

116TH CONGRESS  
2D SESSION

# S. 4306

To invest in workers and jobs, address important legacy costs in coal country,  
and drive development of advanced manufacturing and technologies.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 2020

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

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## A BILL

To invest in workers and jobs, address important legacy  
costs in coal country, and drive development of advanced  
manufacturing and technologies.

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 “Marshall Plan for Coal Country Act of 2020”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—HEALTHCARE

Sec. 101. Medicare coverage for individuals who lost their job at a coal mine or coal power plant.

#### TITLE II—ECONOMIC DEVELOPMENT

Sec. 201. Office of Economic Development at the Department of Energy.

Sec. 202. Coal communities as HUBZones.

Sec. 203. Extension of qualifying advanced energy project credit.

Sec. 204. Small business loans for entrepreneurs.

#### TITLE III—ENVIRONMENTAL CLEANUP

Sec. 301. Abandoned mine reclamation.

Sec. 302. Grant program for coal power plants affiliated infrastructure.

Sec. 303. Contributions to employee benefit plans and environmental cleanup costs in bankruptcy.

Sec. 304. Securitization.

#### TITLE IV—WORKFORCE

Sec. 401. Minimum wage increases.

Sec. 402. Coal community benefits.

Sec. 403. Decommissioning work.

### 1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the United States is undergoing a rapid en-  
4 ergy transformation, particularly in the power sec-  
5 tor;

6 (2) booming natural gas production, declining  
7 costs for renewable energy, increases in energy effi-  
8 ciency, flattening electricity demand, and updated  
9 clean air standards are changing the way electricity  
10 is generated and used across the country;

11 (3) the trends described in paragraph (2) are—

12 (A) producing cleaner air and healthier  
13 communities and spurring new jobs and indus-  
14 tries; but

1 (B) simultaneously impacting workers and  
 2 communities who have relied on the coal indus-  
 3 try as a source of good jobs and economic pros-  
 4 perity, particularly in the Midwest and Appa-  
 5 lachia; and

6 (4) a Marshall plan for the Midwest would  
 7 make necessary investments into communities that  
 8 have powered the United States and ensure that  
 9 those communities are able to benefit and prosper in  
 10 the energy transition taking place in the United  
 11 States.

## 12 **TITLE I—HEALTHCARE**

### 13 **SEC. 101. MEDICARE COVERAGE FOR INDIVIDUALS WHO** 14 **LOST THEIR JOB AT A COAL MINE OR COAL** 15 **POWER PLANT.**

16 Title XVIII of the Social Security Act is amended by  
 17 inserting after section 1881A the following new section:

### 18 **“SEC. 1881B. MEDICARE COVERAGE FOR INDIVIDUALS WHO** 19 **LOST THEIR JOB AT A COAL MINE OR COAL** 20 **POWER PLANT.**

21 “(a) DEEMING OF INDIVIDUALS AS ELIGIBLE FOR  
 22 MEDICARE BENEFITS.—

23 “(1) IN GENERAL.—For purposes of eligibility  
 24 for benefits under this title, an individual deter-  
 25 mined under subsection (b) to be an applicable indi-

1       vidual be deemed to meet the conditions specified in  
2       section 226(a).

3               “(2) EFFECTIVE DATE OF COVERAGE.—An in-  
4       dividual who is deemed eligible for benefits under  
5       this title under paragraph (1) shall be—

6                       “(A) entitled to benefits under the pro-  
7                       gram under Part A as of the date of such  
8                       deeming; and

9                       “(B) eligible to enroll in the program  
10                      under Part B beginning with the month in  
11                      which such deeming occurs.

12       “(b) DETERMINATIONS BY THE COMMISSIONER OF  
13       SOCIAL SECURITY.—For purposes of this section, the  
14       Commissioner of Social Security, in consultation with the  
15       Secretary of Health and Human Services, and using the  
16       cost allocation method prescribed in section 201(g), shall  
17       determine whether individuals are applicable individuals.  
18       The Commissioner shall begin to make such determina-  
19       tions as soon as practicable after the date of enactment  
20       of this section.

21       “(c) APPLICABLE INDIVIDUAL DEFINED.—For pur-  
22       poses of this section, the term ‘applicable individual’  
23       means an individual who worked at a coal mine or coal  
24       power plant and has lost their job (other than a discharge  
25       for cause, voluntary departure, or retirement).”.

1                   **TITLE II—ECONOMIC**  
2                   **DEVELOPMENT**

3 **SEC. 201. OFFICE OF ECONOMIC DEVELOPMENT AT THE**  
4                   **DEPARTMENT OF ENERGY.**

5           (a) IN GENERAL.—Title II of the Department of En-  
6 ergy Organization Act (42 U.S.C. 7131 et seq.) is amend-  
7 ed by adding at the end the following:

8 **“SEC. 218. OFFICE OF ECONOMIC DEVELOPMENT.**

9           “(a) DEFINITION OF COAL COMMUNITY.—In this  
10 section, the term ‘coal community’ means a community  
11 that has a coal power plant or coal mine that closed not  
12 earlier than January 1, 2010, and has not been  
13 repurposed.

14           “(b) ESTABLISHMENT.—Not later than 1 year after  
15 the date of enactment of this section, there shall be estab-  
16 lished within the Department an Office of Economic De-  
17 velopment (referred to in this section as the ‘Office’).

18           “(c) MISSION.—The mission of the Office shall be to  
19 use the technical expertise and financial resources of the  
20 Department to assist a wide group of external stake-  
21 holders, including State and local governments, private  
22 sector energy and manufacturing businesses, nonprofit or-  
23 ganizations, academic institutions, and labor unions,  
24 with—

1           “(1) implementing Federal programs aimed at  
2 helping coal communities;

3           “(2) developing and deploying clean energy in  
4 coal communities; and

5           “(3) carrying out workforce training in coal  
6 communities.

7           “(d) DIRECTOR.—

8           “(1) IN GENERAL.—The Office shall be headed  
9 by a Director (referred to in this section as the ‘Di-  
10 rector’), who shall be appointed by the President, by  
11 and with the advice and consent of the Senate.

12           “(2) DUTIES OF DIRECTOR.—The Director  
13 shall—

14           “(A) collaborate with National Labora-  
15 tories to establish partnerships between the De-  
16 partment and coal communities for the purpose  
17 of matching skilled workers to fill current and  
18 future energy jobs in the energy sectors de-  
19 scribed in subsection (e);

20           “(B) engage stakeholders about assess-  
21 ment and analysis of the skills necessary to fill  
22 those jobs; and

23           “(C) carry out any other activity in sup-  
24 port of the mission of the Office described in  
25 subsection (c).

1       “(e) ENERGY SECTORS DESCRIBED.—The energy  
2 sectors referred to in subsections (d)(2)(A) and (g)(1)  
3 are—

4           “(1) the electric power generation and fuel sec-  
5 tor;

6           “(2) the transmission, distribution, and storage  
7 sector;

8           “(3) the energy efficiency sector;

9           “(4) the motor vehicle and component parts  
10 manufacturing sector; and

11          “(5) any other energy sector determined by the  
12 Secretary.

13       “(f) GRANT SPECIALISTS.—

14           “(1) IN GENERAL.—The Director shall establish  
15 within the Office a team of grant specialists (re-  
16 ferred to in this subsection as the ‘team’) that  
17 shall—

18           “(A) assist with soliciting applications  
19 from coal communities for grants administered  
20 by the Department or any other relevant Fed-  
21 eral agency that are for the purpose of helping  
22 coal communities, including grants made avail-  
23 able under the Marshall Plan for Coal Country  
24 Act of 2020 or by the amendments made by  
25 that Act;

1           “(B) provide technical assistance to coal  
2 communities with applications for the grants  
3 described in subparagraph (A); and

4           “(C) oversee the implementation of grant  
5 programs authorized by the Marshall Plan for  
6 Coal Country Act of 2020 or by the amend-  
7 ments made by that Act.

8           “(2) COAL COMMUNITIES.—

9           “(A) IN GENERAL.—Each specialist on the  
10 team shall—

11                   “(i) work with only 1 coal community  
12 at a time; and

13                   “(ii) to the maximum extent prac-  
14 ticable, reside in that coal community for  
15 the duration of the work.

16           “(B) MINIMUM DURATION.—Each spe-  
17 cialist on the team shall work with a coal com-  
18 munity for a period of not less than 10 years.

19           “(C) EXISTING FEDERAL OFFICE.—If a  
20 Federal office building exists in the coal com-  
21 munity with which a specialist on the team  
22 shall work, the Director may consider locating  
23 the specialist in that office building.

