H. R. _____

To provide additional benefits to American workers whose employment has been impacted as a result of the transition to a clean energy economy.

IN THE HOUSE OF REPRESENTATIVES

Mr. Levin of Michigan introduced the following bill; which was referred to the Committee on ________________________

A BILL

To provide additional benefits to American workers whose employment has been impacted as a result of the transition to a clean energy economy.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “American Energy Worker Opportunity Act of 2021”.

4 SEC. 2. OFFICE OF AMERICAN ENERGY WORKERS.

5 (a) ESTABLISHMENT OF OFFICE.—Not later than 60 days after the date of enactment of this Act, there shall
be established within the Department of the Treasury an
office to be known as the Office of American Energy
Workers. The Office of American Energy Workers shall
be headed by an Assistant Secretary who shall be ap-
pointed by the Secretary of the Treasury (referred to in
this section as the “Secretary’’).

(b) RESPONSIBILITIES OF ASSISTANT SECRETARY.—
The Secretary, acting through the Assistant Secretary,
shall be responsible for—

(1) hiring personnel and making employment
decisions with regard to such personnel;

(2) issuing such regulations as may be nec-
essary to carry out the purposes of this section;

(3) entering into cooperative agreements with
other agencies and departments to ensure the effi-
ciency of the administration of this section;

(4) determining eligibility for benefits provided
under this section and providing such benefits to
qualified individuals;

(5) preventing fraud and abuse relating to such
benefits;

(6) establishing and maintaining a system of
records relating to the administration of this section;

(7) ensuring that the Office of American En-
ergy Workers is designed a manner that maximizes
efficiency and ease of use by qualified individuals, which may include establishment and deployment of mobile field or satellite offices within eligible counties (as defined by the Secretary); (8) consulting with the Secretary of Labor with respect to the benefits provided under this section to avoid duplication with other Federal programs to assist qualified individuals; and (9) administering the programs established under this section.

(c) Authorization of Appropriations.—Beginning in fiscal year 2022 and in each fiscal year thereafter, there is authorized to be appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary to administer the office established under subsection (a).

(d) Administration.— (1) Notification.— (A) In General.—Not later than the date that is 90 days before the date of the closure of a coal mine or fossil-fuel intensive plant, the operator of such mine or plant shall provide notice to the Secretary with respect to such closure, including such information as is determined necessary by the Secretary to determine...
the eligibility of any former employee of such
mine or plant for any benefits provided under
this section, as well as the amount of such ben-
efits.

(B) COMPLIANCE.—In determining compli-
ance with the notification requirement of sub-
paragraph (A), the Secretary shall confirm the
compliance, as applicable, of the coal mine or
fossil-fuel intensive plant with the notification
requirements of the Worker Adjustment and
Retraining Notification Act (29 U.S.C. 2101 et
seq.) through communication with the Secretary
of Labor and, as appropriate, the State or the
chief elected official of the unit of local govern-
ment within which the closure of such coal mine
or fossil-fuel intensive plant is to occur.

(2) CLOSURE.—For purposes of this section,
the term “closure” means—

(A) with respect to any coal mine, any re-
duction in production occurring after the date
of enactment of this Act which is accompanied
by permanent layoffs; and

(B) with respect to any fossil-fuel intensive
plant, the permanent closure of 1 or more gen-
erating units occurring after the date of enact-
5

(3) Fossil-fuel Intensive Plant.—For purposes of this section—

(A) In General.—The term “fossil-fuel intensive plant” means a fixed facility for which the primary purpose is processing or utilization of fossil fuels for—

(i) the generation of energy or electric power; or

(ii) the production of fuels.

(B) Oil Refineries.—The term “fossil-fuel intensive plant” shall include oil refineries.

(4) Qualified Individual.—

(A) In General.—For purposes of this section, the term “qualified individual” means—

(i) any individual—

(I) whose employment was terminated as the result of the closure of a coal mine or a fossil-fuel intensive plant;

(II) who, prior to such closure, was continually employed at such mine or plant—
(aa) for a period of not less than 12 months; and

(bb) for an average of not less than 30 hours a week during the 12-month period preceding such closure; and

(III) for whom the applicable information has been provided to the Secretary pursuant to paragraph (1);

and

(ii) any individual who has been determined, pursuant to subparagraph (C), to be a fossil-fuel dependent worker.

(B) RAILROAD AND ALLIED INDUSTRIES WORKERS.—Pursuant to regulations issued by the Secretary, the term “qualified individual” shall include any individual—

(i) whose employment as a railroad worker, or whose employment involves coal transportation, maintenance, and supply, was terminated;

(ii) whose income during the 12-month period preceding the closure of a coal mine or a fossil-fuel intensive plant has been substantially dependent on the
continued operation of such mine or plant
(as determined by the Secretary, in coordi-
nation with the Secretary of Labor); and

(iii) who has applied for benefits pro-
vided under this section and has provided
the Secretary with such information as de-
termined appropriate by the Secretary.

