

116TH CONGRESS  
1ST SESSION

# H. R. 4318

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2019

Mr. O'HALLERAN (for himself, Mr. STANTON, Mrs. KIRKPATRICK, and Mr. GALLEGRO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—CLOSURE OF ELECTRIC GENERATING STATIONS

- Sec. 101. Closure of electric generating stations.

TITLE II—WORKFORCE INNOVATION AND OPPORTUNITY ACT

- Sec. 201. Dislocated Worker Project.

TITLE III—FUNDS FOR LOSS OF REVENUES

- Sec. 301. Funds for loss of revenues.

TITLE IV—SIGNIFICANTLY IMPACTED FEDERAL COMMUNITY  
ECONOMIC ADJUSTMENT PROGRAM

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

3 **SEC. 3. DEFINITIONS.**

4 In this Act, the following apply:

5 (1) DEPARTMENT.—The term “Department”  
6 means the Department of the Interior.

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

1           (3) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3       **TITLE I—CLOSURE OF ELECTRIC**  
4           **GENERATING STATIONS**

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

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

1 (b) ADJUSTMENT AND DIVERSIFICATION ASSIST-  
2 ANCE.—

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

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

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

22 (2) CONDITIONS.—In the case of a publicly an-  
23 nounced planned reduction in the Department  
24 spending, the closure or realignment of an electric  
25 generating station, assistance may be made under

1 paragraph (1) only if the reduction, closure or re-  
2 alignment, cancellation or termination, or failure will  
3 have a direct and significant adverse impact on a  
4 community or its residents.

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

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

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

1           (ii) to provide business planning and mar-  
2           ket exploration services under the program to  
3           displaced workers that seek modernization or  
4           diversification assistance; and

5           (iii) to provide training, counseling, and  
6           placement services for dislocated workers.

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

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

23           (B) The Secretary may also make grants, con-  
24           clude cooperative agreements, and supplement other  
25           Federal funds in order to assist a State, Tribal,

1 county, or local government in enhancing its capac-  
2 ities—

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

6 (ii) to support local adjustment and diver-  
7 sification initiatives; and

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

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

21 (5) USE OF FUNDS FOR NON-FEDERAL CON-  
22 TRIBUTION.—Funds provided to State, County,  
23 Tribal, and local governments and regional organiza-  
24 tions under this section may be used as part or all  
25 of any required non-Federal contribution to a Fed-

1 eral grant-in-aid program for the purposes stated in  
2 paragraph (1).

3 (6) TIMELINE FOR APPROVAL OR REJECTION.—

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

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

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

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

24 (c) RESEARCH AND TECHNICAL ASSISTANCE.—The  
25 Secretary may make grants to, or conclude cooperative

1 agreements or enter into contracts with, another Federal  
2 agency, a State, Tribal, county, or local government, or  
3 any private entity to conduct research and provide tech-  
4 nical assistance in support of activities under this section.

5 (d) INTERIOR PILOT PROGRAM.—

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

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

1 rural area, in which case the Secretary may waive  
2 the requirement for a State, Tribal, or local govern-  
3 ment contribution.

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

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

11 (e) DEFINITIONS.—In this section:

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

1           (2) COMMUNITY INFRASTRUCTURE.—The term  
2           “community infrastructure” means any transpor-  
3           tation project; school, hospital, police, fire, emer-  
4           gency response, or other community support facility;  
5           or water, waste-water, telecommunications, electric,  
6           gas, or other utility infrastructure project that has  
7           a significant nexus to the closed electric generating  
8           station and owned by a State, Tribal, county, or  
9           local government.

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

## 13 **TITLE II—WORKFORCE INNOVA-** 14 **TION AND OPPORTUNITY ACT**

### 15 **SEC. 201. DISLOCATED WORKER PROJECT.**

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

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

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

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

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

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

20                   (1) has ceased operations; and

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

7           (c) CONDITIONS ON PAYMENTS AND ASSISTANCE.—

8           An eligible local government entity—

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

11          (2) may not receive payments for more than 7  
12          fiscal years.

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

24          (e) DETERMINATION OF PAYMENT AMOUNT.—After  
25          receipt of such an affidavit under subsection (d), the Sec-

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

16   **TITLE IV—SIGNIFICANTLY IM-**  
17        **PACTED FEDERAL COMMU-**  
18        **NITY ECONOMIC ADJUST-**  
19        **MENT PROGRAM**

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

21       (a) IN GENERAL.—The Secretary, acting through the  
22   Economic Adjustment Committee established under this  
23   title, shall design and establish a Significantly Impacted  
24   Federal Community Economic Adjustment Program to as-  
25   sist substantially and seriously affected communities, busi-

1 nesses, and workers from the effects of major federally  
2 owned, in part or whole, energy infrastructure closures  
3 taking place on Federal lands.

4 (b) SUBSTANTIALLY AND SERIOUSLY AFFECTED  
5 COMMUNITIES, BUSINESSES, AND WORKERS.—For the  
6 purposes of this title, “substantially and seriously affected  
7 communities, businesses, and workers” includes commu-  
8 nities, businesses, and persons located or residing, as the  
9 case may be, not more than 100 miles from an electric  
10 generating facility, owned in part by the Department, or  
11 a coal mine associated with such a facility, one or both  
12 of which has closed.

