applicable firm.

6 (2) ADVERSELY AFFECTED WORKER.—The

7 term “adversely affected worker” means an indi-
8 vidual who, because of lack of work in adversely af-
9 fected employment, has been totally or partially sep-
10 arated from such employment, or has been threat-
11 ened to be totally or partially separated from such
12 employment.

13 (3) ADJUSTMENT ASSISTANCE.—The term “ad-

14 justment assistance” means any compensation, cred-
15 it, benefit, funding, training, or service provided
16 under this title through any option described in
17 paragraph (1), (2), or (3) of section 111(b).

18 (4) APPLICABLE FIRM.—The term “applicable
19 firm” means, as applicable—

20 (A) the firm, or subdivision of a firm, for
21 which the group of workers who are petitioning
22 for certification under section 101 work;

1 (B) the firm, or subdivision of a firm, for
2 which a group of certified adversely affected
3 workers work;

4 (C) a group of firms within close geo-
5 graphic proximity, as determined by the Sec-
6 retary, for which a group of workers who are
7 petitioning for certification under section 101
8 work; or

9 (D) a group of firms within a close geo-
10 graphic proximity, as determined by the Sec-
11 retary, for which a group of certified adversely
12 affected workers work.

13 (5) CERTIFIED ADVERSELY AFFECTED WORK-
14 ER.—The term “certified adversely affected worker”
15 means an adversely affected worker covered by a
16 certification issued under section 103(a)(2).

17 (6) CERTIFIED OR RECOGNIZED LABOR ORGANI-
18 ZATION.—The term “certified or recognized labor or-
19 ganization” means a labor organization that is cer-
20 tified or recognized under section 9 of the National
21 Labor Relations Act (29 U.S.C. 159) as the rep-
22 resentative of the workers involved.

23 (7) ENERGY INDUSTRY.—The term “energy in-
24 dustry” means a commercial sector, as determined
25 by the Secretary, that—

1 (A) extracts, transports, or uses as a direct
2 input energy resources or electricity; or

3 (B) is otherwise dependent on the genera-
4 tion or consumption of energy resources or elec-
5 tricity.

6 (8) PARTIAL SEPARATION.—The term “partial
7 separation” means, with respect to an individual
8 who has not been totally separated, that such indi-
9 vidual has experienced—

10 (A) a reduction in hours of work to 80 per-
11 cent or less of the individual’s average weekly
12 hours in adversely affected employment; and

13 (B) a reduction in wages to 80 percent or
14 less of the individual’s average weekly wage in
15 such adversely affected employment.

16 (9) PARTIALLY SEPARATED.—The term “par-
17 tially separated” means, with respect to an indi-
18 vidual who has not been totally separated, that such
19 individual is experiencing partial separation.

20 (10) RAPID RESPONSE ACTIVITY.—The term
21 “rapid response activity” has the meaning given the
22 term in section 3 of the Workforce Innovation and
23 Opportunity Act (29 U.S.C. 3102) except that—

1 (A) a reference in such section to a State
2 shall be considered to be a reference to the Sec-
3 retary; and

4 (B) the reference in such section to funds
5 shall be considered to be a reference to funds
6 reserved by the Secretary under section
7 132(b)(1).

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

10 (12) THREATENED.—The term “threatened”,
11 with respect to total or partial separation, means
12 that an individual is aware of imminent total or par-
13 tial separation from employment with an applicable
14 firm or with a company with which the applicable
15 firm is contracted to provide goods or services.

16 (13) TOTAL SEPARATION.—The term “total
17 separation” means the layoff or severance of an indi-
18 vidual from employment with an applicable firm.

19 (14) TOTALLY SEPARATED.—The term “totally
20 separated” means, with respect to an individual,
21 that such individual is experiencing total separation.

1 **TITLE I—ADJUSTMENT**
2 **ASSISTANCE PROGRAM**
3 **Subtitle A—Group Certification**

4 **SEC. 101. PETITIONS.**

5 (a) **IN GENERAL.**—A petition for a group of workers
6 to be certified under section 103 for eligibility to apply
7 for adjustment assistance may be submitted to the Sec-
8 retary by any of the following:

9 (1) Not less than 3 workers on behalf of the
10 group of workers petitioning for such certification.

11 (2) A certified or recognized labor organization,
12 or any other duly authorized representative of such
13 workers (as determined by the Secretary), rep-
14 resenting not less than 3 of the workers in the
15 group.

16 (3) The applicable firm.

17 (b) **ACTIONS BY THE SECRETARY.**—Upon receipt of
18 a petition submitted under subsection (a), the Secretary
19 shall—

20 (1) ensure that rapid response activities and ap-
21 propriate career services (as described in section 134
22 of the Workforce Innovation and Opportunity Act
23 (29 U.S.C. 3174)) authorized under other Federal
24 laws are made available to the workers covered by

1 the petition to the extent authorized under such
2 laws;

3 (2) verify the information included in the peti-
4 tion; and

5 (3) publish notice in the Federal Register and
6 on the Web site of the Department of Labor that
7 the Secretary has received such petition and has ini-
8 tiated an investigation into whether the group of
9 workers shall be certified under section 103.

10 (c) HEARING.—

11 (1) IN GENERAL.—If an individual who submits
12 a petition under subsection (a), or any other indi-
13 vidual determined by the Secretary to have a sub-
14 stantial interest in the outcome of the Secretary's
15 decision regarding certification under section 103,
16 submits a request for a hearing in accordance with
17 paragraph (2), the Secretary shall—

18 (A) provide for a public hearing; and

19 (B) afford such individual an opportunity
20 to be present, produce evidence, and be heard.

21 (2) SUBMISSION.—The request under para-
22 graph (1) shall be submitted to the Secretary not
23 later than 10 days after the date on which the Sec-
24 retary publishes notice in the Federal Register under
25 subsection (b)(3).

1 **SEC. 102. GROUP ELIGIBILITY REQUIREMENTS.**

2 (a) CRITERIA.—

3 (1) IN GENERAL.—A group of workers shall be
4 certified by the Secretary as eligible to apply for ad-
5 justment assistance pursuant to a petition filed
6 under section 101, if the Secretary determines
7 that—

8 (A) such petition covers not less than 3
9 workers who are similarly situated as—

10 (i) workers who work or have worked
11 for the same applicable firm;

12 (ii) workers who are totally or par-
13 tially separated, or threatened to be totally
14 or partially separated, due to the same
15 local or regional circumstance; or

16 (iii) workers who are serviced by the
17 same one-stop center described in section
18 121 of the Workforce Innovation and Op-
19 portunity Act (29 U.S.C. 3151);

20 (B) such workers are workers who work in
21 an industry that is a qualifying industry, deter-
22 mined under paragraph (2);

23 (C) a significant number or proportion of
24 the workers working for the applicable firm
25 have become totally or partially separated or

1 are threatened to become totally or partially
2 separated;

3 (D)(i) sales or production of the applicable
4 firm have decreased absolutely;

5 (ii) the applicable firm has been closed, re-
6 located, or acquired from another entity or for-
7 eign country; or

8 (iii) the sales, production, or services of the
9 applicable firm have caused a shift that has
10 contributed to the total or partial separation, or
11 threatened total or partial separation, of such
12 workers; and

13 (E) the total or partial separation, threat-
14 ened total or partial separation, or any of the
15 actions described in subparagraph (D), are di-
16 rectly attributable to—

17 (i) actions by the Federal Govern-
18 ment;

19 (ii) the low cost of competing alter-
20 native forms of energy; or

21 (iii) other reasons as determined by
22 the Secretary.

23 (2) QUALIFYING INDUSTRY.—

24 (A) INITIAL PERIOD.—For any group fil-
25 ing a petition under section 101 on a date that

1 is during the period beginning on the date of
2 enactment of this Act and ending on the date
3 that is 5 years after such date of enactment, a
4 qualifying industry shall be a coal-related or
5 coal-dependent industry, as determined by the
6 Secretary.

7 (B) SUBSEQUENT YEARS.—

8 (i) SYSTEM.—For any group filing a
9 petition under section 101 on a date that
10 is after the 5-year period described in sub-
11 paragraph (A), the Secretary shall estab-
12 lish a system in accordance with this sub-
13 paragraph for determining industries (in
14 addition to the coal-related or coal-depend-
15 ent industry) to add as qualifying indus-
16 tries.

17 (ii) QUALIFICATIONS.—To be added
18 as a qualifying industry under clause (i),
19 an industry shall be—

20 (I) an energy industry; and

21 (II) an industry for which the
22 Secretary, in consultation with the
23 Secretary of Commerce, has deter-
24 mined that, during the 5-year period
25 preceding the Secretary's determina-

1 tion under this subparagraph, not less
2 than 20 percent of the workers in
3 such industry are totally or partially
4 separated or are threatened to become
5 totally or partially separated.

6 (iii) TIMING.—On the date that is 5
7 years after the date of enactment of this
8 Act, and each year thereafter, the Sec-
9 retary, in consultation with the Secretary
10 of Commerce, shall determine if any indus-
11 try meets the qualifications under clause
12 (ii) and add any such industry as a quali-
13 fying industry.

14 (C) INDEFINITELY QUALIFIED.—Notwith-
15 standing any other provision in this paragraph,
16 an industry that is a qualifying industry, under
17 subparagraph (A) or subparagraph (B), shall
18 indefinitely remain a qualifying industry.

19 (b) BASIS FOR SECRETARY'S DETERMINATIONS.—

20 (1) IN GENERAL.—The Secretary shall, in de-
21 termining whether to certify a group of workers
22 under section 103, obtain from the workers, the ap-
23 plicable firm, or a customer of the applicable firm,
24 information the Secretary determines to be nec-
25 essary to make such certification, through question-

1 naires and in any other manner that the Secretary
2 determines appropriate.

3 (2) STANDARDS; CRITERIA.—The Secretary
4 shall establish—

5 (A) standards, including data require-
6 ments, to investigate petitions filed under sec-
7 tion 101; and

8 (B) criteria for making determinations
9 under section 103.

10 (3) ADDITIONAL INFORMATION.—The Secretary
11 may seek additional information to determine wheth-
12 er to certify a group of workers—

13 (A) by contacting—

14 (i) officials or workers of the applica-
15 ble firm;

16 (ii) officials of a certified or recog-
17 nized labor organization or other duly au-
18 thorized representative of the group of
19 workers;

20 (iii) State or regional departments of
21 labor, energy, the environment, economic
22 development, or commerce or that regulate
23 utilities; or

24 (iv) the Administrator of the Environ-
25 mental Protection Agency, the Secretary of

1 Energy, the Federal Energy Regulatory
2 Commission, the United States Army
3 Corps of Engineers, the Secretary of the
4 Interior, the United States Geological Sur-
5 vey, the Secretary of Agriculture, the Sec-
6 retary of Commerce, or the Secretary of
7 the Treasury, as applicable; and

8 (B) by using any other available sources of
9 information.