(C) FOSSIL-FUEL DEPENDENT WORKER.—
For purposes of subparagraph (A)(ii), the term
“fossil-fuel dependent worker’’ means an indi-
vidual who, as determined by the Secretary (in
coordination with the Secretary of Labor and
the Secretary of Energy), is—

(i) employed in a fossil-fuel intensive
industry at a fixed facility or work site
which has been determined to be likely to
close within the following 3-year-period;

and

(ii) eligible for benefits provided under
this section based on need.

(e) WAGE REPLACEMENT.—
(1) IN GENERAL.—

(A) PAYMENT.—In the case of any quali-
fied individual, during the applicable period, the
Secretary shall provide such individual with
payments in an amount which, for each month
during such period, is equal to—

(i) the average amount of monthly re-
muneration for employment paid to such
individual during the 12-month period
prior to the termination of their employ-
ment (as described in subsection (d)(4));
minus

(ii) an amount equal to the sum of—

(I) except as provided under
paragraph (5)(B), any wages (as de-
defined in section 3121(a)) received by
such individual with respect to em-
ployment (as defined in section
3121(b)) during such month;

(II) any payments made to such
individual pursuant to a Federal ben-
efit program during such month; plus

(III) any unemployment com-
pensation (as defined in section 85(b)
of the Internal Revenue Code of
1986) during such month.

(B) Notification.—During the applicable
period, a qualified individual shall notify the
Secretary with respect to any wages, payments,
or compensation described in subparagraph (A)(ii).

(C) COMPLIANCE.—

(i) IN GENERAL.—Notwithstanding section 6103 of the Internal Revenue Code of 1986, with respect to any qualified individual who receives a payment under this subsection for any month, if the Secretary determines that such individual failed to comply with the requirement under subparagraph (B) with respect to such month, such individual shall be subject to a penalty in an amount equal to the lesser of—

(I) the amount of such payment for such month; or

(II) the amount determined under subparagraph (A)(ii) with respect to such month.

(ii) NO ADDITIONAL PAYMENTS.—

(I) IN GENERAL.—No payment shall be allowed under this subsection for any month during the disallowance period.

(II) DISALLOWANCE PERIOD.—

For purposes of subclause (I), the dis-
allowance period shall be any month during the applicable period beginning prior to the date on which an individual described in clause (i) has made full payment with respect to any penalty imposed under such clause.

(2) APPLICABLE PERIOD.—For purposes of this subsection, the term “applicable period” means, with respect to any qualified individual, the 60-month period subsequent to the termination of their employment (as described in subsection (d)(4)).

(3) FREQUENCY OF PAYMENT.—Any payment required to be provided to a qualified individual under this subsection shall be provided by the Secretary on a basis which is not less frequent than once per month during the applicable period.

(4) ADJUSTMENT FOR INFLATION.—For purposes of any payment described in paragraph (1) which is provided to a qualified individual during a calendar year beginning after the date that the employment of such individual was terminated, such amount shall be adjusted in a manner similar to the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for such calendar year.
(5) Tax Treatment.—Any amount provided to a qualified individual under this subsection shall be treated as—

(A) gross income for purposes of the Internal Revenue Code of 1986; and

(B) for purposes of section 3101 of such Code, wages received by the individual with respect to employment.

(f) Health Insurance Benefits.—

(1) In General.—The Secretary shall provide the following health insurance benefits:

(A) In the case of a qualified individual who is receiving continuation coverage pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) and section 4980B of the Internal Revenue Code of 1986, the Secretary shall transfer, each month, to the group health plan (or health insurance issuer offering health insurance coverage in connection with such a plan) of such qualified individual, the amount required to cover the same percentage of the qualified individual’s monthly premium (including coverage for any qualified beneficiaries) that such individual’s former employer
contributed toward such premium during the individual’s employment.

(B) In the case of a qualified individual who is not eligible for continuation coverage as described in subparagraph (A), the Secretary shall transfer to the qualified individual, each month, an amount equal to the amount that the individual’s former employer contributed each month towards premiums for enrollment of the individual and qualified beneficiaries in a group health plan (including any health insurance coverage offered in connection with such a plan), adjusted in accordance with the average increase in health insurance premiums for plans offered at the gold level of coverage (as described in section 1302(d)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(1))) in the individual market in the applicable State. This amount shall not be considered as gross income for purposes of the Internal Revenue Code of 1986 provided that the individual provides proof that it has been used to purchase health insurance coverage that qualifies as minimum essential coverage (as de-
fined in section 5000A(f) of the Internal Revenue Code of 1986).

(2) Reduction of premiums payable by individuals.—In the case of a qualified individual and qualified beneficiaries receiving benefits described in paragraph (1)(A) during the applicable period of coverage described in paragraph (3)(A), such individual and beneficiaries shall be treated for purposes of part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) and section 4980B of the Internal Revenue Code of 1986 as having paid in full the amount of such premium for a month if such qualified individual and qualified beneficiary pays the total monthly premium due, less the amount of benefits paid on behalf of such individual and beneficiaries pursuant to paragraph (1)(A).

