

118TH CONGRESS
1ST SESSION

H. R. 5482

To prevent energy poverty and ensure that at-risk communities have access to affordable energy.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Ms. HAGEMAN (for herself, Mr. NEWHOUSE, Mr. STAUBER, Mrs. BOEBERT, Mr. GOSAR, Mr. COLE, Mr. WILLIAMS of New York, Mr. GRAVES of Louisiana, Mr. HERN, Mr. DONALDS, Mr. HUNT, Mrs. MILLER of West Virginia, and Mr. ZINKE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Agriculture, the Budget, and Rules, 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

A BILL

To prevent energy poverty and ensure that at-risk communities have access to affordable energy.

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 “Energy Poverty Pre-
5 vention and Accountability Act of 2023”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) all Americans should have equal access to
2 affordable and reliable energy to maintain personal
3 health and economic security;

4 (2) the United States should mitigate the dis-
5 parate impact of increases in the cost of energy on
6 at-risk communities because those communities are
7 more likely to have a fixed income and spend a high-
8 er percentage of their income on energy compared to
9 the general population; and

10 (3) to prevent energy poverty and ensure that
11 each at-risk community has access to affordable en-
12 ergy, the United States should ensure that Federal
13 policies will not increase the cost of energy for any
14 at-risk community.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) AGENCY.—The term “agency” has the
18 meaning given the term in section 551 of title 5,
19 United States Code.

20 (2) AGENCY ACTION.—The term “agency ac-
21 tion” has the meaning given the term in section 551
22 of title 5, United States Code.

23 (3) APPLICABLE ENERGY RULE.—The term
24 “applicable energy rule” means any energy rule
25 that—

1 (A) has an annual effect on the economy
2 of not less than \$50,000,000;

3 (B) results in a major increase in costs or
4 prices for any consumer, industry, agency, or
5 geographic region; or

6 (C) has a significant adverse effect on
7 competition, employment, investment, produc-
8 tivity, innovation, or the ability of an enterprise
9 based in the United States to compete with a
10 foreign-based enterprise in a domestic or inter-
11 national market.

12 (4) AT-RISK COMMUNITY.—The term “at-risk
13 community” means—

14 (A) a low-income community;

15 (B) a minority community;

16 (C) a rural community;

17 (D) an elderly community; or

18 (E) an American Indian, Alaska Native, or
19 Native Hawaiian community.

20 (5) ELDERLY COMMUNITY.—The term “elderly
21 community” means a census tract where the major-
22 ity of the population consists of elderly persons (as
23 “elderly person” is defined in section 891.205 of
24 title 24, Code of Federal Regulations (as in effect on
25 the date of the enactment of this Act)).

1 (6) ENERGY POVERTY.—The term “energy pov-
2 erty” means a condition in which individuals do not
3 have access to affordable and reliable energy to
4 maintain economic security.

5 (7) ENERGY RULE.—

6 (A) IN GENERAL.—The term “energy rule”
7 means a rule (as defined in section 551 of title
8 5, United States Code) promulgated by—

9 (i) the Administrator of the Environ-
10 mental Protection Agency;

11 (ii) the Secretary of the Interior;

12 (iii) the Secretary of Agriculture;

13 (iv) the Secretary of Energy; or

14 (v) any other agency the actions of
15 which may affect energy poverty in an at-
16 risk community.

17 (B) INCLUSIONS.—The term “energy rule”
18 includes any rule described in subparagraph (A)
19 that may result in a change to—

20 (i) electricity prices;

21 (ii) home heating prices;

22 (iii) gasoline prices;

23 (iv) oil prices;

24 (v) motor vehicle prices;

25 (vi) natural gas prices; or

1 (vii) household appliance prices.

2 (8) FEDERAL LAND.—

3 (A) IN GENERAL.—The term “Federal
4 land” means—

5 (i) National Forest System land;

6 (ii) public lands (as defined in section
7 103 of the Federal Land Policy and Man-
8 agement Act of 1976 (43 U.S.C. 1702));

9 (iii) the outer Continental Shelf (as
10 defined in section 2 of the Outer Conti-
11 nental Shelf Lands Act (43 U.S.C. 1331));
12 and

13 (iv) land managed by the Department
14 of Energy.

15 (B) INCLUSION.—The term “Federal
16 land” includes land described in subparagraph
17 (A) for which the rights to the surface estate or
18 subsurface estate are owned by a non-Federal
19 entity.

20 (9) INDIAN TRIBE.—The term “Indian Tribe”
21 has the meaning given the term in section 4 of the
22 Indian Self-Determination and Education Assistance
23 Act (25 U.S.C. 5304).