10 (4) VERIFICATION OF INFORMATION.—

11 (A) CERTIFICATION.—The Secretary shall
12 require the worker, applicable firm, or a cus-
13 tomer of such firm to certify—

14 (i) all information obtained under
15 paragraph (1) through questionnaires; and

16 (ii) all other information obtained
17 under paragraph (1) from such worker,
18 firm, or customer on which the Secretary
19 relies in making a determination under
20 section 103, unless the Secretary has a
21 reasonable basis for determining that such
22 information is accurate and complete with-
23 out being certified.

24 (B) USE OF SUBPOENAS.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii), if a worker, applicable firm,
3 or customer of such firm fails to provide
4 information requested by the Secretary
5 under paragraph (1) within 20 days after
6 the date of such request, the Secretary
7 shall obtain such information by subpoena
8 in accordance with section 104.

9 (ii) EXCEPTION.—The requirement
10 under clause (i) shall not apply if the
11 worker, applicable firm, or customer of
12 such firm demonstrates to the satisfaction
13 of the Secretary that such worker, firm, or
14 customer will provide the information with-
15 in a reasonable period of time.

16 (C) PROTECTION OF CONFIDENTIAL IN-
17 FORMATION.—

18 (i) IN GENERAL.—The Secretary may
19 not release information obtained under
20 paragraph (1) that the Secretary considers
21 to be confidential business information or
22 personally identifiable information unless
23 the worker, applicable firm, or customer
24 whose information is at issue had notice,
25 at the time of submission, that the infor-

1 mation would be released by the Secretary,
2 or such worker, applicable firm, or cus-
3 tomer subsequently consents to the release
4 of the information.

5 (ii) EXCEPTION.—Nothing in this
6 subparagraph shall be construed to pro-
7 hibit the Secretary from providing the con-
8 fidential business information described in
9 clause (i) to a court in camera or to an-
10 other party under a protective order issued
11 by a court.

12 **SEC. 103. DETERMINATIONS AND CERTIFICATIONS.**

13 (a) IN GENERAL.—As soon as possible after the date
14 on which a petition is filed under section 101 and, subject
15 to subsection (e), not later than 40 days after that date,
16 the Secretary shall—

17 (1) determine whether the petitioning group
18 meets the requirements under section 102(a); and

19 (2) issue a certification of eligibility to apply for
20 adjustment assistance covering the workers in any
21 group which meets such requirements.

22 (b) DATE OF SEPARATION.—Each certification
23 issued under subsection (a)(2) shall specify the date on
24 which the total or partial separation began or threatened
25 to begin.

1 (c) PUBLICATION.—

2 (1) IN GENERAL.—Not later than 5 days after
3 reaching a determination on a petition filed under
4 section 101, the Secretary shall publish a summary
5 of the determination in the Federal Register and on
6 the Web site of the Department of Labor, together
7 with the Secretary's reasons for making such deter-
8 mination.

9 (2) LIMITATION ON PERSONAL INFORMATION.—

10 The publication under paragraph (1)—

11 (A) shall not include any personal informa-
12 tion, including names, of workers certified; and

13 (B) may include information regarding the
14 applicable firm.

15 (d) TERMINATION OF CERTIFICATION.—Whenever
16 the Secretary determines, with respect to any certification
17 of eligibility of the workers of an applicable firm, that total
18 or partial separations, or threatened total or partial sepa-
19 rations, from such firm are no longer attributable to the
20 factors described in subparagraph (E) of section 102(a),
21 the Secretary shall—

22 (1) terminate such certification; and

23 (2) promptly have notice of such termination,
24 and the reasons for such termination, published in

1 the Federal Register and on the Web site of the De-
2 partment of Labor.

3 (e) EXTENSION.—The Secretary may have an exten-
4 sion for completing the determination or issuance under
5 subsection (a) if any individual fails to comply with the
6 requirements for providing information under section
7 102(b).

8 **SEC. 104. SUBPOENA POWER.**

9 (a) IN GENERAL.—In the case described in section
10 102(b)(4)(B), the Secretary may require by subpoena the
11 attendance of witnesses and the production of evidence
12 necessary for the Secretary to make a determination under
13 section 103.

14 (b) CONTUMACY.—If a person refuses to obey a sub-
15 poena issued under subsection (a), a United States district
16 court within the jurisdiction of which the relevant pro-
17 ceeding under this Act is conducted may, upon petition
18 by the Secretary, issue an order requiring compliance with
19 such subpoena.

20 **SEC. 105. JUDICIAL REVIEW.**

21 A denial of a certification under section 103 shall be
22 subject to judicial review in accordance with chapter 7 of
23 title 5, United States Code.

1 **Subtitle B—Individual Applica-**
2 **tions; Termination of Assistance**

3 **SEC. 111. ADJUSTMENT ASSISTANCE.**

4 (a) IN GENERAL.—In accordance with this subtitle,
5 the Secretary shall award adjustment assistance for a cal-
6 endar year to any individual who—

7 (1) submits an application for an adjustment
8 assistance option under any of paragraphs (1)
9 through (3) of subsection (b) to the Secretary in a
10 manner determined by the Secretary;

11 (2) is determined by the Secretary to be a cer-
12 tified adversely affected worker as of the date on
13 which such individual submits the application; and

14 (3) meets all requirements under this section
15 with respect to the applicable adjustment assistance
16 option.

17 (b) OPTIONS.—For a calendar year, an individual
18 may apply for adjustment assistance under not more than
19 1 of the following options:

20 (1) OPTION A.—Option A shall consist of ad-
21 justment assistance that is—

22 (A) federally funded unemployment com-
23 pensation under subtitle C, and the amend-
24 ments made by such subtitle;

1 (B) premium subsidy credits and cost
2 sharing benefits for health insurance under sec-
3 tion 131, and the amendments made by such
4 section; and

5 (C) additional pension benefits under sec-
6 tion 133, and the amendment made by such
7 section.

8 (2) OPTION B.—Option B shall consist of ad-
9 justment assistance that is—

10 (A)(i) funding in an amount equal to the
11 cost of attendance, as defined in section 472 of
12 the Higher Education Act of 1965 (20 U.S.C.
13 10871l), for a program of education or training
14 of not more than 4 years at a public institution
15 of higher education, as defined in section 102
16 of such Act (20 U.S.C. 1002), subject to para-
17 graph (4); or

18 (ii)(I) training services and appropriate ca-
19 reer services under section 132;

20 (II) job search allowances and relocation
21 allowances under section 132, for individuals
22 who meet the requirements under subsections
23 (d) and (e) of section 132, respectively; and

24 (III) an amount for living expenses that is
25 based upon, and calculated in the same manner,

1 as the cost of attendance, as defined in such
2 section 472, for the training services and career
3 services, subject to paragraph (4); and

4 (B) premium subsidy credits and cost
5 sharing benefits for health insurance under sec-
6 tion 131, and the amendments made by such
7 section, and additional pension benefits under
8 section 133, and the amendment made by such
9 section.

10 (3) OPTION C.—Option C shall—

11 (A) be for an individual who is 62 years of
12 age or older on the date on which such indi-
13 vidual submits an application under subsection
14 (a) and—

15 (i) retires from the adversely affected
16 employment not later than 120 days after
17 the date on which such individual becomes
18 a certified adversely affected worker; or

19 (ii) in the case of an individual whose
20 adversely affected employment was at an
21 applicable firm that is no longer capable of
22 providing the full retirement pension and
23 health care benefits as promised, has re-
24 tired prior to the date on which such indi-

1 vidual becomes a certified adversely af-
2 fected worker; and

3 (B) consist of adjustment assistance that
4 is—

5 (i) the premium subsidy credits and
6 cost sharing benefits for health insurance
7 under section 131, and the amendments
8 made by such section; and

9 (ii) additional pension benefits under
10 section 133, and the amendment made by
11 such section.

12 (4) SPECIAL RULE.—Any amount provided for
13 the cost of attendance of a program of education or
14 training under paragraph (2)(A)(i), or for living ex-
15 penses related to training services under paragraph
16 (2)(A)(ii), shall be reduced by any amount provided
17 toward such cost of attendance or living expenses
18 under section 132, section 401 of the Higher Edu-
19 cation Act of 1965 (20 U.S.C. 1070a), or any other
20 Federal grant assistance program.

21 (c) REAPPLICATION PROCESS.—An individual who
22 has received adjustment assistance for a calendar year
23 shall reapply for such assistance for any subsequent cal-
24 endar year subject to subsection (d).

25 (d) LIMITATIONS.—

1 (1) OPTION A.—An individual may receive ad-
2 justment assistance under subsection (b)(1) for not
3 more than 3 years.

4 (2) OPTION B.—An individual may receive ad-
5 justment assistance under subsection (b)(2) for not
6 more than 4 years.

7 (e) FLEXIBILITY IN OPTIONS.—During a calendar
8 year, an individual receiving adjustment assistance under
9 an option under subsection (b) may terminate adjustment
10 assistance under that option and apply to receive adjust-
11 ment assistance under a different option under such sub-
12 section.

13 **SEC. 112. TERMINATION OF ADJUSTMENT ASSISTANCE.**

14 (a) NOTIFICATION OF COMPARABLE BENEFITS.—
15 Not later than 60 days after obtaining comparable bene-
16 fits, an individual receiving adjustment assistance shall
17 notify the Secretary of such comparable benefits.

18 (b) TERMINATION.—Any adjustment assistance pro-
19 vided to an individual under this title shall terminate not
20 later than 60 days after the date on which such individual
21 obtains comparable benefits.

22 (c) COMPARABLE BENEFITS DEFINED.—For pur-
23 poses of this section, the term “comparable benefits”
24 means benefits that provide the individual with not less
25 than 90 percent of the salary, pension benefits, and health

1 care benefits provided to the individual by the applicable
 2 firm immediately prior to the individual becoming an ad-
 3 versely affected worker.

4 **Subtitle C—Federally Funded** 5 **Unemployment Compensation**

6 **SEC. 121. TEMPORARY ADDITIONAL UNEMPLOYMENT COM-** 7 **PENSATION PROGRAM FOR CERTAIN AD-** 8 **VERSELY AFFECTED WORKERS.**

9 (a) FEDERAL-STATE AGREEMENTS.—Any State that
 10 desires to do so may enter into and participate in an
 11 agreement under this section with the Secretary. Any
 12 State that is a party to an agreement under this section
 13 may, upon providing 30 days' written notice to the Sec-
 14 retary, terminate such agreement.