24           “(3) TEAM POSITIONS.—



1           “(A) IN GENERAL.—The Director shall en-  
2           sure that the team comprises the number of  
3           grant specialists necessary to assist coal com-  
4           munities.

5           “(B) FILLING OF VACANCY.—A vacant po-  
6           sition on the team shall be filled not later than  
7           90 days after the date on which the position be-  
8           comes vacant.

9           “(4) COLLABORATION.—The team shall collabo-  
10          rate with other Federal and State agencies that im-  
11          plement programs aimed at supporting coal commu-  
12          nities.

13          “(g) REPORT.—The Director shall publish and make  
14          publicly available an annual report, to be entitled the ‘U.S.  
15          Energy and Employment Report’, that—

16               “(1) provides consistent, usable data measuring  
17          job growth throughout each energy sector described  
18          in subsection (e);

19               “(2) compiles analyses of the job skills nec-  
20          essary for entry-level jobs in each of those energy  
21          sectors;

22               “(3) identifies barriers to entry (such as edu-  
23          cation, training, and physical demands) to jobs in  
24          those energy sectors;

1           “(4) designs strategies to eliminate or minimize  
2           the barriers identified under paragraph (3); and

3           “(5) completes career pathway analysis ladders  
4           for each of those energy sectors.”.

5           (b) CONFORMING AMENDMENT.—The table of con-  
6           tents for the Department of Energy Organization Act  
7           (Public Law 95–91; 91 Stat. 565) is amended by inserting  
8           after the item relating to section 217 the following:

          “Sec. 218. Office of Economic Development.”.

9           **SEC. 202. COAL COMMUNITIES AS HUBZONES.**

10          Section 31(b) of the Small Business Act (15 U.S.C.  
11          657a(b)) is amended—

12                 (1) in paragraph (1)—

13                         (A) in subparagraph (F), by striking “or”  
14                         at the end;

15                         (B) in subparagraph (G), by striking the  
16                         period at the end and inserting “; or”; and

17                         (C) by adding at the end the following:

18                                 “(H) qualified coal community areas.”;

19                         and

20                 (2) in paragraph (3), by adding at the end the  
21                 following:

22                                 “(G) QUALIFIED COAL COMMUNITY  
23                                 AREA.—

24   “(i) IN GENERAL.—The term ‘quali-  
25   fied coal community area’—

1 “(I) means a community—  
 2 “(aa) with a coal power  
 3 plant or coal mine that closed;  
 4 and  
 5 “(bb) that, following the clo-  
 6 sure, experienced—  
 7 “(AA) an increase in  
 8 unemployment or poverty; or  
 9 “(BB) a decrease in the  
 10 median income of the com-  
 11 munity; and  
 12 “(II) includes any area within a  
 13 50-mile radius of the closed coal  
 14 power plant or coal mine.  
 15 “(ii) LIMITATION.—A community may  
 16 only be considered a qualified coal commu-  
 17 nity area during the 5-year period begin-  
 18 ning on the date on which the coal power  
 19 plant or coal mine closed.”.

20 **SEC. 203. EXTENSION OF QUALIFYING ADVANCED ENERGY**  
 21 **PROJECT CREDIT.**

22 (a) IN GENERAL.—Section 48C of the Internal Rev-  
 23 enue Code of 1986 is amended—  
 24 (1) by redesignating subsection (e) as sub-  
 25 section (f), and

1           (2) by inserting after subsection (d) the fol-  
2           lowing new subsection:

3           “(e) ADDITIONAL QUALIFYING ADVANCED ENERGY  
4 PROJECT PROGRAM.—

5           “(1) ESTABLISHMENT.—

6           “(A) IN GENERAL.—Not later than 180  
7           days after the date of enactment of the Mar-  
8           shall Plan for Coal Country Act of 2020, the  
9           Secretary, in consultation with the Secretary of  
10          Energy, shall establish an additional qualifying  
11          advanced energy project program to consider  
12          and award certifications for qualified invest-  
13          ments eligible for credits under this section to  
14          qualifying advanced energy project sponsors.

15          “(B) LIMITATION.—The total amount of  
16          credits that may be allocated under the pro-  
17          gram described in subparagraph (A) shall not  
18          exceed \$5,000,000,000.

19          “(2) CERTIFICATION AND OTHER RULES.—  
20          Rules similar to the rules of paragraphs (2) through  
21          (5) of subsection (d) shall apply for purposes of this  
22          subsection.”.

23          (b) CONFORMING AMENDMENT.—Section  
24 48C(c)(1)(A)(ii) is amended by inserting “or (e)” after  
25 “subsection (d)”.

1 **SEC. 204. SMALL BUSINESS LOANS FOR ENTREPRENEURS.**

2 The Small Business Act (15 U.S.C. 631 et seq.) is  
3 amended—

4 (1) in section 7(a) (15 U.S.C. 636(a)), by add-  
5 ing at the end the following:

6 “(36) LOANS FOR FORMER COAL PLANT OR  
7 COAL MINE WORKERS.—The Administrator, acting  
8 through the Director of the Office of Coal Country  
9 Small Business described in section 49, may guar-  
10 antee loans under this subsection to individuals who  
11 lost their jobs at a coal power plant or coal mine and  
12 seek to establish a small business concern.”;

13 (2) by redesignating section 49 (15 U.S.C. 631  
14 note) as section 50; and

15 (3) by inserting after section 48 (15 U.S.C.  
16 657u) the following:

17 **“SEC. 49. OFFICE OF COAL COUNTRY SMALL BUSINESS.**

18 “(a) ESTABLISHMENT.—There is established within  
19 the Administration the Office of Coal Country Small Busi-  
20 ness (in this section referred to as the ‘Office’).

21 “(b) DUTIES.—The Office will be responsible for—

22 “(1) providing business training, counseling,  
23 and access to credit and capital to small business  
24 concerns owned and controlled by former coal power  
25 plant or coal mine workers; and

1           “(2) administering the loan program under sec-  
2           tion 7(a)(36).

3           “(c) DIRECTOR.—The Office shall be headed by the  
4 Director of the Office of Coal Country Small Business,  
5 who shall—

6           “(1) be appointed by the President, by and with  
7           the advice and consent of the Senate;

8           “(2) be a former coal mine worker; and

9           “(3) appoint a coal country specialist to be lo-  
10 cated at each regional office of the Administration,  
11 who shall be responsible for soliciting small business  
12 concerns to participate in the loan program carried  
13 out under this section.

14          “(d) LOCATION.—The Office shall be located in an  
15 area of the United States that has been impacted by the  
16 decline of the coal industry.”.

17           **TITLE III—ENVIRONMENTAL**  
18           **CLEANUP**

19           **SEC. 301. ABANDONED MINE RECLAMATION.**

20           (a) IN GENERAL.—

21           (1) ECONOMIC REVITALIZATION FOR COAL  
22           COUNTRY.—

23           (A) IN GENERAL.—Title IV of the Surface  
24           Mining Control and Reclamation Act of 1977

1           (30 U.S.C. 1231 et seq.) is amended by adding  
2           at the end the following:

3   **“SEC. 416. ABANDONED MINE LAND ECONOMIC REVITAL-**  
4                           **IZATION.**

5           “(a) PURPOSE.—The purpose of this section is to  
6 promote economic revitalization, diversification, and devel-  
7 opment in economically distressed mining communities  
8 through the reclamation and restoration of land and water  
9 resources adversely affected by coal mining carried out be-  
10 fore August 3, 1977.

11          “(b) IN GENERAL.—From amounts deposited into  
12 the fund under section 401(b) before October 1, 2007, and  
13 not otherwise appropriated to the extent such funds are  
14 available, \$200,000,000 shall be made available to the  
15 Secretary, without further appropriation, for each of fiscal  
16 years 2020 through 2024 for distribution to States and  
17 Indian tribes in accordance with this section for reclama-  
18 tion and restoration projects at sites identified as prior-  
19 ities under section 403(a): *Provided*, That if less than  
20 \$200,000,000 is available in any fiscal year to the Sec-  
21 retary, such remaining amount shall be made available to  
22 the Secretary, without further appropriation, and such fis-  
23 cal year shall end distributions made available under this  
24 section.

1       “(c) USE OF FUNDS.—Funds distributed to a State  
2 or Indian tribe under subsection (d) shall be used only  
3 for projects classified under the priorities of section 403(a)  
4 that meet the following criteria:

5               “(1) CONTRIBUTION TO FUTURE ECONOMIC OR  
6 COMMUNITY DEVELOPMENT.—

7                       “(A) IN GENERAL.—The project, upon  
8 completion of reclamation, is intended to create  
9 favorable conditions for the economic develop-  
10 ment of the project site or create favorable con-  
11 ditions that promote the general welfare  
12 through economic and community development  
13 of the area in which the project is conducted.