13 **SEC. 402. FUNCTIONS OF PROGRAM.**

14 The Significantly Impacted Federal Community Eco-  
15 nomic Adjustment Program shall—

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

21 (2) use and maintain a uniform socioeconomic  
22 impact analysis to justify the use of Federal eco-  
23 nomic adjustment resources;

24 (3) apply consistent policies, practices, and pro-  
25 cedures in the administration of Federal programs

1 that are used to assist significantly Federal affected  
2 counties, Tribal governments, regions, metropolitan  
3 areas, communities, and businesses;

4 (4) identify and strengthen existing agency  
5 mechanisms to coordinate employment opportunities  
6 for displaced agency personnel;

7 (5) identify and strengthen existing agency  
8 mechanisms to improve reemployment opportunities  
9 for dislocated Energy production industry personnel;

10 (6) assure timely consultation and cooperation  
11 with Federal, State, regional, Tribal, county, metro-  
12 politan, and community officials concerning Federal  
13 energy production-related impacts on affected com-  
14 munities' problems;

15 (7) prepare, facilitate, and implement cost-ef-  
16 fective strategies and action plans to coordinate  
17 interagency and intergovernmental economic adjust-  
18 ment efforts;

19 (8) encourage effective Federal, State, Tribal,  
20 county, regional, metropolitan, and community co-  
21 operation and concerted involvement of public inter-  
22 est groups and private sector organizations in eco-  
23 nomic adjustment activities;

24 (9) serve as a clearinghouse to exchange infor-  
25 mation among Federal, State, County, Tribal, re-

1 regional, metropolitan, and community officials in-  
2 volved in the resolution of community economic ad-  
3 justment problems. Such information may include,  
4 for example, previous studies, technical information,  
5 and sources of public and private financing;

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

8 (11) encourage and facilitate private sector and  
9 Tribal interim use of lands and buildings to generate  
10 jobs as Federal activities diminish;

11 (12) develop ways to streamline property dis-  
12 posal procedures to enable communities to acquire  
13 former energy production property to generate jobs  
14 as Federal energy production activities diminish; and

15 (13) encourage resolution of regulatory issues  
16 that impede encroachment prevention and local eco-  
17 nomic adjustment efforts.

18 **SEC. 403. ECONOMIC ADJUSTMENT COMMITTEE.**

19 (a) ESTABLISHMENT.—There is established an “Eco-  
20 nomic Adjustment Committee” (hereafter in the title re-  
21 ferred to as the “Committee”) composed of the following  
22 or a designee or representative of the following, and such  
23 other individuals from the executive branch as the Presi-  
24 dent may designate:

25 (1) Secretary of Agriculture.

- 1 (2) Attorney General.
- 2 (3) Secretary of Commerce.
- 3 (4) Secretary of Defense.
- 4 (5) Secretary of Education.
- 5 (6) Secretary of Energy.
- 6 (7) Secretary of Health and Human Services.
- 7 (8) Secretary of Housing and Urban Develop-
- 8 ment.
- 9 (9) Secretary of the Interior.
- 10 (10) Secretary of Labor.
- 11 (11) Secretary of State.
- 12 (12) Secretary of Transportation.
- 13 (13) Secretary of Treasury.
- 14 (14) Secretary of Veterans Affairs.
- 15 (15) Secretary of Homeland Security.
- 16 (16) Chairman, Council of Economic Advisers.
- 17 (17) Director of the Office of Management and
- 18 Budget.
- 19 (18) Director of the Office of Personnel Man-
- 20 agement.
- 21 (19) Administrator of the Environmental Pro-
- 22 tection Agency.
- 23 (20) Administrator of General Services.
- 24 (21) Administrator of the Small Business Ad-
- 25 ministration.

1 (22) Postmaster General.

2 (23) Each impacted County Board of Super-  
3 visors.

4 (24) Each impacted Tribal legislature.

5 (25) Each impacted Tribal executive.

6 (26) Each impacted town or city.

7 (27) Each local union representing workers the  
8 electric generating facility or mine.

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

11 (b) CHAIR.—The Secretary, or the Secretary’s des-  
12 ignee, shall chair the Committee.

13 (c) VICE CHAIRS.—The Secretaries of Labor and  
14 Commerce shall serve as Vice Chairmen of the Committee.  
15 The Vice Chairmen shall co-chair the Committee in the  
16 absence of both the Chairman and the Chairman’s des-  
17 ignee and may also preside over meetings of designated  
18 representatives of the concerned executive agencies.

19 (d) DUTIES.—The Committee shall—

20 (1) advise, assist, and support the Significantly  
21 Impacted Federal Community Economic Adjustment  
22 Program;

23 (2) develop procedures to ensure that substan-  
24 tially and seriously affected communities, businesses,  
25 and workers and representatives of thereof are noti-

1       fied of available Federal economic adjustment pro-  
2       grams; and

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

6       **SEC. 404. OFFICE OF ECONOMIC ADJUSTMENT OF THE DE-**  
7                               **PARTMENT OF THE INTERIOR.**

8       (a) ESTABLISHMENT.—There is hereby established in  
9       the Department of the Interior the Office of Economic Ad-  
10      justment.

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

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

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

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

19      (a) AGENCY REPRESENTATIVES.—The head of each  
20      agency represented on the Committee shall designate an  
21      agency representative to—

22               (1) serve as a liaison with the Secretary's eco-  
23      nomic adjustment staff;

24               (2) coordinate agency support and participation  
25      in economic adjustment assistance projects; and

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

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

10           (1) Use and application of personnel, technical  
11           expertise, legal authorities, and available financial  
12           resources.

13           (2) Providing a coordinated Federal response to  
14           the needs of substantially and seriously affected  
15           communities, businesses, and workers related to the  
16           closure of an electric generating facility an electric  
17           generating facility, owned in part by the Depart-  
18           ment, or a coal mine associated with such a facility.

19           (3) Giving priority consideration to requests  
20           from substantially and seriously affected commu-  
21           nities, businesses, and workers for Federal technical  
22           assistance, financial resources, excess or surplus  
23           property, or other requirements, that are part of a  
24           comprehensive plan used by the Committee.

○