15 (b) PROVISIONS OF AGREEMENT.—

16 (1) IN GENERAL.—Any agreement under sub-
 17 section (a) shall provide that the State agency of the
 18 State will make payments of temporary additional
 19 unemployment compensation to applicable individ-
 20 uals who—

21 (A) have exhausted all rights to regular
 22 compensation under the State law or under
 23 Federal law with respect to a benefit year;

24 (B) have no rights to regular compensation
 25 with respect to a week under such law or any

1 other State unemployment compensation law or
2 to compensation under any other Federal law;

3 (C) are not receiving compensation with
4 respect to such week under the unemployment
5 compensation law of Canada; and

6 (D) are able to work, available to work,
7 and actively seeking work.

8 (2) EXHAUSTION OF BENEFITS.—For purposes
9 of paragraph (1)(A), an applicable individual shall
10 be deemed to have exhausted such individual's rights
11 to regular compensation under a State law when—

12 (A) no payments of regular compensation
13 can be made under such law because such indi-
14 vidual has received all regular compensation
15 available to such individual based on employ-
16 ment or wages during such individual's base pe-
17 riod; or

18 (B) such individual's rights to such com-
19 pensation have been terminated by reason of
20 the expiration of the benefit year with respect
21 to which such rights existed.

22 (3) WEEKLY BENEFIT AMOUNT, ETC.—

23 (A) IN GENERAL.—Subject to paragraph
24 (4), for purposes of any agreement under this
25 section—

1 (i) the amount of temporary addi-
2 tional unemployment compensation that
3 shall be payable to any applicable indi-
4 vidual for any week of total unemployment
5 shall be equal to the amount of the regular
6 compensation (including dependents' allow-
7 ances) payable to such individual during
8 such individual's benefit year under the
9 State law for a week of total unemploy-
10 ment;

11 (ii) subject to subparagraph (B), the
12 terms and conditions of the State law
13 which apply to claims for regular com-
14 pensation and to the payment thereof (in-
15 cluding terms and conditions relating to
16 availability for work, active search for
17 work, and refusal to accept work) shall
18 apply to claims for temporary additional
19 unemployment compensation and the pay-
20 ment thereof, except—

21 (I) that an applicable individual
22 shall not be eligible for temporary ad-
23 ditional unemployment compensation
24 unless, in the base period with respect
25 to which such individual exhausted all

1 rights to regular compensation under
2 the State law, such individual had 20
3 weeks of full-time insured employment
4 or the equivalent in insured wages, as
5 determined under the provisions of
6 the State law implementing section
7 202(a)(5) of the Federal-State Ex-
8 tended Unemployment Compensation
9 Act of 1970 (26 U.S.C. 3304 note);
10 and

11 (II) where otherwise inconsistent
12 with the provisions of this section or
13 with the regulations or operating in-
14 structions of the Secretary promul-
15 gated to carry out this section; and

16 (iii) the maximum amount of tem-
17 porary additional unemployment compensa-
18 tion payable to any applicable individual is
19 156 weeks.

20 (B) EXCEPTION.—Under an agreement
21 under this section, temporary additional unem-
22 ployment compensation shall not be denied
23 under subparagraph (A) to an applicable indi-
24 vidual for any week by reason of a failure to ac-
25 cept an offer of, or apply for, work if the work

1 does not provide for comparable benefits (as de-
2 fined in section 112(c)).

3 (4) NO NEW BENEFIT YEAR.—In determining
4 the amount under paragraph (3), a State shall not
5 establish a new benefit year with respect to applica-
6 ble individuals.

7 (5) COORDINATION RULE.—Notwithstanding
8 any other provision of Federal law (and if the State
9 law permits), the Governor of a State that is in an
10 extended benefit period may provide for the payment
11 of emergency unemployment compensation prior to
12 temporary additional unemployment compensation to
13 applicable individuals who otherwise meet the re-
14 quirements of this section.

15 (6) UNAUTHORIZED ALIENS INELIGIBLE.—A
16 State shall require as a condition of temporary addi-
17 tional unemployment compensation that each alien
18 who receives such compensation must be legally au-
19 thorized to work in the United States, as defined for
20 purposes of the Federal Unemployment Tax Act (26
21 U.S.C. 3301 et seq.). In determining whether an
22 alien meets the requirements of this subsection, a
23 State must follow the procedures provided in section
24 1137(d) of the Social Security Act (42 U.S.C.
25 1320b-7(d)).

1 (c) PAYMENTS TO STATES.—

2 (1) IN GENERAL.—

3 (A) FULL REIMBURSEMENT.—There shall
4 be paid to each State which has entered into an
5 agreement under this section an amount equal
6 to 100 percent of—

7 (i) the total amount of additional
8 weeks of temporary additional unemploy-
9 ment compensation paid to applicable indi-
10 viduals by the State pursuant to such
11 agreement; and

12 (ii) any additional administrative ex-
13 penses incurred by the State by reason of
14 such agreement (as determined by the Sec-
15 retary).

16 (B) TERMS OF PAYMENTS.—Sums payable
17 to any State by reason of such State's having
18 an agreement under this section shall be pay-
19 able, either in advance or by way of reimburse-
20 ment (as determined by the Secretary), in such
21 amounts as the Secretary estimates the State
22 will be entitled to receive under this section for
23 a period, reduced or increased, as the case may
24 be, by any amount by which the Secretary finds
25 that his estimates for any prior period were

1 greater or less than the amounts which should
2 have been paid to the State. Such estimates
3 may be made on the basis of such statistical,
4 sampling, or other method as may be agreed
5 upon by the Secretary and the State agency of
6 the State involved.

7 (2) CERTIFICATIONS.—The Secretary shall
8 from time to time certify to the Secretary of the
9 Treasury for payment to each State the sums pay-
10 able to such State under this section.

11 (3) FUNDING.—Payments to States under an
12 agreement under this section shall be made from the
13 Trust Fund established under section 141.

14 (d) FRAUD AND OVERPAYMENTS.—

15 (1) IN GENERAL.—If an individual knowingly
16 has made, or caused to be made by another, a false
17 statement or representation of a material fact, or
18 knowingly has failed, or caused another to fail, to
19 disclose a material fact, and as a result of such false
20 statement or representation or of such nondisclosure
21 such individual has received an amount of temporary
22 additional unemployment compensation to which
23 such individual was not entitled, such individual—

24 (A) shall be ineligible for further tem-
25 porary additional unemployment compensation

1 in accordance with the provisions of the applica-
2 ble State unemployment compensation law re-
3 lating to fraud in connection with a claim for
4 unemployment compensation; and

5 (B) shall be subject to prosecution under
6 section 1001 of title 18, United States Code.

7 (2) REPAYMENT.—In the case of individuals
8 who have received amounts of temporary additional
9 unemployment compensation to which they were not
10 entitled, the State shall require such individuals to
11 repay the amounts of such temporary additional un-
12 employment compensation to the State agency, ex-
13 cept that the State agency may waive such repay-
14 ment if it determines that—

15 (A) the payment of such temporary addi-
16 tional unemployment compensation was without
17 fault on the part of any such individual; and

18 (B) such repayment would be contrary to
19 equity and good conscience.

20 (3) RECOVERY BY STATE AGENCY.—

21 (A) IN GENERAL.—The State agency shall
22 recover the amount to be repaid, or any part
23 thereof, by deductions from any temporary ad-
24 ditional unemployment compensation payable to
25 such individual under this section or from any

1 unemployment compensation payable to such
2 individual under any State or Federal unem-
3 ployment compensation law administered by the
4 State agency or under any other State or Fed-
5 eral law administered by the State agency
6 which provides for the payment of any assist-
7 ance or allowance with respect to any week of
8 unemployment, during the 3-year period after
9 the date such individual received the payment
10 of the temporary additional unemployment com-
11 pensation to which the individual was not enti-
12 tled, in accordance with the same procedures as
13 apply to the recovery of overpayments of reg-
14 ular unemployment benefits paid by the State.

15 (B) OPPORTUNITY FOR HEARING.—No re-
16 payment shall be required, and no deduction
17 shall be made, until a determination has been
18 made, notice thereof and an opportunity for a
19 fair hearing has been given to the individual,
20 and the determination has become final.

21 (4) REVIEW.—Any determination by a State
22 agency under this subsection shall be subject to re-
23 view in the same manner and to the same extent as
24 determinations under the State unemployment com-

1 pensation law, and only in that manner and to that
2 extent.

3 (e) APPLICABILITY.—

4 (1) IN GENERAL.—An agreement entered into
5 under this section shall apply to weeks of unemploy-
6 ment—

7 (A) beginning after the date on which such
8 agreement is entered into; and

9 (B) ending on or before January 1, 2019.

10 (2) TERMINATION.—No temporary additional
11 unemployment compensation under this section shall
12 be payable for any week subsequent to the last week
13 described in paragraph (1)(B).

14 (f) DEFINITIONS.—In this section:

15 (1) APPLICABLE INDIVIDUAL.—The term “ap-
16 plicable individual” means, with respect to a week of
17 temporary additional unemployment compensation,
18 an individual who—

19 (A) is a certified adversely affected worker
20 (as defined in section 2) for such week; and

21 (B) has been awarded adjustment assist-
22 ance for option A under section 111(b) for such
23 week.

24 (2) EB PROGRAM DEFINITIONS.—The terms
25 “compensation”, “regular compensation”, “extended

1 compensation”, “benefit year”, “base period”,
2 “State”, “State agency”, “State law”, and “week”
3 have the respective meanings given such terms under
4 section 205 of the Federal-State Extended Unem-
5 ployment Compensation Act of 1970 (26 U.S.C.
6 3304 note).

7 **SEC. 122. PERMANENT STATE REQUIREMENT FOR THE**
8 **PROVISION OF ADDITIONAL UNEMPLOYMENT**
9 **COMPENSATION FOR CERTAIN ADVERSELY**
10 **AFFECTED WORKERS.**

11 (a) UNEMPLOYMENT COMPENSATION.—Chapter 23
12 of subtitle C of the Internal Revenue Code of 1986 is
13 amended—

14 (1) in section 3304(a)—

15 (A) in paragraph (18), by striking “and”
16 at the end;

17 (B) by redesignating paragraph (19) as
18 paragraph (20); and

19 (C) by inserting after paragraph (18) the
20 following new paragraph:

21 “(19) additional unemployment compensation
22 for applicable individuals shall be payable as pro-
23 vided in section 3312; and”;

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

1 **“SEC. 3312. ADDITIONAL UNEMPLOYMENT COMPENSATION**
2 **FOR CERTAIN ADVERSELY AFFECTED WORK-**
3 **ERS.**

4 “(a) ADDITIONAL UNEMPLOYMENT COMPENSA-
5 TION.—

6 “(1) IN GENERAL.—

7 “(A) IN GENERAL.—For purposes of sec-
8 tion 3304(a)(19), a State law shall provide that
9 payment of additional unemployment compensa-
10 tion shall be made to applicable individuals
11 who—

12 “(i) have exhausted all rights to reg-
13 ular compensation under the State law or
14 under Federal law with respect to a benefit
15 year;

16 “(ii) have no rights to regular com-
17 pensation with respect to a week under
18 such law or any other State unemployment
19 compensation law or to compensation
20 under any other Federal law;

21 “(iii) are not receiving compensation
22 with respect to such week under the unem-
23 ployment compensation law of Canada; and

24 “(iv) are able to work, available to
25 work, and actively seeking work.