14                       “(B) DEMONSTRATION OF CONDITIONS.—  
15 Such conditions are demonstrated by—

16                               “(i) documentation of the role of the  
17 project in such area’s economic develop-  
18 ment strategy or other economic and com-  
19 munity development planning process;

20                               “(ii) any other documentation of the  
21 planned economic and community use of  
22 the project site after the primary reclama-  
23 tion activities are completed, which may in-  
24 clude contracts, agreements in principle, or  
25 other evidence that, once reclaimed, the



1 site is reasonably anticipated to be used  
 2 for one or more industrial, commercial,  
 3 residential, agricultural, or recreational  
 4 purposes; or

5 “(iii) any other documentation agreed  
 6 to by the State or Indian tribe that dem-  
 7 onstrates the project will meet the criteria  
 8 set forth in this subsection.

9 “(2) LOCATION IN ECONOMICALLY DISTRESSED  
 10 COMMUNITY AFFECTED BY RECENT DECLINE IN  
 11 MINING.—

12 “(A) IN GENERAL.—The project will be  
 13 conducted in a community—

14 “(i) that has been adversely affected  
 15 economically by a recent reduction in coal  
 16 mining related activity, as demonstrated by  
 17 employment data, per capita income, or  
 18 other indicators of economic distress; or

19 “(ii)(I) that has historically relied on  
 20 coal mining for a substantial portion of its  
 21 economy; and

22 “(II) in which the economic contribu-  
 23 tion of coal mining has significantly de-  
 24 clined.

1           “(B) SUBMISSION AND PUBLICATION OF  
2 EVIDENCE OR ANALYSIS.—Any evidence or  
3 analysis relied upon in selecting the location of  
4 a project under this subparagraph shall be sub-  
5 mitted to the Secretary for publication. The  
6 Secretary shall publish such evidence or anal-  
7 ysis in the Federal Register within 30 days  
8 after receiving such submission.

9           “(3) STAKEHOLDER COLLABORATION.—

10           “(A) IN GENERAL.—The project has been  
11 the subject of project planning under subsection  
12 (g) and has been the focus of collaboration, in-  
13 cluding partnerships, as appropriate, with inter-  
14 ested persons or local organizations.

15           “(B) PUBLIC NOTICE.—As part of project  
16 planning—

17           “(i) the public has been notified of the  
18 project at minimum 30 days prior to sub-  
19 mission to the Office of Surface Mining  
20 Reclamation and Enforcement and has  
21 been given an opportunity to request a  
22 public meeting convened in a community  
23 near the proposed project site; and

24           “(ii) the State or Indian tribe pub-  
25 lished notice of the proposed project 30

1 days prior to submission to the Office of  
2 Surface Mining Reclamation and Enforce-  
3 ment and published notice of requested  
4 public meetings in local newspapers of gen-  
5 eral circulation, on the internet, and by  
6 any other means considered desirable by  
7 the Secretary.

8 “(C) ELECTRONIC NOTIFICATION.—The  
9 State or Indian tribe established a way for in-  
10 terested persons to receive electronically all  
11 public notices issued under subparagraph (B)  
12 and any written declarations submitted to the  
13 Secretary under paragraph (5).

14 “(4) ELIGIBLE APPLICANTS.—The project has  
15 been proposed by entities of State, local, county, or  
16 tribal governments, or local organizations, and will  
17 be approved and executed by State or tribal pro-  
18 grams, approved under section 405 or referred to in  
19 section 402(g)(8)(B), which may include subcon-  
20 tracting project-related activities, as appropriate.

21 “(5) WAIVER.—If the State or Indian tribe—

22 “(A) cannot provide documentation de-  
23 scribed in paragraph (1)(B) for a project con-  
24 ducted under a priority stated in paragraph (1)  
25 or (2) of section 403(a), or

1           “(B) is unable to meet the requirements  
2           under paragraph (2),  
3           the State or Indian tribe shall submit a written dec-  
4           laration to the Secretary requesting an exemption  
5           from the requirements of those subparagraphs. The  
6           declaration must explain why achieving favorable  
7           conditions for economic or community development  
8           at the project site is not practicable, or why the re-  
9           quirements of paragraph (2) cannot be met, and  
10          that sufficient funds distributed annually under sec-  
11          tion 401 are not available to implement the project.  
12          Such request for an exemption is deemed to be ap-  
13          proved, except the Secretary shall deny such request  
14          if the Secretary determines the declaration to be  
15          substantially inadequate. Any denial of such request  
16          shall be resolved at the State’s or Indian tribe’s re-  
17          quest through the procedures described in subsection  
18          (e).

19          “(d) DISTRIBUTION OF FUNDS.—

20                 “(1) UNCERTIFIED STATES.—

21                         “(A) IN GENERAL.—From the amount  
22                         made available in subsection (b), the Secretary  
23                         shall distribute \$195,000,000 annually for each  
24                         of fiscal years 2020 through 2024 to States and  
25                         Indian tribes that have a State or tribal pro-

1           gram approved under section 405 or are re-  
2           ferred to in section 402(g)(8)(B), and have not  
3           made a certification under section 411(a) in  
4           which the Secretary has concurred, as follows:

5                   “(i) Four-fifths of such amount shall  
6                   be distributed based on the proportion of  
7                   the amount of coal historically produced in  
8                   each State or from the lands of each In-  
9                   dian tribe concerned before August 3,  
10                  1977.

11                  “(ii) One-fifth of such amount shall be  
12                  distributed based on the proportion of rec-  
13                  lamation fees paid during the period of fis-  
14                  cal years 2012 through 2016 for lands in  
15                  each State or lands of each Indian tribe  
16                  concerned.

17                  “(B) SUPPLEMENTAL FUNDS.—Funds dis-  
18                  tributed under this section—

19                   “(i) shall be in addition to, and shall  
20                   not affect, the amount of funds distrib-  
21                   uted—

22                           “(I) to States and Indian tribes  
23                           under section 401(f); and

24                           “(II) to States and Indian tribes  
25                           that have made a certification under

1 section 411(a) in which the Secretary  
2 has concurred, subject to the cap de-  
3 scribed in section 402(i)(3); and

4 “(ii) shall not reduce any funds dis-  
5 tributed to a State or Indian tribe by rea-  
6 son of the application of section 402(g)(8).

7 “(2) ADDITIONAL FUNDING TO CERTAIN  
8 STATES AND INDIAN TRIBES.—

9 “(A) ELIGIBILITY.—From the amount  
10 made available in subsection (b), the Secretary  
11 shall distribute \$5,000,000 annually for each of  
12 the five fiscal years beginning with fiscal year  
13 2020 to States and Indian tribes that have a  
14 State program approved under section 405 and  
15 have made a certification under section 411(a)  
16 in which the Secretary has concurred.

17 “(B) APPLICATION FOR FUNDS.—Using  
18 the process in section 405(f), any State or In-  
19 dian tribe described in subparagraph (A) may  
20 submit a grant application to the Secretary for  
21 funds under this paragraph. The Secretary  
22 shall review each grant application to confirm  
23 that the projects identified in the application  
24 for funding are eligible under subsection (c).

1           “(C) DISTRIBUTION OF FUNDS.—The  
2 amount of funds distributed to each State or  
3 Indian tribe under this paragraph shall be de-  
4 termined by the Secretary based on the dem-  
5 onstrated need for the funding to accomplish  
6 the purpose of this section.

7           “(3) REALLOCATION OF UNCOMMITTED  
8 FUNDS.—

9           “(A) COMMITTED DEFINED.—For pur-  
10 poses of this paragraph the term ‘committed’—

11           “(i) means that funds received by the  
12 State or Indian tribe—

13           “(I) have been exclusively applied  
14 to or reserved for a specific project  
15 and therefore are not available for any  
16 other purpose; or

17           “(II) have been expended or des-  
18 igned by the State or Indian tribe  
19 for the completion of a project;

20           “(ii) includes use of any amount for  
21 project planning under subsection (g); and

22           “(iii) reflects an acknowledgment by  
23 Congress that, based on the documentation  
24 required under subsection (c)(2)(B), any  
25 unanticipated delays to commit such funds

1           that are outside the control of the State or  
2           Indian tribe concerned shall not affect its  
3           allocations under this section.