(3) Period of coverage with respect to COBRA continuation coverage.—For purposes of this subsection, the following shall apply:

(A) In general.—Subject to subparagraph (B), with respect to a qualified individual or qualified beneficiary who is receiving continuation coverage pursuant to part 6 of subtitle B of title I of the Employee Retirement In-

(B) END OF PLAN.—With respect to a qualified individual and qualified beneficiaries described in subparagraph (A), if the employer ceases to provide any group health plan to any employee before the period of coverage described in such subparagraph ends, or if the qualified individual and qualified beneficiaries become ineligible for continuation coverage (other than for reasons described in paragraph (4)(A)(ii)), such qualified individual and qualified beneficiaries shall be eligible for benefits described in paragraph (1)(B).

(4) DURATION OF BENEFITS.—

(A) BENEFITS WITH RESPECT TO COBRA CONTINUATION COVERAGE.—The benefits de-
scribed in paragraph (1)(A) shall continue until the earlier of—

(i) the date that is 5 years after closure of a coal mine or fossil-fuel intensive plant; or

(ii) the date on which the qualified individual or qualified beneficiary becomes ineligible for continuation coverage pursuant to subparagraph (C) or (D)(ii) of section 602(2) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)) or clause (iii) or (iv) of section 4980B(f)(2)(B) of the Internal Revenue Code of 1986.

(B) OTHER BENEFITS.—The benefits described in paragraph (1)(B) shall continue until the date that is 5 years after closure of a coal mine or fossil-fuel intensive plant.

(C) SPECIAL RULE.—With respect to a qualified individual and qualified beneficiaries, section 602(2)(C) of the Employee Retirement Income Security Act of 1974 and section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986 shall apply only if, with respect
to such individual and beneficiaries, at least 2
consecutive premium payments are not made.

(5) OUTREACH.—The Secretary of Labor, in
consultation with the Secretary of the Treasury and
the Secretary of Health and Human Services, shall
provide outreach consisting of public education and
enrollment assistance relating to premium assistance
provided under this subsection, that targets employ-
ers, group health plan administrators, public assist-
ance programs, States, health insurance issuers, and
other entities as determined appropriate by such
Secretaries. Such outreach shall initially focus on in-
dividuals electing COBRA continuation coverage. In-
formation on premium assistance, including enroll-
ment, shall be made available on the websites of the
Departments of Labor, Treasury, and Health and
Human Services.

(6) DEFINITIONS.—In this subsection—

(A) the terms “group health plan”, “health
insurance coverage”, and “health insurance
issuer” have the meanings given such terms in
section 733 of the Employee Retirement Income
Security Act of 1974 (29 U.S.C. 1191b); and

(B) the term “qualified beneficiary” has
the meaning given such term in section

(g) RETIREMENT SAVINGS CONTRIBUTIONS.—
(1) IN GENERAL.—In the case of a qualified individual, the Secretary shall pay to such individual amounts equal to the amount of employer contributions (other than elective deferrals) which were made to a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) of the individual as of the last month the individual was employed by the employer. Such payments shall be made on the same schedule as employer contributions under the plan.

(2) TAX TREATMENT OF CONTRIBUTIONS.—If the qualified individual demonstrates that the payments made under paragraph (1) are contributed to a qualified retirement plan (as so defined) of the individual, such payments shall be treated for purposes of the Internal Revenue Code of 1986 as if they had been made as employer contributions.

(h) EDUCATIONAL BENEFITS.—
(1) DEFINITIONS.—In this subsection:
(A) CHILD.—The term “child” means, with respect to any qualified individual, a son or daughter of such individual.
(B) Public, in-state institution or vocational school.—The term “public, in-State institution or vocational school” means a public institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a public vocational school, of the State in which the qualified individual or child resides.

(2) In general.—The Secretary of Education shall carry out a program of educational assistance for any qualified individual and child of a qualified individual that is comparable to the program of education assistance administered by the Secretary of Veterans Affairs under chapter 33 of title 38, United States Code, except that—

(A) a qualified individual, and each child of a qualified individual, may receive the educational assistance provided under the program; and

(B) the educational assistance shall only be available for use—

(i) at a public, in-State institution or vocational school; or

(ii) for a program of training services included on the most recent list of eligible
training programs issued under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)) by the Governor of the State in which the qualified individual or child of a qualified individual resides.

(i) PRIORITY FOR EMPLOYMENT.—The Secretary, in coordination with the Secretary of Labor, the Secretary of Commerce, and the Secretary of Energy, shall, with respect to any clean energy grants which are made available after the date of enactment of this Act, give priority to employers that intend to hire qualified individuals.

(j) EFFECTIVE DATE.—This section shall take effect on the date of the establishment of the Office of American Energy Workers (as described in subsection (a)).