1 “(B) EXCEPTION.—Additional unemploy-
2 ment compensation shall not be denied under
3 subparagraph (A) to an applicable individual
4 for any week by reason of a failure to accept an
5 offer of, or apply for, work if the work does not
6 provide for comparable benefits (as defined in
7 section 112(c) of the Clean Energy Worker
8 Just Transition Act).

9 “(2) EXHAUSTION OF BENEFITS.—For pur-
10 poses of paragraph (1)(A), an applicable individual
11 shall be deemed to have exhausted such individual’s
12 rights to regular compensation under a State law
13 when—

14 “(A) no payments of regular compensation
15 can be made under such law because such indi-
16 vidual has received all regular compensation
17 available to such individual based on employ-
18 ment or wages during such individual’s base pe-
19 riod; or

20 “(B) such individual’s rights to such com-
21 pensation have been terminated by reason of
22 the expiration of the benefit year with respect
23 to which such rights existed.

24 “(3) WEEKLY BENEFIT AMOUNT, ETC.—

1 “(A) IN GENERAL.—Subject to paragraph
2 (4), for purposes of this section—

3 “(i) the amount of additional unem-
4 ployment compensation which shall be pay-
5 able to any applicable individual for any
6 week of total unemployment shall be equal
7 to the amount of the regular compensation
8 (including dependents’ allowances) payable
9 to such individual during such individual’s
10 benefit year under the State law for a
11 week of total unemployment;

12 “(ii) the terms and conditions of the
13 State law which apply to claims for regular
14 compensation and to the payment thereof
15 (including terms and conditions relating to
16 availability for work, active search for
17 work, and refusal to accept work) shall
18 apply to claims for additional unemploy-
19 ment compensation and the payment there-
20 of, except—

21 “(I) that an applicable individual
22 shall not be eligible for additional un-
23 employment compensation unless, in
24 the base period with respect to which
25 such individual exhausted all rights to

1 regular compensation under the State
2 law, such individual had 20 weeks of
3 full-time insured employment or the
4 equivalent in insured wages, as deter-
5 mined under the provisions of the
6 State law implementing section
7 202(a)(5) of the Federal-State Ex-
8 tended Unemployment Compensation
9 Act of 1970 (26 U.S.C. 3304 note);
10 and

11 “(II) where otherwise incon-
12 sistent with the provisions of this sec-
13 tion or with the regulations or oper-
14 ating instructions of the Secretary of
15 Labor promulgated to carry out this
16 section; and

17 “(iii) the maximum amount of addi-
18 tional unemployment compensation payable
19 to any applicable individual is 156 weeks.

20 “(B) TRANSITION FOR APPLICABLE INDI-
21 VIDUALS RECEIVING COMPENSATION UNDER
22 THE TEMPORARY ADDITIONAL UNEMPLOYMENT
23 COMPENSATION PROGRAM.—In the case of an
24 applicable individual who received temporary
25 additional unemployment compensation under

1 section 121 of the Clean Energy Worker Just
2 Transition Act for weeks ending prior to Janu-
3 ary 1, 2019—

4 “(i) the number of weeks described in
5 subparagraph (A)(iii) shall be reduced by
6 the number of weeks such individual re-
7 ceived the temporary additional unemploy-
8 ment compensation under such section
9 121; and

10 “(ii) in determining the amount under
11 subparagraph (A) for such individual, the
12 State shall use the same benefit year as
13 was used for such individual under such
14 section 121.

15 “(4) NO NEW BENEFIT YEAR.—In determining
16 the amount under paragraph (3), a State shall not
17 establish a new benefit year with respect to applica-
18 ble individuals.

19 “(5) COORDINATION RULE.—Notwithstanding
20 any other provision of Federal law (and if the State
21 law permits), the Governor of a State that is in an
22 extended benefit period may provide for the payment
23 of emergency unemployment compensation prior to
24 additional unemployment compensation to applicable

1 individuals who otherwise meet the requirements of
2 this section.

3 “(6) UNAUTHORIZED ALIENS INELIGIBLE.—A
4 State shall require as a condition of additional un-
5 employment compensation that each alien who re-
6 ceives such compensation must be legally authorized
7 to work in the United States, as defined for pur-
8 poses of the Federal Unemployment Tax Act (26
9 U.S.C. 3301 et seq.). In determining whether an
10 alien meets the requirements of this subsection, a
11 State must follow the procedures provided in section
12 1137(d) of the Social Security Act (42 U.S.C.
13 1320b–7(d)).

14 “(b) PAYMENTS TO STATES.—

15 “(1) IN GENERAL.—

16 “(A) FULL REIMBURSEMENT.—There shall
17 be paid to each State an amount equal to 100
18 percent of—

19 “(i) the total amount of additional un-
20 employment compensation paid to applica-
21 ble individuals by the State pursuant to
22 this section; and

23 “(ii) any additional administrative ex-
24 penses incurred by the State by reason of

1 this section (as determined by the Sec-
2 retary of Labor).

3 “(B) TERMS OF PAYMENTS.—Sums pay-
4 able to any State by reason of this section shall
5 be payable, either in advance or by way of reim-
6 bursement (as determined by the Secretary of
7 Labor), in such amounts as the Secretary of
8 Labor estimates the State will be entitled to re-
9 ceive under this section for a period, reduced or
10 increased, as the case may be, by any amount
11 by which the Secretary of Labor finds that his
12 estimates for any prior period were greater or
13 less than the amounts which should have been
14 paid to the State. Such estimates may be made
15 on the basis of such statistical, sampling, or
16 other method as may be agreed upon by the
17 Secretary of Labor and the State agency of the
18 State involved.

19 “(2) CERTIFICATIONS.—The Secretary of
20 Labor shall from time to time certify to the Sec-
21 retary of the Treasury for payment to each State the
22 sums payable to such State under this section.

23 “(3) FUNDING.—Payments to States under an
24 agreement under this section shall be made from the
25 Clean Energy Workers Trust Fund established

1 under section 141 of the Clean Energy Worker Just
2 Transition Act.

3 “(c) FRAUD AND OVERPAYMENTS.—

4 “(1) IN GENERAL.—If an individual knowingly
5 has made, or caused to be made by another, a false
6 statement or representation of a material fact, or
7 knowingly has failed, or caused another to fail, to
8 disclose a material fact, and as a result of such false
9 statement or representation or of such nondisclosure
10 such individual has received an amount of additional
11 unemployment compensation to which such indi-
12 vidual was not entitled, such individual—

13 “(A) shall be ineligible for further addi-
14 tional unemployment compensation in accord-
15 ance with the provisions of the applicable State
16 unemployment compensation law relating to
17 fraud in connection with a claim for unemploy-
18 ment compensation; and

19 “(B) shall be subject to prosecution under
20 section 1001 of title 18, United States Code.

21 “(2) REPAYMENT.—In the case of individuals
22 who have received amounts of additional unemploy-
23 ment compensation to which they were not entitled,
24 the State shall require such individuals to repay the
25 amounts of such additional unemployment com-

1 pensation to the State agency, except that the State
2 agency may waive such repayment if it determines
3 that—

4 “(A) the payment of such additional unem-
5 ployment compensation was without fault on
6 the part of any such individual; and

7 “(B) such repayment would be contrary to
8 equity and good conscience.

9 “(3) RECOVERY BY STATE AGENCY.—

10 “(A) IN GENERAL.—The State agency
11 shall recover the amount to be repaid, or any
12 part thereof, by deductions from any additional
13 unemployment compensation payable to such
14 individual under this section or from any unem-
15 ployment compensation payable to such indi-
16 vidual under any State or Federal unemploy-
17 ment compensation law administered by the
18 State agency or under any other State or Fed-
19 eral law administered by the State agency
20 which provides for the payment of any assist-
21 ance or allowance with respect to any week of
22 unemployment, during the 3-year period after
23 the date such individuals received the payment
24 of the additional unemployment compensation
25 to which they were not entitled, in accordance

1 with the same procedures as apply to the recov-
2 ery of overpayments of regular unemployment
3 benefits paid by the State.

4 “(B) OPPORTUNITY FOR HEARING.—No
5 repayment shall be required, and no deduction
6 shall be made, until a determination has been
7 made, notice thereof and an opportunity for a
8 fair hearing has been given to the individual,
9 and the determination has become final.

10 “(4) REVIEW.—Any determination by a State
11 agency under this subsection shall be subject to re-
12 view in the same manner and to the same extent as
13 determinations under the State unemployment com-
14 pensation law, and only in that manner and to that
15 extent.

16 “(d) DEFINITIONS.—In this section:

17 “(1) APPLICABLE INDIVIDUAL.—The term ‘ap-
18 plicable individual’ means, with respect to a week of
19 additional unemployment compensation, an indi-
20 vidual who—

21 “(A) is a certified adversely affected work-
22 er (as defined in section 2 of the Clean Energy
23 Worker Just Transition Act) for such week;
24 and

1 “(B) has been awarded adjustment assist-
2 ance for option A under section 111(b)(1) of
3 such Act for such week.

4 “(2) EB PROGRAM DEFINITIONS.—The terms
5 ‘compensation’, ‘regular compensation’, ‘extended
6 compensation’, ‘benefit year’, ‘base period’, ‘State’,
7 ‘State agency’, ‘State law’, and ‘week’ have the re-
8 spective meanings given such terms under section
9 205 of the Federal-State Extended Unemployment
10 Compensation Act of 1970 (26 U.S.C. 3304 note).”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 23 of subtitle C of the Internal Revenue Code
13 of 1986 is amended by adding at the end the following
14 item:

 “Sec. 3312. Additional unemployment compensation.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on January 1, 2019, and shall
17 apply to weeks of unemployment ending on or after such
18 date.