4           “(B) FISCAL YEARS 2023 AND 2024.—For  
5           each of fiscal years 2023 and 2024, the Sec-  
6           retary shall reallocate in accordance with sub-  
7           paragraph (D) any amount available for dis-  
8           tribution under this subsection that has not  
9           been committed to eligible projects in the pre-  
10          ceding 2 fiscal years, among the States and In-  
11          dian tribes that have committed to eligible  
12          projects the full amount of their annual alloca-  
13          tion for the preceding fiscal year.

14          “(C) FISCAL YEAR 2025.—For fiscal year  
15          2025, the Secretary shall reallocate in accord-  
16          ance with subparagraph (D) any amount avail-  
17          able for distribution under this subsection that  
18          has not been committed to eligible projects or  
19          distributed under paragraph (1)(A), among the  
20          States and Indian tribes that have committed to  
21          eligible projects the full amount of their annual  
22          allocation for the preceding fiscal years.

23          “(D) AMOUNT OF REALLOCATION.—The  
24          amount reallocated to each State or Indian  
25          tribe under each of subparagraphs (B) and (C)



1 shall be determined by the Secretary to reflect,  
2 to the extent practicable—

3 “(i) the proportion of unreclaimed eli-  
4 gible lands and waters the State or Indian  
5 tribe has in the inventory maintained  
6 under section 403(c);

7 “(ii) the average of the proportion of  
8 reclamation fees paid for lands in each  
9 State or lands of each Indian tribe con-  
10 cerned; and

11 “(iii) the proportion of coal mining  
12 employment loss incurred in the State or  
13 on lands of the Indian tribe, respectively,  
14 as determined by the Mine Safety and  
15 Health Administration, over the 5-year pe-  
16 riod preceding the fiscal year for which the  
17 reallocation is made.

18 “(e) RESOLUTION OF SECRETARY’S CONCERNS; CON-  
19 GRESSIONAL NOTIFICATION.—If the Secretary does not  
20 agree with a State or Indian tribe that a proposed project  
21 meets the criteria set forth in subsection (c)—

22 “(1) the Secretary and the State or tribe shall  
23 meet and confer for a period of not more than 45  
24 days to resolve the Secretary’s concerns, except that

1 such period may be shortened by the Secretary if the  
2 Secretary's concerns are resolved;

3 “(2) during that period, at the State's or In-  
4 dian tribe's request, the Secretary may consult with  
5 any appropriate Federal agency; and

6 “(3) at the end of that period, if the Secretary's  
7 concerns are not resolved the Secretary shall provide  
8 to the Committee on Natural Resources of the  
9 House of Representatives and the Committee on En-  
10 ergy and Natural Resources of the Senate an expla-  
11 nation of the concerns and such project proposal  
12 shall not be eligible for funds distributed under this  
13 section.

14 “(f) ACID MINE DRAINAGE TREATMENT.—

15 “(1) IN GENERAL.—Subject to paragraph (2), a  
16 State or Indian tribe that receives funds under this  
17 section may use up to 30 percent of such funds as  
18 necessary to supplement the State's or tribe's acid  
19 mine drainage abatement and treatment fund estab-  
20 lished under section 402(g)(6)(A), for future oper-  
21 ation and maintenance costs for the treatment of  
22 acid mine drainage associated with the individual  
23 projects funded under this section. A State or Indian  
24 tribe shall specify the total funds allotted for such

1 costs in its application submitted under subsection  
2 (d)(2)(B).

3 “(2) CONDITION.—A State or Indian tribe may  
4 use funds under this subsection only if the State or  
5 tribe can demonstrate that the annual grant distrib-  
6 uted to the State or tribe pursuant to section 401(f),  
7 including any interest from the State’s or tribe’s  
8 acid mine drainage abatement and treatment fund  
9 that is not used for the operation or maintenance of  
10 preexisting acid mine drainage treatment systems, is  
11 insufficient to fund the operation and maintenance  
12 of any acid mine drainage treatment system associ-  
13 ated with an individual project funded under this  
14 section.

15 “(g) PROJECT PLANNING AND ADMINISTRATION.—

16 “(1) STATES AND INDIAN TRIBES.—A State or  
17 Indian tribe may use up to 10 percent of its annual  
18 distribution under this section for the costs of ad-  
19 ministering this section consistent with existing  
20 practice under sections 401(c)(7) and 402(g)(1)(C)  
21 and the Office of Surface Mining Reclamation and  
22 Enforcement Federal Assistance Manual.

23 “(2) SECRETARY.—The Secretary may expend,  
24 from amounts made available to the Secretary under  
25 section 402(g)(3)(D), not more than \$3,000,000

1 during the fiscal years for which distributions occur  
2 under subsection (b) for staffing and other adminis-  
3 trative expenses necessary to carry out this section.

4 “(h) REGULATIONS AND GUIDELINES.—To the ex-  
5 tent necessary to implement the provisions of this Act, the  
6 Secretary shall propose rules or develop guidelines not  
7 later than 90 days following enactment of the Marshall  
8 Plan for Coal Country Act of 2020 and shall publish them  
9 as final rules or guidelines not later than 90 days there-  
10 after. Within 60 days following the adoption of any such  
11 final rules or guidelines, the Secretary shall distribute the  
12 funds under subsection (d). Furthermore, project pro-  
13 posals under this Act shall be initially reviewed, vetted and  
14 approved by OSMRE Field Offices within 45 days of re-  
15 ceipt and authorizations to proceed shall be issued by the  
16 Field Office within 45 days of request by the State or  
17 Tribe.

18 “(i) REPORT TO CONGRESS.—The Secretary shall  
19 provide to the Committee on Natural Resources of the  
20 House of Representatives, the Committees on Appropria-  
21 tions of the House of Representatives and the Senate, and  
22 the Committee on Energy and Natural Resources of the  
23 Senate at the end of each fiscal year for which such funds  
24 are distributed a detailed report—

1           “(1) on the various projects that have been un-  
2           dertaken with such funds;

3           “(2) the extent and degree of reclamation using  
4           such funds that achieved the priorities described in  
5           paragraph (1) or (2) of section 403(a);

6           “(3) the community and economic benefits that  
7           are resulting from, or are expected to result from,  
8           the use of the funds that achieved the priorities de-  
9           scribed in paragraph (3) of section 403(a); and

10          “(4) the reduction since the previous report in  
11          the inventory referred to in section 403(c).

12          “(j) PROHIBITION ON CERTAIN USE OF FUNDS.—  
13          Any State or Indian tribe that uses the funds distributed  
14          under this section for purposes other than reclamation or  
15          drainage abatement expenditures, as made eligible by sec-  
16          tion 404, and for the purposes authorized under sub-  
17          sections (f) and (g), shall be barred from receiving any  
18          subsequent funding under this section.”.

19                       (B) CLERICAL AMENDMENT.—The table of  
20                       contents in the first section of the Surface Min-  
21                       ing Control and Reclamation Act of 1977 is  
22                       amended by adding at the end of the items re-  
23                       lating to title IV the following:

“Sec. 416. Abandoned mine land economic revitalization.”.

1           (2) TECHNICAL AND CONFORMING AMEND-  
2           MENTS.—The Surface Mining Control and Reclama-  
3           tion Act of 1977 is amended—

4                   (A) in section 401(c) (30 U.S.C. 1231(c)),  
5                   by striking “and” after the semicolon at the  
6                   end of paragraph (10), by redesignating para-  
7                   graph (11) as paragraph (12), and by inserting  
8                   after paragraph (10) the following:

9                   “(11) to implement section 416; and”;

10                   (B) in section 401(d)(3) (30 U.S.C.  
11                   1231(d)(3)), by striking “subsection (f)” and  
12                   inserting “subsection (f) and section 416(a)”;

13                   (C) in section 402(g) (30 U.S.C.  
14                   1232(g))—

15                           (i) in paragraph (1), in the matter  
16                           preceding subparagraph (A), by inserting  
17                           “and section 416” after “subsection (h)”;  
18                           and

19                           (ii) by adding at the end of paragraph  
20                           (3) the following:

21                           “(F) For the purpose of section  
22                           416(d)(2)(A).”; and

23                   (D) in section 403(c) (30 U.S.C. 1233(c)),  
24                   by inserting after the second sentence the fol-  
25                   lowing: “As practicable, States and Indian

1 tribes shall offer such amendments based on the  
2 use of remote sensing, global positioning sys-  
3 tems, and other advanced technologies.”.

4 (3) MINIMUM STATE PAYMENTS.—Section  
5 402(g)(8)(A) of the Surface Mining Control and  
6 Reclamation Act of 1977 (30 U.S.C. 1232(g)(8)(A))  
7 is amended by striking “\$3,000,000” and inserting  
8 “\$5,000,000”.

9 (4) GAO STUDY OF USE OF FUNDS.—Not later  
10 than 2 years after the date of enactment of this Act,  
11 the Comptroller General of the United States shall  
12 study and report to the Congress on uses of funds  
13 authorized by the amendments made by this sub-  
14 section, including regarding—

15 (A) the solvency of the Abandoned Mine  
16 Reclamation Fund created by section 401 of the  
17 Surface Mining Control and Reclamation Act of  
18 1977 (30 U.S.C. 1231); and

19 (B) the impact of those uses on payments  
20 and transfers under the Surface Mining Control  
21 and Reclamation Act of 1977 (30 U.S.C. 1201  
22 et seq.) to—

23 (i) States for which a certification has  
24 been made under section 411(a) of that  
25 Act (30 U.S.C. 1240a(a));

1 (ii) States for which such a certifi-  
2 cation has not been made; and

3 (iii) transfers to United Mine Workers  
4 of America Combined Benefit Fund under  
5 section 402(h)(2)(A) of that Act (30  
6 U.S.C. 1232(h)(2)(A)).

7 (5) PAYMENTS TO CERTIFIED STATES NOT AF-  
8 FECTED.—Nothing in this subsection reduces or oth-  
9 erwise affects payments under section 402(g) of the  
10 Surface Mining Reclamation and Control Act of  
11 1977 (30 U.S.C. 1232(g)) to States that have made  
12 a certification under section 411(a) of that Act (30  
13 U.S.C. 1240a(a)) in which the Secretary of the Inte-  
14 rior has concurred.

15 (b) ADDITIONAL AMENDMENTS TO SURFACE MINING  
16 CONTROL AND RECLAMATION ACT OF 1977.—

17 (1) ABANDONED MINE LAND RECLAMATION  
18 FUND.—Section 401(f)(2) of the Surface Mining  
19 Control and Reclamation Act of 1977 (30 U.S.C.  
20 1231(f)(2)) is amended—

21 (A) in subparagraph (A)—

22 (i) in the subparagraph heading, by  
23 striking “2022” and inserting “2037”; and



1 (ii) in the matter preceding clause (i),  
2 by striking “2022” and inserting “2037”;  
3 and

4 (B) in subparagraph (B)—

5 (i) in the subparagraph heading, by  
6 striking “2023” and inserting “2038”;

7 (ii) by striking “2023” and sub-  
8 stituting “2038”; and

9 (iii) by striking “2022” and inserting  
10 “2037”.

11 (2) EMERGENCY POWERS.—

12 (A) STATE RECLAMATION PROGRAM.—Sec-  
13 tion 405(d) of the Surface Mining Control and  
14 Reclamation Act of 1977 (30 U.S.C. 1235(d))  
15 is amended by striking “sections 402 and 410  
16 excepted” and inserting “section 402 excepted”.

17 (B) DELEGATION.—Section 410 of the  
18 Surface Mining Control and Reclamation Act of  
19 1977 (30 U.S.C. 1240) is amended—

20 (i) in subsection (a), in the matter  
21 preceding paragraph (1), by inserting “,  
22 including through reimbursement to a  
23 State or Indian tribe as described in sub-  
24 section (c),” after “moneys”; and

1                   (ii) by adding at the end the fol-  
2                   lowing:

3           “(c) STATE AND INDIAN TRIBES.—A State or Indian  
4 tribe is eligible to receive reimbursement from the Sec-  
5 retary under subsection (a) if the State or Indian tribe  
6 has submitted to the Secretary as part of the approved  
7 abandoned mine reclamation program of the State or In-  
8 dian tribe under section 405 an abandoned mine land  
9 emergency program.”.

10                   (3) RECLAMATION FEE.—

11                   (A) DURATION.—

12                   (i) IN GENERAL.—Section 402(b) of  
13 the Surface Mining Control and Reclama-  
14 tion Act of 1977 (30 U.S.C. 1232(b)) is  
15 amended by striking “September 30,  
16 2021” and inserting “September 30,  
17 2036”.

18                   (ii) EFFECTIVE DATE.—The amend-  
19 ment made by clause (i) shall take effect  
20 on the date that is 90 days after the date  
21 of enactment of this Act.

22                   (B) ALLOCATION OF FUNDS.—

23                   (i) IN GENERAL.—Section 402(g) of  
24 the Surface Mining Control and Reclama-

1                   tion Act of 1977 (30 U.S.C. 1232(g)) is  
2                   amended—

3                               (I) in paragraph (6)(A), by strik-  
4                               ing “paragraphs (1) and (5)” and in-  
5                               serting “paragraphs (1), (5), and  
6                               (8)”; and

7                               (II) by adding at the end the fol-  
8                               lowing:

9                               “(9) From amounts withheld pursuant to sec-  
10                              tion 251A of the Balanced Budget and Emergency  
11                              Deficit Control Act of 1985 (2 U.S.C. 901a) from  
12                              payments to States under this title during fiscal  
13                              years 2013 through 2018, the Secretary shall dis-  
14                              tribute for fiscal year 2019 an amount to each State  
15                              equal to the total amount so withheld.”.

16                              (ii) EFFECTIVE DATE.—The amend-  
17                              ments made by clause (i) shall take effect  
18                              on September 30, 2020.

19                              (4) EXEMPT PROGRAMS AND ACTIVITIES.—Sec-  
20                              tion 255(g)(1)(A) of the Balanced Budget and  
21                              Emergency Deficit Control Act of 1985 (2 U.S.C.  
22                              905(g)(1)(A)) is amended by inserting after “Pay-  
23                              ments to Social Security Trust Funds (28–0404–0–  
24                              1–651).” the following:

1           “Payments to States and Indian Tribes from  
2           the Abandoned Mine Reclamation Fund, mandatory  
3           grants to States and Indian Tribes (12–50q5–0–2–  
4           999).”.

5 **SEC. 302. GRANT PROGRAM FOR COAL POWER PLANTS AND**  
6           **AFFILIATED INFRASTRUCTURE.**

7           (a) GRANTS FOR COAL POWER PLANTS.—

8                 (1) IN GENERAL.—Not later than 1 year after  
9           the date of enactment of this Act, the Secretary of  
10          Energy shall make grants to eligible coal power  
11          plants to pay the Federal share of the costs of in-  
12          stalling carbon capture technology, including the  
13          costs of equipment.

14                (2) ELIGIBILITY.—To be eligible to receive a  
15          grant under paragraph (1), a coal power plant—

16                    (A) shall be capable of sequestering  
17                    500,000 tons of carbon dioxide annually; and

18                    (B)(i) shall have not less than 8 years of  
19                    economic operational life left, as determined by  
20                    the Director of the Office of Economic Develop-  
21                    ment of the Department of Energy under para-  
22                    graph (3); or

23                    (ii) would be required to shut down absent  
24                    the installation of carbon capture technology.

1           (3) METRICS FOR OFFICE OF ECONOMIC DE-  
2           VELOPMENT DETERMINATION.—The Director of the  
3           Office of Economic Development of the Department  
4           of Energy shall establish metrics to determine how  
5           many years of economic life a coal power plant has  
6           left under paragraph (2)(B)(i), based on data  
7           from—

8                   (A) the Energy Information Administra-  
9                   tion;

10                   (B) coal power plants;

11                   (C) public utility commissions; and

12                   (D) the Federal Energy Regulatory Com-  
13                   mission.

14           (4) FEDERAL SHARE.—The Federal share of  
15           the costs described in paragraph (1) shall be 100  
16           percent.

17           (b) LOANS AND LOAN GUARANTEES FOR AFFILI-  
18           ATED INFRASTRUCTURE.—The Secretary of Energy, act-  
19           ing through the Executive Director of the Loan Programs  
20           Office of the Department of Energy, may provide not more  
21           than a total of \$15,000,000,000 in loans and loan guaran-  
22           tees to eligible entities for the construction of pipeline in-  
23           frastructure to transport sequestered carbon dioxide to po-  
24           tential geologic storage resources for carbon dioxide identi-  
25           fied in the report prepared by the United States Geological

1 logical Survey entitled “Geologic Framework for the Na-  
2 tional Assessment of Carbon Dioxide Storage Resources”.

3 (c) EFFECT ON ELIGIBILITY FOR OTHER FINANCIAL  
4 ASSISTANCE.—Nothing in this section limits the eligibility  
5 of an entity that receives assistance under this section for  
6 any other Federal assistance under any other law.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated such sums as are nec-  
9 essary to carry out this section.