19 **Subtitle D—Other Benefits and** 20 **Services**

21 **SEC. 131. ELIGIBILITY FOR PREMIUM SUBSIDY CREDIT AND** 22 **COST SHARING BENEFITS FOR HEALTH IN-** 23 **SURANCE.**

24 (a) PREMIUM SUBSIDY CREDIT.—

1 (1) IN GENERAL.—Paragraph (1) of section
2 36B(c) of the Internal Revenue Code of 1986 is
3 amended by adding at the end the following new
4 subparagraph:

5 “(E) SPECIAL RULE FOR CERTAIN CER-
6 TIFIED ADVERSELY AFFECTED WORKERS.—If—

7 “(i) a taxpayer has a household in-
8 come which is not greater than 100 per-
9 cent of an amount equal to the poverty line
10 for a family of the size involved, and

11 “(ii) the taxpayer is a certified ad-
12 versely affected worker under section 2 of
13 the Clean Energy Worker Just Transition
14 Act and has been awarded adjustment as-
15 sistance under Option A, Option B, or Op-
16 tion C of section 111(b) of such Act,

17 the taxpayer shall, for purposes of the credit
18 under this section, be treated as an applicable
19 taxpayer with a household income which is
20 equal to 100 percent of the poverty line for a
21 family of the size involved.”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by this subsection shall apply to months beginning
24 after December 31, 2015.

1 (b) COST SHARING.—The second sentence of section
2 1402(b) of the Patient Protection and Affordable Care Act
3 is amended by striking “section 36B(c)(1)(B)” and insert-
4 ing “subparagraph (C) or (E) of section 36B(c)(1)”.

5 **SEC. 132. TRAINING AND SUPPORT FOR EMPLOYMENT.**

6 (a) DEFINITIONS.—In this section:

7 (1) CAREER SERVICES.—The term “career serv-
8 ices” means services described in section 134(c)(2)
9 of the Workforce Innovation and Opportunity Act
10 (29 U.S.C. 3174(c)(2)).

11 (2) ELIGIBLE ADVERSELY AFFECTED WORK-
12 ER.—The term “eligible adversely affected worker”
13 means a certified adversely affected worker who has
14 been awarded adjustment assistance under section
15 111(b)(2).

16 (3) SUITABLE EMPLOYMENT.—The term “suit-
17 able employment”, used with respect to an eligible
18 adversely affected worker, means employment—

19 (A) at a wage that is not less than 90 per-
20 cent of the wage the worker received on the day
21 before the date described in section 103(b); and

22 (B) that meets such other requirements as
23 the Secretary may specify.

24 (4) TRAINING SERVICES.—The term “training
25 services” means services provided under section

1 134(c)(3) of the Workforce Innovation and Oppor-
2 tunity Act (29 U.S.C. 3174(c)(3)).

3 (b) FUNDING.—Each fiscal year, the Secretary shall
4 use a portion of the funds made available under section
5 141 to carry out this section. From that portion, the Sec-
6 retary shall—

7 (1) reserve an amount for the Secretary to use
8 in ensuring the availability of rapid response activi-
9 ties and career services under section 101(b)(1);

10 (2) reserve an amount to grant job search al-
11 lowances under subsection (d);

12 (3) reserve an amount to grant relocation allow-
13 ance under subsection (e); and

14 (4) use the remainder of the portion to carry
15 out subsection (c).

16 (c) CAREER SERVICES AND TRAINING SERVICES.—

17 (1) FUNDING.—Each fiscal year, the Secretary
18 shall use the remainder described in subsection
19 (b)(4) to provide career services and training serv-
20 ices to eligible adversely affected workers, or to con-
21 tribute to the costs of the one-stop delivery system
22 involved.

23 (2) TREATMENT OF FUNDS.—The Secretary
24 shall treat the funds in that remainder as if the
25 funds are part of the amount described in section

1 132(b)(2)(B) of the Workforce Innovation and Op-
2 portunity Act (29 U.S.C. 3172(b)(2)(B)), except
3 that—

4 (A) all funds in that remainder may only
5 be used to provide career services and training
6 services to eligible adversely affected worker, or
7 to contribute to the costs of the one-stop deliv-
8 ery system involved, as described in section
9 133(b)(5)(B)(ii) of the Workforce Innovation
10 and Opportunity Act (29 U.S.C.
11 3173(b)(5)(B)(ii));

12 (B) the funds in that remainder shall not
13 be counted for purposes of applying section
14 132(b)(2)(B)(iii) or 133(b)(2)(B)(iii) of that
15 Act (29 U.S.C. 3172(b)(2)(B)(iii),
16 3173(b)(2)(B)(iii)); and

17 (C) section 133(b)(4) of that Act (29
18 U.S.C. 3173(b)(4)) shall not apply to the funds
19 in that remainder.

20 (d) JOB SEARCH ALLOWANCES.—

21 (1) JOB SEARCH ALLOWANCE AUTHORIZED.—

22 (A) DISTRIBUTIONS.—

23 (i) INITIAL DISTRIBUTION.—The Sec-
24 retary shall establish procedures for an ini-
25 tial distribution to States of reserved funds

1 described in subsection (b)(2) and available
2 for a fiscal year. Such procedures may in-
3 clude the distribution of funds pursuant to
4 requests submitted by States in need of
5 such funds.

6 (ii) SUBSEQUENT DISTRIBUTION.—

7 The Secretary shall establish procedures
8 for the distribution to States of the re-
9 served funds that remain available for the
10 fiscal year after the initial distribution re-
11 quired under clause (i). Such procedures
12 may include the distribution of funds pur-
13 suant to requests submitted by States in
14 need of such funds.

15 (B) STATE USE OF FUNDS.—Each State

16 may use funds distributed to the State under
17 subparagraph (A) to allow an eligible adversely
18 affected worker who has completed a program
19 of training services or has received appropriate
20 career services to file an application with the
21 Secretary for payment of a job search allow-
22 ance.

23 (C) APPROVAL OF APPLICATIONS.—The

24 Secretary may grant an allowance pursuant to

1 an application filed under subparagraph (B)
2 when all of the following apply:

3 (i) ASSIST ELIGIBLE ADVERSELY AF-
4 FECTED WORKER.—The allowance is paid
5 to assist a worker described in subpara-
6 graph (B) in securing a job within the
7 United States.

8 (ii) LOCAL EMPLOYMENT NOT AVAIL-
9 ABLE.—The Secretary determines that the
10 worker cannot reasonably be expected to
11 secure suitable employment in the com-
12 muting area in which the worker resides.

13 (iii) APPLICATION.—The worker has
14 filed an application for the allowance with
15 the Secretary at such time and containing
16 such information as the Secretary may de-
17 termine.

18 (2) AMOUNT OF ALLOWANCE.—

19 (A) IN GENERAL.—Any allowance granted
20 under paragraph (1) shall provide reimburse-
21 ment to the worker of not more than 90 percent
22 of the necessary job search expenses of the
23 worker as prescribed by the Secretary in regula-
24 tions.

1 (B) MAXIMUM ALLOWANCE.—Reimburse-
2 ment under this paragraph may not exceed
3 \$1,250 for any worker.

4 (C) EXCEPTION.—Notwithstanding sub-
5 paragraphs (A) and (B), a State may reimburse
6 any worker described in paragraph (1)(B) for
7 necessary expenses incurred by the worker in
8 participating in a job search program approved
9 by the Secretary.

10 (e) RELOCATION ALLOWANCES.—

11 (1) RELOCATION ALLOWANCE AUTHORIZED.—

12 (A) DISTRIBUTIONS.—

13 (i) INITIAL DISTRIBUTION.—The Sec-
14 retary shall establish procedures for an ini-
15 tial distribution to States of reserved funds
16 described in subsection (b)(3) and available
17 for a fiscal year. Such procedures may in-
18 clude the distribution of funds pursuant to
19 requests submitted by States in need of
20 such funds.

21 (ii) SUBSEQUENT DISTRIBUTION.—

22 The Secretary shall establish procedures
23 for the distribution to States of the re-
24 served funds that remain available for the
25 fiscal year after the initial distribution re-

1 required under clause (i). Such procedures
2 may include the distribution of funds pur-
3 suant to requests submitted by States in
4 need of such funds.

5 (B) STATE USE OF FUNDS.—Each State
6 may use funds distributed to the State under
7 subparagraph (A) to allow an eligible adversely
8 affected worker to file an application for a relo-
9 cation allowance with the Secretary, and the
10 Secretary may grant the relocation allowance,
11 subject to the terms and conditions of this sub-
12 section.

13 (2) CONDITIONS FOR GRANTING ALLOWANCE.—
14 The relocation allowance may be granted if all of the
15 following terms and conditions are met:

16 (A) ASSIST ELIGIBLE ADVERSELY AF-
17 FECTED WORKER.—The relocation allowance
18 will assist an eligible adversely affected worker
19 in relocating within the United States to receive
20 training services or for employment.

21 (B) LOCAL EMPLOYMENT NOT AVAIL-
22 ABLE.—The Secretary determines that the
23 worker cannot reasonably be expected to se-
24 cure—

1 (i) in the case of a worker relocating
2 to receive training services, suitable train-
3 ing services in the commuting area in
4 which the worker resides; and

5 (ii) in the case of a worker relocating
6 for employment, suitable employment in
7 that commuting area.

8 (C) SEPARATION OR THREAT.—The work-
9 er is totally or partially separated, or is threat-
10 ened to become totally or partially separated,
11 from employment at the time relocation com-
12 mences.

13 (D) SUITABLE TRAINING OR EMPLOY-
14 MENT.—The worker—

15 (i) in the case of a worker relocating
16 to receive training services or for employ-
17 ment after receiving training services, ob-
18 tains approval from the Secretary for the
19 program of training services involved; or

20 (ii) in the case of a worker relocating
21 for employment, has obtained suitable em-
22 ployment affording a reasonable expecta-
23 tion of long-term duration in the area in
24 which the worker wishes to relocate, or has

1 obtained a bona fide offer of such employ-
2 ment.

3 (E) APPLICATION.—The worker filed an
4 application with the Secretary before—

5 (i) in the case of a worker relocating
6 for employment or to receive training serv-
7 ices, the later of—

8 (I) the 425th day after the date
9 of the certification under section 102
10 that covers the worker; or

11 (II) the 425th day after the date
12 of the worker's last total separation;
13 or

14 (ii) in the case of a worker relocating
15 for employment after receiving training
16 services, the date that is the 182d day
17 after the date on which the worker con-
18 cluded a program of training services ap-
19 proved by the Secretary under subpara-
20 graph (D)(i).