10 **SEC. 303. CONTRIBUTIONS TO EMPLOYEE BENEFIT PLANS**  
11 **AND ENVIRONMENTAL CLEANUP COSTS IN**  
12 **BANKRUPTCY.**

13 (a) DEFINITIONS.—Section 101 of title 11, United  
14 States Code, is amended—

15 (1) by inserting after paragraph (5) the fol-  
16 lowing:

17 “(5A) The term ‘coal company’ means an entity  
18 that was engaged in the trade or business of the  
19 production, refining, or processing of coal during the  
20 100-year period ending on the date on which a case  
21 is commenced under this title with respect to the en-  
22 tity.”; and

23 (2) by inserting after paragraph (15) the fol-  
24 lowing:

1           “(15A) The term ‘environmental cleanup costs’  
2 means costs associated with complying with the ree-  
3 clamation plan of a site and any other requirements  
4 that a coal company is required to meet, including  
5 under the Clean Air Act (42 U.S.C. 7401 et seq.)  
6 and the Federal Water Pollution Control Act (33  
7 U.S.C. 1251 et seq.) (commonly referred to as the  
8 ‘Clean Water Act’).”.

9           (b) PRIORITIES.—Section 507 of title 11, United  
10 States Code, is amended—

11           (1) in subsection (a), in the matter preceding  
12 paragraph (1), by striking “The following” and in-  
13 sserting “Except as provided in subsection (e), the  
14 following”; and

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

16           “(e) In a case commenced under this title with re-  
17 spect to a coal company—

18           “(1) allowed unsecured claims described in sub-  
19 section (a)(5) shall have first priority;

20           “(2) allowed unsecured claims for environ-  
21 mental cleanup costs shall have second priority;

22           “(3) expenses and claims described in para-  
23 graphs (1) through (4) of subsection (a) shall have  
24 third through sixth priority, respectively; and

1           “(4) expenses and claims described in para-  
2           graphs (6) through (10) of subsection (a) shall have  
3           seventh through eleventh priority, respectively.”.

4           (c) APPLICABILITY.—The amendments made by this  
5           section shall only apply to a case commenced under title  
6           11, United States Code, on or after the date of enactment  
7           of this Act.

8           **SEC. 304. SECURITIZATION.**

9           (a) IN GENERAL.—Not later than 1 year after the  
10          date of enactment of this Act, the Secretary of Energy  
11          shall establish a program to make grants to States that  
12          satisfy the requirements under subsection (b) in an  
13          amount determined under subsection (c).

14          (b) REQUIREMENTS.—A State is eligible to receive a  
15          grant under this section if the State—

16               (1) has filed with the Secretary of Energy an  
17               application at such time, in such manner, and con-  
18               taining such information as the Secretary of Energy  
19               may require, and

20               (2) has established a program that allows own-  
21               ers of coal power plants within such State to shut  
22               down such plants prior to the taxable year in which  
23               the total cost of such plant would be fully depre-  
24               ciated through the issuance of ratepayer-backed  
25               bonds.



1 (c) AMOUNT OF GRANT.—The amount of the grant  
 2 made to any State shall be equal to 50 percent of the  
 3 amount expended by the State for the program described  
 4 in subsection (b)(2).

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 6 are authorized to be appropriated such sums as may be  
 7 necessary to carry out this section.

## 8 **TITLE IV—WORKFORCE**

### 9 **SEC. 401. MINIMUM WAGE INCREASES.**

10 (a) MINIMUM WAGE INCREASES.—

11 (1) IN GENERAL.—Section 6(a)(1) of the Fair  
 12 Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))  
 13 is amended to read as follows:

14 “(1) except as otherwise provided in this sec-  
 15 tion, not less than—

16 “(A) \$8.55 an hour, beginning on the ef-  
 17 fective date under section 401(f) of the Mar-  
 18 shall Plan for Coal Country Act of 2020;

19 “(B) \$9.85 an hour, beginning 1 year after  
 20 such effective date;

21 “(C) \$11.15 an hour, beginning 2 years  
 22 after such effective date;

23 “(D) \$12.45 an hour, beginning 3 years  
 24 after such effective date;

1           “(E) \$13.75 an hour, beginning 4 years  
2 after such effective date;

3           “(F) \$15.00 an hour, beginning 5 years  
4 after such effective date; and

5           “(G) beginning on the date that is 6 years  
6 after such effective date, and annually there-  
7 after, the amount determined by the Secretary  
8 under subsection (h);”.

9           (2) DETERMINATION BASED ON INCREASE IN  
10 THE MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—  
11 Section 6 of the Fair Labor Standards Act of 1938  
12 (29 U.S.C. 206) is amended by adding at the end  
13 the following:

14           “(h)(1) Not later than each date that is 90 days be-  
15 fore a new minimum wage rate determined under sub-  
16 section (a)(1)(G) is to take effect, the Secretary shall de-  
17 termine the minimum wage rate to be in effect under this  
18 subsection for each period described in subsection  
19 (a)(1)(G). The wage rate determined under this subsection  
20 for a year shall be—

21           “(A) not less than the amount in effect under  
22 subsection (a)(1) on the date of such determination;

23           “(B) increased from such amount by the annual  
24 percentage increase, if any, in the median hourly

1 wage of all employees as determined by the Bureau  
2 of Labor Statistics; and

3 “(C) rounded up to the nearest multiple of  
4 \$0.05.

5 “(2) In calculating the annual percentage increase in  
6 the median hourly wage rate of all employees for purposes  
7 of paragraph (1)(B), the Secretary, through the Bureau  
8 of Labor Statistics, shall compile data on the hourly wages  
9 of all employees to determine such a median hourly wage  
10 and compare such median hourly wage for the most recent  
11 year for which data are available with the median hourly  
12 wage determined for the preceding year.”.

13 (b) TIPPED EMPLOYEES.—

14 (1) BASE MINIMUM WAGE FOR TIPPED EMPLOY-  
15 EES AND TIPS RETAINED BY EMPLOYEES.—Section  
16 3(m)(2)(A)(i) of the Fair Labor Standards Act of  
17 1938 (29 U.S.C. 203(m)(2)(A)(i)) is amended to  
18 read as follows:

19 “(i) the cash wage rate paid such employee,  
20 which for purposes of such determination shall be  
21 not less than—

22 “(I) for the 1-year period beginning on the  
23 effective date under section 401 of the Marshall  
24 Plan for Coal Country Act of 2020, \$3.60 an  
25 hour;

1           “(II) for each succeeding 1-year period  
2 until the wage rate under this clause equals the  
3 wage rate in effect under section 6(a)(1) for  
4 such period, an hourly wage equal to the  
5 amount determined under this clause for the  
6 preceding year, increased by the lesser of—

7                   “(aa) \$1.50; or

8                   “(bb) the amount necessary for the  
9 wage rate in effect under this clause to  
10 equal the wage rate in effect under section  
11 6(a)(1) for such period, rounded up to the  
12 nearest multiple of \$0.05; and

13           “(III) for each succeeding 1-year period  
14 after the increase made pursuant to subclause  
15 (II), the minimum wage rate in effect under  
16 section 6(a)(1); and”.

17           (2) TIPS RETAINED BY EMPLOYEES.—Section  
18 3(m)(2)(A) of the Fair Labor Standards Act of  
19 1938 (29 U.S.C. 203(m)(2)(A)) is amended—

20                   (A) in the second sentence of the matter  
21 following clause (ii), by striking “of this sub-  
22 section, and all tips received by such employee  
23 have been retained by the employee” and insert-  
24 ing “of this subsection. Any employee shall have

1 the right to retain any tips received by such  
2 employee”; and

3 (B) by adding at the end the following:  
4 “An employer shall inform each employee of the  
5 right and exception provided under the pre-  
6 ceding sentence.”.

7 (3) SCHEDULED REPEAL OF SEPARATE MIN-  
8 IMUM WAGE FOR TIPPED EMPLOYEES.—

9 (A) TIPPED EMPLOYEES.—Section  
10 3(m)(2)(A) of the Fair Labor Standards Act of  
11 1938 (29 U.S.C. 203(m)(2)(A)), as amended by  
12 paragraphs (1) and (2), is further amended by  
13 striking the sentence beginning with “In deter-  
14 mining the wage an employer is required to pay  
15 a tipped employee,” and all that follows  
16 through “of this subsection.” and inserting  
17 “The wage rate required to be paid to a tipped  
18 employee shall be the wage rate set forth in sec-  
19 tion 6(a)(1).”.

20 (B) PUBLICATION OF NOTICE.—Subsection  
21 (i) of section 6 of the Fair Labor Standards  
22 Act of 1938 (29 U.S.C. 206), as amended by  
23 subsection (d), is further amended by striking  
24 “or in accordance with subclause (II) or (III) of  
25 section 3(m)(2)(A)(i)”.