21 (3) AMOUNT OF ALLOWANCE.—Any relocation
22 allowance granted to a worker under paragraph (1)
23 shall include—

24 (A) not more than 90 percent of the rea-
25 sonable and necessary expenses (including sub-

1 sistence and transportation expenses at levels
2 not exceeding those allowable as specified in
3 regulations prescribed by the Secretary) in-
4 curred in transporting the worker, the worker's
5 family, and household effects; and

6 (B) a lump sum equivalent to 3 times the
7 worker's average weekly wage, up to a max-
8 imum payment of \$1,250.

9 (4) LIMITATIONS.—A relocation allowance may
10 not be granted to a worker unless—

11 (A) in the case of a worker relocating for
12 employment or to receive training services, the
13 relocation occurs within 182 days after the fil-
14 ing of the application for relocation assistance;
15 or

16 (B) in the case of a worker relocating for
17 employment after receiving training services,
18 the relocation occurs within 182 days after the
19 conclusion of a program of training services ap-
20 proved by the Secretary under paragraph
21 (2)(D)(i).

22 **SEC. 133. ADDITIONAL PENSIONS BENEFITS.**

23 (a) IN GENERAL.—In the case that, with respect to
24 a certified adversely affected worker, the amount of pen-
25 sion plan benefits guaranteed under section 4022 or

1 4022A of the Employee Retirement Income Security Act
2 of 1974 (29 U.S.C. 1322, 1322a), subject to section
3 4022B of such Act (29 U.S.C. 1322b) is less than the
4 amount of the nonforfeitable benefit to which such em-
5 ployee was entitled under the terms of the pension plan
6 of the applicable firm immediately before the date of the
7 insolvency of such applicable firm, the Pension Benefit
8 Guaranty Corporation shall make payments to such cer-
9 tified adversely affected worker or to the multiemployer
10 plan of the certified adversely affected worker, as applica-
11 ble, on a monthly basis in an amount equal to—

12 (1) the excess of—

13 (A) the amount to which the employee was
14 so entitled; over

15 (B) the amount so guaranteed; and

16 (2) the payments otherwise made to such work-
17 er in accordance with section 4022 or 4022A of the
18 Employee Retirement Income Security Act of 1974
19 (29 U.S.C. 1322, 1322a), subject to section 4022B
20 of such Act (29 U.S.C. 1322b).

21 (b) TRANSFERS FROM FUND.—Each fiscal quarter,
22 the Secretary of Labor shall transfer from the Trust Fund
23 established under section 141 to the fund established
24 under subsection (i) of section 4005 of the Employee Re-
25 tirement Income Security Act (29 U.S.C. 1305) (as added

1 by subsection (c)), an amount equal to the aggregate pay-
 2 ments that are expected to be made under subsection
 3 (a)(1) by the Pension Benefit Guaranty Corporation in the
 4 subsequent fiscal quarter. The Secretary of Labor may ad-
 5 just the amounts so transferred for a fiscal quarter to ac-
 6 count for any overpayment or underpayment so made in
 7 a previous fiscal quarter.

8 (c) PBGC FUND.—Section 4005 of the Employee Re-
 9 tirement Income Security Act of 1974 (29 U.S.C. 1305)
 10 is amended by adding at the end the following:

11 “(i) An eighth fund shall be established and credited
 12 with any amounts transferred in accordance with section
 13 133(b) of the Clean Energy Worker Just Transition Act.
 14 Such amounts shall be made available to make payments
 15 in accordance with section 133(a) of such Act.”.

16 **Subtitle E—Funding**

17 **SEC. 141. ESTABLISHMENT OF CLEAN ENERGY WORKERS** 18 **TRUST FUND.**

19 (a) ESTABLISHMENT.—There is established in the
 20 Treasury of the United States a trust fund to be known
 21 as the “Clean Energy Workers Trust Fund” (referred to
 22 in this Act as the “Trust Fund”), consisting of such
 23 amounts as may be appropriated to the Trust Fund under
 24 subsection (b).

1 (b) AMOUNTS IN TRUST FUND.—There is appro-
2 priated to the Trust Fund, on an annual basis, an amount
3 equal to the increase in revenues to the Treasury resulting
4 from the amendments made by section 142.

5 (c) EXPENDITURES FROM TRUST FUND.—

6 (1) IN GENERAL.—Except as provided under
7 paragraph (2), amounts in the Trust Fund shall be
8 available without further appropriation—

9 (A) to carry out—

10 (i) the group certification and indi-
11 vidual application provisions under sub-
12 titles A and B of this title, respectively;

13 (ii) adjustment assistance provided
14 through any option under section 111(b)
15 (subject to paragraph (2)); and

16 (iii) sections 152 and 153; and

17 (B) for the administrative costs associated
18 with carrying out subparagraph (A) and this
19 section.

20 (2) TAX CREDITS AND INCENTIVES.—From
21 time to time there shall be transferred from the
22 Trust Fund to the general fund of the Treasury
23 amounts equal to the decrease in revenues to the
24 Treasury resulting from the amendments made by
25 sections 131 and 151.

1 (3) AVAILABILITY.—The amounts in the Trust
 2 Fund shall be available for the purposes described in
 3 paragraphs (1) and (2) to the Secretary and the
 4 head of any other agency as necessary to carry out
 5 such purposes.

6 **SEC. 142. MODIFICATIONS TO RULES RELATING TO IN-**
 7 **VERTED CORPORATIONS.**

8 (a) IN GENERAL.—Subsection (b) of section 7874 of
 9 the Internal Revenue Code of 1986 is amended to read
 10 as follows:

11 “(b) INVERTED CORPORATIONS TREATED AS DO-
 12 MESTIC CORPORATIONS.—

13 “(1) IN GENERAL.—Notwithstanding section
 14 7701(a)(4), a foreign corporation shall be treated for
 15 purposes of this title as a domestic corporation if—

16 “(A) such corporation would be a surro-
 17 gate foreign corporation if subsection (a)(2)
 18 were applied by substituting ‘80 percent’ for
 19 ‘60 percent’, or

20 “(B) such corporation is an inverted do-
 21 mestic corporation.

22 “(2) INVERTED DOMESTIC CORPORATION.—For
 23 purposes of this subsection, a foreign corporation
 24 shall be treated as an inverted domestic corporation

1 if, pursuant to a plan (or a series of related trans-
2 actions)—

3 “(A) the entity completes after May 8,
4 2014, the direct or indirect acquisition of—

5 “(i) substantially all of the properties
6 held directly or indirectly by a domestic
7 corporation, or

8 “(ii) substantially all of the assets of,
9 or substantially all of the properties consti-
10 tuting a trade or business of, a domestic
11 partnership, and

12 “(B) after the acquisition, either—

13 “(i) more than 50 percent of the stock
14 (by vote or value) of the entity is held—

15 “(I) in the case of an acquisition
16 with respect to a domestic corpora-
17 tion, by former shareholders of the
18 domestic corporation by reason of
19 holding stock in the domestic corpora-
20 tion, or

21 “(II) in the case of an acquisition
22 with respect to a domestic partner-
23 ship, by former partners of the do-
24 mestic partnership by reason of hold-

1 ing a capital or profits interest in the
2 domestic partnership, or

3 “(ii) the management and control of
4 the expanded affiliated group which in-
5 cludes the entity occurs, directly or indi-
6 rectly, primarily within the United States,
7 and such expanded affiliated group has
8 significant domestic business activities.

9 “(3) EXCEPTION FOR CORPORATIONS WITH
10 SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN
11 COUNTRY OF ORGANIZATION.—A foreign corporation
12 described in paragraph (2) shall not be treated as an
13 inverted domestic corporation if after the acquisition
14 the expanded affiliated group which includes the en-
15 tity has substantial business activities in the foreign
16 country in which or under the law of which the enti-
17 ty is created or organized when compared to the
18 total business activities of such expanded affiliated
19 group. For purposes of subsection (a)(2)(B)(iii) and
20 the preceding sentence, the term ‘substantial busi-
21 ness activities’ shall have the meaning given such
22 term under regulations in effect on May 8, 2014, ex-
23 cept that the Secretary may issue regulations in-
24 creasing the threshold percent in any of the tests
25 under such regulations for determining if business

1 activities constitute substantial business activities for
2 purposes of this paragraph.

3 “(4) MANAGEMENT AND CONTROL.—For pur-
4 poses of paragraph (2)(B)(ii)—

5 “(A) IN GENERAL.—The Secretary shall
6 prescribe regulations for purposes of deter-
7 mining cases in which the management and
8 control of an expanded affiliated group is to be
9 treated as occurring, directly or indirectly, pri-
10 marily within the United States. The regula-
11 tions prescribed under the preceding sentence
12 shall apply to periods after May 8, 2014.

13 “(B) EXECUTIVE OFFICERS AND SENIOR
14 MANAGEMENT.—Such regulations shall provide
15 that the management and control of an ex-
16 panded affiliated group shall be treated as oc-
17 ccurring, directly or indirectly, primarily within
18 the United States if substantially all of the ex-
19 ecutive officers and senior management of the
20 expanded affiliated group who exercise day-to-
21 day responsibility for making decisions involving
22 strategic, financial, and operational policies of
23 the expanded affiliated group are based or pri-
24 marily located within the United States. Indi-
25 viduals who in fact exercise such day-to-day re-

1 sponsibilities shall be treated as executive offi-
2 cers and senior management regardless of their
3 title.

4 “(5) SIGNIFICANT DOMESTIC BUSINESS ACTIVI-
5 TIES.—For purposes of paragraph (2)(B)(ii), an ex-
6 panded affiliated group has significant domestic
7 business activities if at least 25 percent of—

8 “(A) the employees of the group are based
9 in the United States,

10 “(B) the employee compensation incurred
11 by the group is incurred with respect to employ-
12 ees based in the United States,

13 “(C) the assets of the group are located in
14 the United States, or

15 “(D) the income of the group is derived in
16 the United States,

17 determined in the same manner as such determina-
18 tions are made for purposes of determining substan-
19 tial business activities under regulations referred to
20 in paragraph (3) as in effect on May 8, 2014, but
21 applied by treating all references in such regulations
22 to ‘foreign country’ and ‘relevant foreign country’ as
23 references to ‘the United States’. The Secretary may
24 issue regulations decreasing the threshold percent in
25 any of the tests under such regulations for deter-

1 mining if business activities constitute significant
2 domestic business activities for purposes of this
3 paragraph.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Clause (i) of section 7874(a)(2)(B) of such
6 Code is amended by striking “after March 4, 2003,”
7 and inserting “after March 4, 2003, and before May
8 9, 2014,”.

9 (2) Subsection (c) of section 7874 of such Code
10 is amended—

11 (A) in paragraph (2)—

12 (i) by striking “subsection
13 (a)(2)(B)(ii)” and inserting “subsections
14 (a)(2)(B)(ii) and (b)(2)(B)(i)”, and

15 (ii) by inserting “or (b)(2)(A)” after
16 “(a)(2)(B)(i)” in subparagraph (B),

17 (B) in paragraph (3), by inserting “or
18 (b)(2)(B)(i), as the case may be,” after
19 “(a)(2)(B)(ii)”,

20 (C) in paragraph (5), by striking “sub-
21 section (a)(2)(B)(ii)” and inserting “sub-
22 sections (a)(2)(B)(ii) and (b)(2)(B)(i)”, and

23 (D) in paragraph (6), by inserting “or in-
24 verted domestic corporation, as the case may
25 be,” after “surrogate foreign corporation”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to taxable years ending after May
 3 8, 2014.

4 **Subtitle F—Miscellaneous** 5 **Provisions**

6 **SEC. 151. CREDIT FOR HIRING UNEMPLOYED CERTIFIED** 7 **ADVERSELY AFFECTED WORKERS.**

8 (a) INCLUSION IN WORK OPPORTUNITY CREDIT.—
 9 Paragraph (1) of section 51(d) of the Internal Revenue
 10 Code of 1986 is amended by striking “or” at the end of
 11 subparagraph (H), by striking the period at the end of
 12 subparagraph (I) and inserting “, or”, and by adding at
 13 the end the following new subparagraph:

14 “(J) a qualified adversely affected energy
 15 industry unemployed worker.”.

16 (b) DEFINITION OF QUALIFIED ADVERSELY AF-
 17 FECTED ENERGY INDUSTRY UNEMPLOYED WORKER.—
 18 Subsection (d) of section 51 of the Internal Revenue Code
 19 of 1986 is amended by adding at the end the following
 20 new paragraph:

21 “(15) QUALIFIED ADVERSELY AFFECTED EN-
 22 ERGY INDUSTRY UNEMPLOYED WORKER.—The term
 23 ‘qualified adversely affected energy industry unem-
 24 ployed worker’ means any individual who—

1 “(A) is a certified adversely affected work-
2 er under section 2 of the Clean Energy Worker
3 Just Transition Act and whose status as such
4 has not been terminated before the date the in-
5 dividual begins work for the employer,

6 “(B) is certified by the designated local
7 agency as—

8 “(i) having aggregate periods of un-
9 employment during the 1-year period end-
10 ing on the hiring date which equal or ex-
11 ceed 4 weeks (but less than 6 months), or

12 “(ii) having aggregate periods of un-
13 employment during the 1-year period end-
14 ing on the hiring date which equal or ex-
15 ceed 6 months.”.

16 (c) INCREASED CREDIT AMOUNT FOR LONG-TERM
17 UNEMPLOYED WORKERS.—Section 51(b)(3) of the Inter-
18 nal Revenue Code of 1986 is amended—

19 (1) by striking “and” before “\$24,000”, and

20 (2) by inserting “, and \$14,000 per year in the
21 case of any individual who is a qualified adversely
22 affected energy industry unemployed worker by rea-
23 son of subsection (d)(15)(B)(ii)” after “subsection
24 (d)(3)(A)(ii)(II)”.

1 (d) CREDIT LIMITED TO INDIVIDUALS HIRED FOR
 2 COMPARABLE OCCUPATION.—Subsection (b) of section 51
 3 of the Internal Revenue Code of 1986 is amended by add-
 4 ing at the end the following new paragraph:

5 “(4) SPECIAL RULE FOR QUALIFIED AD-
 6 VERSELY AFFECTED ENERGY INDUSTRY UNEM-
 7 PLOYED WORKERS.—The term ‘qualified wages’
 8 shall not include any wages paid to qualified ad-
 9 versely affected energy industry unemployed worker
 10 unless the position for which such worker is hired
 11 for is a comparable occupation as determined under
 12 section 112 of the Clean Energy Worker Just Tran-
 13 sition Act.”.

14 (e) TERMINATION PROVISION NOT TO APPLY.—
 15 Paragraph (4) of section 51(c) of the Internal Revenue
 16 Code of 1986 is amended by adding at the end the fol-
 17 lowing new sentence: “The preceding sentence shall not
 18 apply with respect to amounts paid or incurred to qualified
 19 adversely affected energy industry unemployed workers.”.

20 (f) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply to individuals who begin work for
 22 the employer after December 31, 2015.

23 **SEC. 152. ENFORCEMENT.**

24 (a) VIOLATIONS.—It shall be a violation of this title
 25 to for any person to—

1 (1) make a false statement of a material fact
2 knowing it to be false, or knowingly fail to disclose
3 a material fact, for the purpose of obtaining or in-
4 creasing for that person or for any other person any
5 payment authorized to be furnished under this title;
6 or

7 (2) make a false statement of a material fact
8 knowing it to be false, or knowingly fail to disclose
9 a material fact, when providing information to the
10 Secretary during an investigation of a petition under
11 section 101.

12 (b) PENALTIES.—Any person who commits a viola-
13 tion under subsection (a) shall be imprisoned for not more
14 than 1 year, fined under title 18, United States Code, or
15 both.

16 **SEC. 153. BENEFIT INFORMATION TO WORKERS.**

17 (a) GENERAL INFORMATION.—The Secretary shall
18 provide—

19 (1) full information to workers about—

20 (A) the adjustment assistance available
21 under this title; and

22 (B) the petition and application proce-
23 dures, and the appropriate filing dates, for such
24 adjustment assistance;

1 (2) whatever assistance is necessary to enable
2 groups of workers to prepare petitions or applica-
3 tions for such adjustment assistance;

4 (3) the applicable eligible agency, as defined in
5 section 3 of the Carl D. Perkins Career and Tech-
6 nical Education Act of 2006 (20 U.S.C. 2302), or
7 any equivalent agency, and public or private agen-
8 cies, institutions, and employers, as appropriate,
9 with information of each certification issued under
10 section 103 and of projections, if available, of the
11 needs for training under section 132 as a result of
12 such certification; and

13 (4) labor organizations and other community
14 organizations with funding from the Trust Fund es-
15 tablished under section 141, to conduct community
16 outreach to educate adversely affected workers about
17 such adjustment assistance.

18 (b) WRITTEN NOTICE TO INDIVIDUALS.—The Sec-
19 retary shall provide written notice through the mail of the
20 adjustment assistance available under this title to each
21 worker whom the Secretary has reason to believe is cov-
22 ered by a certification under section 103—

23 (1) at the time such certification is made, if the
24 worker was partially or totally separated, or threat-
25 ened to become totally or partially separated, from

1 the adversely affected employment before such cer-
2 tification, or

3 (2) at the time of the total or partial separa-
4 tion, or threatened total or partial separation, of the
5 worker from the adversely affected employment, if
6 paragraph (1) does not apply.

7 (c) PUBLISHED NOTICE.—The Secretary shall pub-
8 lish notice of the adjustment assistance available under
9 this title to workers covered by each certification issued
10 under section 103 in newspapers of general circulation in
11 the areas in which such workers reside.

12 (d) NOTIFICATION TO DEPARTMENT OF COM-
13 MERCE.—Not later than 60 days after the date of enact-
14 ment of this Act, and each year thereafter, the Secretary
15 shall prepare and submit a report to the Department of
16 Commerce on the geographic location and sector impli-
17 cated by each certification issued under section 103.

18 **SEC. 154. AMENDMENT TO SURFACE MINING CONTROL AND**
19 **RECLAMATION ACT OF 1977.**

20 Section 402(i)(2) of the Surface Mining Control and
21 Reclamation Act of 1977 (30 U.S.C. 1232(i)(2)) is
22 amended—

23 (1) by striking “Subject to” and inserting the
24 following:

25 “(A) IN GENERAL.—Subject to”; and

1 (2) by adding at the end the following:

2 “(B) EXCESS AMOUNTS.—

3 “(i) IN GENERAL.—Subject to para-
4 graph (3), and after all transfers referred
5 to in subparagraph (A) and paragraph (1)
6 have been made, any amounts remaining
7 after the application of paragraph (3)(A)
8 (without regard to this subparagraph) shall
9 be transferred to the trustees of the 1974
10 UMWA Pension Plan and used solely to
11 pay pension benefits required under such
12 plan.

13 “(ii) 1974 UMWA PENSION PLAN.—
14 For purposes of this subparagraph, the
15 term ‘1974 UMWA Pension Plan’ means a
16 pension plan referred to in section
17 9701(a)(3) of the Internal Revenue Code
18 of 1986 but without regard to whether
19 participation in such plan is limited to in-
20 dividuals who retired in 1976 and there-
21 after.”.

22 **SEC. 155. REGULATIONS.**

23 The Secretary shall promulgate regulations to carry
24 out this title.

1 **TITLE II—WORKPLACE**
2 **DEMOCRACY ACT**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Workplace Democracy
5 for a Clean Energy Future”.

6 **SEC. 202. STREAMLINING CERTIFICATION FOR LABOR OR-**
7 **GANIZATIONS.**

8 (a) **IN GENERAL.**—Section 9(c) of the National
9 Labor Relations Act (29 U.S.C. 159(c)) is amended by
10 adding at the end the following:

11 “(6) Notwithstanding any other provision of this sec-
12 tion, whenever a petition shall have been filed by an em-
13 ployee or group of employees or any individual or labor
14 organization acting in their behalf alleging that a majority
15 of employees in a unit appropriate for the purposes of col-
16 lective bargaining wish to be represented by an individual
17 or labor organization for such purposes, the Board shall
18 investigate the petition. If the Board finds that a majority
19 of the employees in a unit appropriate for bargaining has
20 signed valid authorizations designating the individual or
21 labor organization specified in the petition as their bar-
22 gaining representative and that no other individual or
23 labor organization is currently certified or recognized as
24 the exclusive representative of any of the employees in the
25 unit, the Board shall not direct an election but shall certify

1 the individual or labor organization as the representative
2 described in subsection (a).

3 “(7) The Board shall develop guidelines and proce-
4 dures for the designation by employees of a bargaining
5 representative in the manner described in paragraph (6).
6 Such guidelines and procedures shall include—

7 “(A) model collective bargaining authorization
8 language that may be used for purposes of making
9 the designations described in paragraph (6); and

10 “(B) procedures to be used by the Board to es-
11 tablish the validity of signed authorizations desig-
12 nating bargaining representatives.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) NATIONAL LABOR RELATIONS BOARD.—Sec-
15 tion 3(b) of the National Labor Relations Act (29
16 U.S.C. 153(b)) is amended, in the second sentence—

17 (A) by striking “and to” and inserting
18 “to”; and

19 (B) by striking “and certify the results
20 thereof,” and inserting “, and to issue certifi-
21 cations as provided for in that section,”.