1 (C) EFFECTIVE DATE.—The amendments  
2 made by subparagraphs (A) and (B) shall take  
3 effect on the date that is one day after the date  
4 on which the hourly wage under subclause (III)  
5 of section 3(m)(2)(A)(i) of the Fair Labor  
6 Standards Act of 1938 (29 U.S.C.  
7 203(m)(2)(A)(i)), as amended by paragraph  
8 (1), takes effect.

9 (c) NEWLY HIRED EMPLOYEES WHO ARE LESS  
10 THAN 20 YEARS OLD.—

11 (1) BASE MINIMUM WAGE FOR NEWLY HIRED  
12 EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.—  
13 Section 6(g)(1) of the Fair Labor Standards Act of  
14 1938 (29 U.S.C. 206(g)(1)) is amended by striking  
15 “a wage which is not less than \$4.25 an hour.” and  
16 inserting the following: “a wage at a rate that is not  
17 less than—

18 “(A) for the 1-year period beginning on the ef-  
19 fective date under section 7 of the Marshall Plan for  
20 Coal Country Act of 2020, \$5.50 an hour;

21 “(B) for each succeeding 1-year period until the  
22 hourly wage under this paragraph equals the hourly  
23 wage in effect under section 6(a)(1) for such period,  
24 an hourly wage equal to the amount determined

1 under this paragraph for the preceding year, in-  
2 creased by the lesser of—

3 “(i) \$1.25; or

4 “(ii) the amount necessary for the wage  
5 rate in effect under this paragraph to equal the  
6 wage rate in effect under section 6(a)(1) for  
7 such period, rounded up to the nearest multiple  
8 of \$0.05; and

9 “(C) for each succeeding 1-year period after the  
10 increase made pursuant to subparagraph (B)(ii), the  
11 minimum wage rate in effect under section  
12 6(a)(1).”.

13 (2) SCHEDULED REPEAL OF SEPARATE MIN-  
14 IMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO  
15 ARE LESS THAN 20 YEARS OLD.—

16 (A) IN GENERAL.—Section 6(g)(1) of the  
17 Fair Labor Standards Act of 1938 (29 U.S.C.  
18 206(g)(1)), as amended by paragraph (1), shall  
19 be repealed.

20 (B) PUBLICATION OF NOTICE.—Subsection  
21 (i) of section 6 of the Fair Labor Standards  
22 Act of 1938 (29 U.S.C. 206), as amended by  
23 subsection (b)(3)(B), is further amended by  
24 striking “or subparagraph (B) or (C) of sub-  
25 section (g)(1).”.

1           (C) EFFECTIVE DATE.—The repeal and  
2           amendment made by subparagraphs (A) and  
3           (B), respectively, shall take effect on the date  
4           that is one day after the date on which the  
5           wage rate under subparagraph (C) of section  
6           6(g)(1) of the Fair Labor Standards Act of  
7           1938 (29 U.S.C. 206(g)(1)), as amended by  
8           paragraph (1), takes effect.

9           (d) PUBLICATION OF NOTICE.—Section 6 of the Fair  
10          Labor Standards Act of 1938 (29 U.S.C. 206), as amend-  
11          ed by the preceding subsections, is further amended by  
12          adding at the end the following:

13           “(i) Not later than 60 days prior to the effective date  
14          of any increase in the required wage rate determined  
15          under subsection (a)(1) or subparagraph (B) or (C) of  
16          subsection (g)(1), or in accordance with subclause (II) or  
17          (III) of section 3(m)(2)(A)(i) or section 14(c)(1)(A), the  
18          Secretary shall publish in the Federal Register and on the  
19          website of the Department of Labor a notice announcing  
20          each increase in such required wage rate.”.

21           (e) PROMOTING ECONOMIC SELF-SUFFICIENCY FOR  
22          INDIVIDUALS WITH DISABILITIES.—

23           (1) WAGES.—

24           (A) TRANSITION TO FAIR WAGES FOR IN-  
25          DIVIDUALS WITH DISABILITIES.—Subparagraph



1 (A) of section 14(c)(1) of the Fair Labor  
2 Standards Act of 1938 (29 U.S.C.  
3 214(c)(1)(a)) is amended to read as follows:

4 “(A) at a rate that equals, or exceeds, for each  
5 year, the greater of—

6 “(i)(I) \$4.25 an hour, beginning 1 year  
7 after the date the wage rate specified in section  
8 6(a)(1)(A) takes effect;

9 “(II) \$6.40 an hour, beginning 2 years  
10 after such date;

11 “(III) \$8.55 an hour, beginning 3 years  
12 after such date;

13 “(IV) \$10.70 an hour, beginning 4 years  
14 after such date;

15 “(V) \$12.85 an hour, beginning 5 years  
16 after such date; and

17 “(VI) the wage rate in effect under section  
18 6(a)(1), on the date that is 6 years after the  
19 date the wage rate specified in section  
20 6(a)(1)(A) takes effect; or

21 “(ii) if applicable, the wage rate in effect  
22 on the day before the date of enactment of the  
23 Marshall Plan for Coal Country Act of 2020 for  
24 the employment, under a special certificate  
25 issued under this paragraph, of the individual

1           for whom the wage rate is being determined  
2           under this subparagraph,”.

3                   (B) PROHIBITION ON NEW SPECIAL CER-  
4           TIFICATES; SUNSET.—Section 14(c) of the Fair  
5           Labor Standards Act of 1938 (29 U.S.C.  
6           214(c)) (as amended by subparagraph (A)) is  
7           further amended by adding at the end the fol-  
8           lowing:

9           “(6) PROHIBITION ON NEW SPECIAL CERTIFI-  
10          CATES.—Notwithstanding paragraph (1), the Secretary  
11          shall not issue a special certificate under this subsection  
12          to an employer that was not issued a special certificate  
13          under this subsection before the date of enactment of the  
14          Marshall Plan for Coal Country Act of 2020.

15          “(7) SUNSET.—Beginning on the day after the date  
16          on which the wage rate described in paragraph  
17          (1)(A)(i)(VI) takes effect, the authority to issue special  
18          certificates under paragraph (1) shall expire, and no spe-  
19          cial certificates issued under paragraph (1) shall have any  
20          legal effect.

21          “(8) TRANSITION ASSISTANCE.—Upon request, the  
22          Secretary shall provide—

23                   “(A) technical assistance and information to  
24          employers issued a special certificate under this sub-  
25          section for the purposes of—

1           “(i) transitioning the practices of such em-  
2           ployers to comply with this subsection, as  
3           amended by the Marshall Plan for Coal Country  
4           Act of 2020; and

5           “(ii) ensuring continuing employment op-  
6           portunities for individuals with disabilities re-  
7           ceiving a special minimum wage rate under this  
8           subsection; and

9           “(B) information to individuals employed at a  
10          special minimum wage rate under this subsection,  
11          which may include referrals to Federal or State enti-  
12          ties with expertise in competitive integrated employ-  
13          ment.”.

14           (C) EFFECTIVE DATE.—The amendments  
15          made by this paragraph shall take effect on the  
16          date of enactment of this Act.

17          (2) PUBLICATION OF NOTICE.—

18           (A) AMENDMENT.—Subsection (i) of sec-  
19          tion 6 of the Fair Labor Standards Act of 1938  
20          (29 U.S.C. 206), as amended by subsection  
21          (c)(2)(B), is further amended by striking “or  
22          section 14(c)(1)(A),”.

23           (B) EFFECTIVE DATE.—The amendment  
24          made by subparagraph (A) shall take effect on  
25          the day after the date on which the wage rate

1 described in paragraph (1)(A)(i)(VI) of section  
2 14(c) of the Fair Labor Standards Act of 1938  
3 (29 U.S.C. 214(c)), as amended by paragraph  
4 (1)(A), takes effect.

5 (f) GENERAL EFFECTIVE DATE.—Except as other-  
6 wise provided in this Act or the amendments made by this  
7 Act, this Act and the amendments made by this Act shall  
8 take effect on the first day of the third month that begins  
9 after the date of enactment of this Act.

10 **SEC. 402. COAL COMMUNITY BENEFITS.**

11 (a) COAL COMMUNITY HOMEBUYING PROGRAM.—

12 (1) DEFINITIONS.—In this subsection:

13 (A) COVERED LOAN.—The term “covered  
14 loan” means a loan made under the Program.

15 (B) DISABILITY.—The term “disability”  
16 has the meaning given the term in section 3 of  
17 the Americans with Disabilities Act of 1990 (42  
18 U.S.C. 12102).