22 (2) UNFAIR LABOR PRACTICES.—Section 8(b)
23 of the National Labor Relations Act (29 U.S.C.
24 158(b)) is amended—

1 (A) in paragraph (7)(B) by striking “, or”
2 and inserting “or a petition has been filed
3 under section 9(c)(6), or”; and

4 (B) in paragraph (7)(C) by striking “when
5 such a petition has been filed” and inserting
6 “when such a petition other than a petition
7 under section 9(c)(6) has been filed”.

8 **SEC. 203. FACILITATING INITIAL COLLECTIVE BARGAINING**
9 **AGREEMENTS.**

10 Section 8 of the National Labor Relations Act (29
11 U.S.C. 158) is amended by adding at the end the fol-
12 lowing:

13 “(h) Whenever collective bargaining is for the pur-
14 pose of establishing an initial agreement following certifi-
15 cation or recognition, the provisions of subsection (d) shall
16 be modified as follows:

17 “(1) Not later than 10 days after receiving a
18 written request for collective bargaining from an in-
19 dividual or labor organization that has been newly
20 organized or certified as a representative as defined
21 in section 9(a), or within such further period as the
22 parties agree upon, the parties shall meet and com-
23 mence to bargain collectively and shall make every
24 reasonable effort to conclude and sign a collective
25 bargaining agreement.

1 “(2) If after the expiration of the 90-day period
2 beginning on the date on which bargaining is com-
3 menced, or such additional period as the parties may
4 agree upon, the parties have failed to reach an
5 agreement, either party may notify the Federal Me-
6 diation and Conciliation Service of the existence of
7 a dispute and request mediation. Whenever such a
8 request is received, it shall be the duty of the Service
9 promptly to put itself in communication with the
10 parties and to use its best efforts, by mediation and
11 conciliation, to bring them to agreement.

12 “(3) If after the expiration of the 30-day period
13 beginning on the date on which the request for me-
14 diation is made under paragraph (2), or such addi-
15 tional period as the parties may agree upon, the
16 Service is not able to bring the parties to agreement
17 by conciliation, the Service shall refer the dispute to
18 an arbitration board established in accordance with
19 such regulations as may be prescribed by the Serv-
20 ice. The arbitration panel shall render a decision set-
21 tling the dispute and such decision shall be binding
22 upon the parties for a period of 2 years, unless
23 amended during such period by written consent of
24 the parties.”.

1 **TITLE III—COMMUNITY NEED-**
2 **BASED ECONOMIC TRANSI-**
3 **TION ASSISTANCE PROGRAM**

4 **SEC. 301. COMMUNITY NEED-BASED ECONOMIC TRANSI-**
5 **TION ASSISTANCE PROGRAM.**

6 (a) **ELIGIBLE COUNTY DEFINED.**—In this title, the
7 term “eligible county” means a county or an Indian tribe
8 (as that term is defined in section 4 of the Indian Self-
9 Determination and Education Assistance Act (25 U.S.C.
10 450b)) eligible for assistance under this title—

11 (1) in which not less than 35 certified adversely
12 affected workers reside; and

13 (2) that is certified by the Secretary under sub-
14 section (b).

15 (b) **CERTIFICATION.**—The Secretary shall certify an
16 eligible county not later than 20 days after the date on
17 which the Secretary determines that at least 35 workers
18 residing in the county are certified adversely affected
19 workers.

20 (c) **NOTIFICATION.**—After the Secretary certifies a
21 county as an eligible county under this section, the Sec-
22 retary shall provide notice of the certification—

23 (1) to the county government; or

1 (2) if the county does not have a county govern-
 2 ment, to the most localized relevant regional or
 3 State government.

4 (d) APPLICATION.—After the date on which the Sec-
 5 retary certifies a county under this section, the county
 6 may apply for a grant under each of subsections (a)
 7 through (c) of section 302 and each of subsections (a)
 8 through (e) of section 303.

9 **SEC. 302. ECONOMIC DEVELOPMENT GRANT PROGRAMS.**

10 (a) APPALACHIAN REGIONAL COMMISSION.—

11 (1) IN GENERAL.—The Appalachian Regional
 12 Commission established by section 14301(a) of title
 13 40, United States Code (referred to in this sub-
 14 section as the “Commission”), shall award grants to
 15 eligible counties to support economic development
 16 planning and implementation activities in those
 17 counties, including—

18 (A) developing entrepreneurial ecosystems;

19 (B) facilitating access to capital invest-
 20 ments and new markets; and

21 (C) addressing barriers relating to ade-
 22 quate water, sewer, and telecommunications in-
 23 frastructure.

24 (2) REGULATIONS; GUIDANCE.—In carrying out
 25 this subsection, the Commission may issue such reg-

1 ulations and guidance to carry out this subsection as
2 the Commission determines to be necessary.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Com-
5 mission to carry out this subsection \$40,000,000 for
6 each of fiscal years 2016 through 2025.

7 (b) ECONOMIC DEVELOPMENT ADMINISTRATION.—

8 (1) IN GENERAL.—The Assistant Secretary of
9 Commerce for Economic Development (referred to in
10 this subsection as the “Assistant Secretary”) shall—

11 (A) advance and coordinate regional place-
12 based innovation efforts for the Federal Gov-
13 ernment; and

14 (B) provide planning and coordination as-
15 sistance to eligible counties and other Federal
16 agencies to assist in economic development ac-
17 tivities under this title.

18 (2) REGULATIONS; GUIDANCE.—In carrying out
19 this subsection, the Assistant Secretary may issue
20 such regulations and guidance to carry out this sub-
21 section as the Assistant Secretary determines to be
22 necessary.

23 (3) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Assist-
25 ant Secretary to carry out this subsection

1 \$10,000,000 for each of fiscal years 2016 through
2 2025.

3 (c) NEW DEVELOPMENT AND JOBS IN ABANDONED
4 MINE LAND COMMUNITIES.—

5 (1) IN GENERAL.—The Director of the Office of
6 Surface Mining Reclamation and Enforcement (re-
7 ferred to in this subsection as the “Director”) shall
8 award grants to eligible counties for activities relat-
9 ing to the reclamation of abandoned coal mine land
10 sites and associated polluted waters.

11 (2) PURPOSE.—The purpose of the grant pro-
12 gram under this subsection is to promote sustainable
13 redevelopment in eligible counties.

14 (3) SELECTION.—The Director shall award
15 grants based on economic factors, including—

16 (A) the unemployment rate in the eligible
17 county;

18 (B) the amount and severity of problems
19 in the eligible county relating to abandoned coal
20 mine land and water problems; and

21 (C) whether, in the determination of the
22 Director, reclamation activities to promote eco-
23 nomic development would assist the eligible
24 county.

1 (4) REGULATIONS; PROCEDURES.—In consulta-
2 tion with States, Indian tribes (as that term is de-
3 fined in section 4 of the Indian Self-Determination
4 and Education Assistance Act (25 U.S.C. 450b)),
5 and other stakeholders, the Director may issue such
6 regulations and guidance to carry out this subsection
7 as the Director determines to be necessary.

8 (5) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to the Direc-
10 tor to carry out this subsection \$250,000,000 for
11 each of fiscal years 2016 through 2025.

12 **SEC. 303. NEED-BASED WATER, BROADBAND, AND ELEC-**
13 **TRIC GRID INFRASTRUCTURE INVESTMENT**
14 **PROGRAM.**

15 (a) STATE DRINKING WATER TREATMENT REVOLV-
16 ING LOAN FUNDS.—The Administrator of the Environ-
17 mental Protection Agency shall award to eligible counties
18 capitalization grants for the purpose of establishing a
19 drinking water treatment revolving loan fund under sec-
20 tion 1452(a) of the Safe Drinking Water Act (42 U.S.C.
21 300j–12(a)).

22 (b) WATER INFRASTRUCTURE FINANCE AND INNO-
23 VATION.—The Administrator of the Environmental Pro-
24 tection Agency shall provide to eligible counties long-term,
25 low-interest loans for large water infrastructure projects

1 that are not eligible for funding from a State revolving
2 loan fund, in accordance with the Water Infrastructure
3 Finance and Innovation Act of 2014 (33 U.S.C. 3901 et
4 seq.).

5 (c) BROADBAND INITIATIVES PROGRAM.—The Sec-
6 retary of Agriculture shall provide to eligible counties
7 loans and loan guarantees under the broadband initiatives
8 program established under title VI of the Rural Elec-
9 trification Act of 1936 (7 U.S.C. 950bb et seq.) to expand
10 the access to, and quality of, broadband service across the
11 rural United States.

12 (d) BROADBAND TECHNOLOGY OPPORTUNITIES PRO-
13 GRAM.—The Assistant Secretary of Commerce for Com-
14 munications and Information shall award to eligible coun-
15 ties grants for purposes of the Broadband Technology Op-
16 portunities Program established under section 6001(a) of
17 the American Recovery and Reinvestment Act of 2009 (47
18 U.S.C. 1305(a)), including providing access to, and im-
19 proving, broadband service to underserved areas of the
20 United States.

21 (e) ELECTRIC GRID INFRASTRUCTURE.—The Sec-
22 retary of Energy shall award to eligible counties grants
23 for expenses necessary for—

1 (1) electricity delivery and energy reliability ac-
2 tivities to modernize the electric grid, including ac-
3 tivities relating to—

4 (A) demand-responsive equipment;

5 (B) enhanced security and reliability of en-
6 ergy infrastructure;

7 (C) energy storage research, development,
8 demonstration, and deployment;

9 (D) facilitating recovery from disruptions
10 to the energy supply; and

11 (E) high-voltage transmission lines to
12 bring utility-scale hydro, wind, solar, and geo-
13 thermal generation to demand centers; and

14 (2) implementation of the programs authorized
15 under title XIII of the Energy Independence and Se-
16 curity Act of 2007 (42 U.S.C. 17381 et seq.).

17 (f) GRANT AND LOAN SELECTION AND MANAGE-
18 MENT.—

19 (1) IN GENERAL.—In carrying out this section,
20 the Secretary of the Treasury, in consultation with
21 the Assistant Secretary of Commerce for Economic
22 Development and State and local workforce develop-
23 ment boards established under sections 101 and 107
24 of the Workforce Innovation and Opportunity Act
25 (29 U.S.C. 3111, 3122), shall determine the per-

1 centage of funds made available to allocate to each
2 agency carrying out a loan or grant program under
3 subsections (a) through (e).

4 (2) SELECTION.—To the maximum extent prac-
5 ticable, in selecting grant and loan applicants under
6 this section, the heads of the agencies carrying out
7 the grant and loan programs shall consult and co-
8 ordinate with the Assistant Secretary of Commerce
9 for Economic Development.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$7,000,000,000 for the period of fiscal years 2016
13 through 2025.

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