19 (C) ELIGIBLE ENTITY.—The term “eligible  
20 entity” means a State, a unit of general local  
21 government, or an Indian tribe.

22 (D) ELIGIBLE HOUSEHOLD.—The term  
23 “eligible household” means a household located  
24 in a community that is located not more 50  
25 miles from a closed power plant of a coal mine.

1           (E) GRANTEE.—The term “grantee”  
2 means an eligible entity that is awarded a Pro-  
3 gram grant.

4           (F) HOUSEHOLD.—The term “household”  
5 means any individual or group of individuals  
6 who are living together as 1 economic unit.

7           (G) PROGRAM.—The term “Program”  
8 means the Coal Community Homebuying Pro-  
9 gram established by the Secretary under para-  
10 graph (2)(A).

11           (H) PROGRAM GRANT.—The term “Pro-  
12 gram grant” means a grant awarded under the  
13 Program.

14           (I) SECRETARY.—The term “Secretary”  
15 means the Secretary of Housing and Urban De-  
16 velopment.

17 (2) PROGRAM.—

18           (A) ESTABLISHMENT.—Not later than 6  
19 months after the date of enactment of this Act,  
20 the Secretary shall establish a program—

21                   (i) that shall be known as the Coal  
22 Community Homebuying Program; and

23                   (ii) under which the Secretary shall  
24 award grants to eligible entities that the

1 eligible entities shall use to make loans to  
2 eligible households to purchase homes.

3 (B) ELIGIBILITY.—An eligible entity desir-  
4 ing a Program grant shall submit to the Sec-  
5 retary an application at such time, in such  
6 manner, and containing such information as the  
7 Secretary may require.

8 (C) PRIORITY.—In awarding Program  
9 grants, the Secretary shall give priority to eligi-  
10 ble entities that will make loans to low-income  
11 eligible households, eligible households with an  
12 individual with a disability, and eligible house-  
13 holds with children.

14 (D) PROGRAM GRANTS.—

15 (i) USE.—A grantee shall use funds  
16 awarded under a Program grant to make  
17 loans to eligible households.

18 (ii) LIMITATION.—A loan made using  
19 funds awarded under a Program grant  
20 may not require a down payment.

21 (iii) INTEREST RATE.—A loan made  
22 using funds awarded under a Program  
23 grant may be made at an interest rate of  
24 not more than 4 percent.

1                   (iv) ADMINISTRATIVE COSTS.—A  
2                   grantee may use not more than 5 percent  
3                   of the amount of funds received under a  
4                   Program grant for administrative costs re-  
5                   lating to making loans to eligible home-  
6                   owners using funds awarded under the  
7                   Program grant.

8                   (3) REPORTS.—

9                   (A) GRANTEE REPORTS.—Each grantee  
10                  shall, not later than 6 months after the date on  
11                  which the grantee is awarded a Program grant,  
12                  and every 6 months thereafter in which the  
13                  grantee makes loans using funds awarded under  
14                  the Program grant, submit to the Secretary a  
15                  report on the loans made using funds awarded  
16                  under the Program grant.

17                  (B) HUD REPORTS.—Not later than 1  
18                  year after the date on which the Secretary es-  
19                  tablishes the Program, and not less frequently  
20                  than annually thereafter, the Secretary shall  
21                  submit a report to the Committee on Banking,  
22                  Housing, and Urban Affairs of the Senate and  
23                  the Committee on Financial Services of the  
24                  House of Representatives on the activities car-

1           ried out, grants awarded, and loans made under  
2           the Program.

3           (4) REGULATIONS.—Not later than 6 months  
4           after the date of enactment of this Act, the Sec-  
5           retary shall promulgate regulations to carry out the  
6           Program.

7           (5) AUTHORIZATION OF APPROPRIATIONS.—  
8           There are authorized to be appropriated to the Sec-  
9           retary for the period of fiscal years 2020 through  
10          2025 \$5,000,000,000 to carry out the Program.

11          (b) FREE HIGHER EDUCATION FOR IMPACTED INDI-  
12          VIDUALS.—

13           (1) DEFINITIONS.—In this section:

14           (A) EMPLOYMENT LOSS.—The term “em-  
15           ployment loss” means a discharge from employ-  
16           ment other than a discharge for cause, vol-  
17           untary departure, or retirement.

18           (B) IMPACTED INDIVIDUAL.—The term  
19           “impacted individual” means an individual who  
20           has suffered an employment loss at a coal  
21           power plant or coal mine, or the son or daugh-  
22           ter of an individual who has suffered an em-  
23           ployment loss at a coal power plant or coal  
24           mine.



1           (C) INSTITUTION OF HIGHER EDU-  
2           CATION.—The term “institution of higher edu-  
3           cation” has the meaning given the term in sec-  
4           tion 102 of the Higher Education Act of 1965  
5           (20 U.S.C. 1002).

6           (D) SECRETARY.—The term “Secretary”  
7           means the Secretary of Education.

8           (2) IN GENERAL.—From amounts made avail-  
9           able to carry out this subsection, the Secretary shall  
10          carry out a program of providing funds to impacted  
11          individuals to pay for the costs of tuition and fees  
12          for the impacted individuals to earn an associate de-  
13          gree or baccalaureate degree, or to complete a career  
14          or technical education program, at a public institu-  
15          tion of higher education.

16          (3) APPLICATION PROCESS.—An impacted indi-  
17          vidual desiring funds under this subsection shall  
18          submit an application to the Secretary at such time,  
19          in such manner, and containing such information  
20          and assurances as the Secretary may require.

21          (4) AUTHORIZATION OF APPROPRIATIONS.—  
22          There are authorized to be appropriated to carry out  
23          this subsection \$1,000,000,000 for each of fiscal  
24          years 2020 through 2025.

1 **SEC. 403. DECOMMISSIONING WORK.**

2 (a) REQUIREMENT.—The Worker Adjustment and  
3 Retraining Notification Act is amended by inserting after  
4 section 5 (29 U.S.C. 2104) the following:

5 **“SEC. 5A. DECOMMISSIONING WORK.**

6 “(a) DEFINITION.—In this section:

7 “(1) COAL POWER PLANT.—The term ‘coal  
8 power plant’ means an electrical power generating  
9 station at which coal is the fuel that creates the heat  
10 energy of combustion.

11 “(2) COVERED PLANT CLOSING.—The term  
12 ‘covered plant closing’ means a plant closing of a  
13 coal power plant.

14 “(3) DECOMMISSIONING.—The term ‘decommis-  
15 sioning’ means the process of shutting down a coal  
16 power plant (including removing equipment and ma-  
17 terials, complying with permits, demolishing build-  
18 ings as necessary, and cleaning up contamination) to  
19 support new use of the plant, in accordance with  
20 regulations issued by the Secretary of Energy after  
21 consultation with the Administrator of the Environ-  
22 mental Protection Agency.

23 “(b) REQUIREMENT.—(1) If an employer is required  
24 to serve written notice under section 3(a) with respect to  
25 a covered plant closing, the employer shall offer to enter  
26 into, and negotiate in good faith, an agreement with an

1 employee representative described in paragraph (2), to en-  
2 gage employees at the plant in employment related to de-  
3 commissioning the plant.

4 “(2) The employee representative may be a labor or-  
5 ganization or another representative (whether or not se-  
6 lected for the purposes of participating in the negotia-  
7 tions).”.

8 (b) ENFORCEMENT.—Section 5 of the Worker Ad-  
9 justment and Retraining Notification Act (29 U.S.C.  
10 2014) is amended—

11 (1) in subsection (a)(4), by striking “this Act”  
12 each place it appears and inserting “section 3”;

13 (2) in the first sentence of subsection (b), by  
14 striking “this Act” and inserting “section 3”;

15 (3) by redesignating subsection (b) as sub-  
16 section (c); and

17 (4) by inserting after subsection (a) the fol-  
18 lowing:

19 “(b) FAILURE TO OFFER DECOMMISSIONING  
20 WORK.—The Secretary may assess a civil penalty against  
21 an employer who violates the provisions of section 5A. The  
22 civil penalty shall be in amount based on the size of the  
23 business of the employer, measured as the average, over  
24 the past 10 years preceding the assessment, of the annual

1 amount of property tax paid by the employer to the cor-  
2 responding unit of local government.”.

3 (c) REGULATIONS.—Not later than 1 year after the  
4 date of enactment of this Act, the Secretary of Energy  
5 shall issue the regulations described in section 5A(a)(3)  
6 of the Worker Adjustment and Retraining Notification  
7 Act, as inserted by subsection (a).

○