24 (10) LOW-INCOME COMMUNITY.—The term
25 “low-income community” means—

1 (A) a census block group in which the pov-
2 erty rate for such block group is at least 20
3 percent;

4 (B) in the case of a block group not lo-
5 cated within a metropolitan area, the median
6 family income for such block group does not ex-
7 ceed 80 percent of statewide median family in-
8 come; or

9 (C) in the case of a block group located
10 within a metropolitan area, the median family
11 income for such block group does not exceed 80
12 percent of the greater of statewide median fam-
13 ily income or the metropolitan area median
14 family income (as defined in section 45D(e) of
15 the Internal Revenue Code of 1986 (26 U.S.C.
16 45D(e)).

17 (11) MINORITY COMMUNITY.—The term “mi-
18 nority community” means a census tract where the
19 majority of the population consists of minority (as
20 defined in section 104A of the Community Develop-
21 ment Banking and Financial Institutions Act of
22 1994 (12 U.S.C. 4703a)) individuals.

23 (12) RURAL COMMUNITY.—The term “rural
24 community” means a community that is located in
25 an area that is outside of an urbanized area (as de-

1 fined in section 5302 of title 49, United States
2 Code).

3 (13) STATE RENEWABLE PORTFOLIO STAND-
4 ARD.—The term “State renewable portfolio stand-
5 ard” means any State regulation that is designed to
6 increase the use of renewable energy sources, includ-
7 ing wind, solar, geothermal, and biomass, to gener-
8 ate electricity.

9 (14) TRIBAL LAND.—The term “Tribal land”
10 has the meaning given the term “Indian land” in
11 section 2601 of the Energy Policy Act of 1992 (25
12 U.S.C. 3501).

13 **SEC. 4. REPORTS ON ACCESS TO RELIABLE AND AFFORD-**
14 **ABLE ENERGY.**

15 (a) COMPTROLLER GENERAL.—The Comptroller
16 General of the United States, in consultation with each
17 relevant agency, shall—

18 (1) conduct an analysis of Federal energy laws,
19 energy rules, and State renewable portfolio stand-
20 ards to determine how those laws, rules, and stand-
21 ards affected at-risk communities during the pre-
22 ceding fiscal year;

23 (2) identify barriers to the ability of at-risk
24 communities to access reliable and affordable en-
25 ergy, including the manner in which the presence of

1 adequate energy transmission infrastructure affects
2 that access; and

3 (3) develop criteria to determine whether an at-
4 risk community is experiencing energy poverty.

5 (b) OFFICE OF MANAGEMENT AND BUDGET.—The
6 Director of the Office of Management and Budget shall
7 review each applicable energy rule to determine if the ap-
8 plicable energy rule imposes disproportionate financial im-
9 pacts on at-risk communities relative to the general popu-
10 lation.

11 (c) JOINT REPORT.—Not later than 1 year after the
12 date of enactment of this Act, the Comptroller General
13 of the United States and the Director of the Office of
14 Management and Budget shall jointly submit to Congress
15 a report that—

16 (1) describes the analysis conducted under sub-
17 section (a)(1) and the barriers identified under sub-
18 section (a)(2);

19 (2) identifies the at-risk communities that are
20 experiencing energy poverty, by location and type;
21 and

22 (3) provides recommendations on—

23 (A) how to reduce energy poverty in at-risk
24 communities; and

1 (B) actions each applicable agency may
2 take to reduce the barriers described in sub-
3 section (a)(2), including by—

4 (i) establishing lower fees or lowering
5 other costs;

6 (ii) improving the approval process for
7 rights-of-way on Federal land and Tribal
8 land;

9 (iii) increasing energy production on
10 Federal lands;

11 (iv) encouraging private energy sector
12 investment in Federal land and Tribal
13 land; and

14 (v) improving grid resilience in remote
15 areas.

16 **SEC. 5. EXECUTIVE ACTIVITIES SUPPORTING AT-RISK COM-**
17 **MUNITIES.**

18 (a) CONGRESSIONAL BUDGET OFFICE ESTIMATES
19 FOR EFFECTS ON ENERGY PRICES.—For purposes of sec-
20 tion 402 of the Congressional Budget and Impoundment
21 Control Act of 1974 (2 U.S.C. 653), the Director of the
22 Congressional Budget Office shall include in any bill or
23 resolution that could result in an agency action affecting
24 energy poverty, including the proposal of an energy rule,

1 an estimate of how the bill or resolution will affect the
2 cost of energy for at-risk communities.

3 (b) ENERGY POVERTY STUDY REQUIRED FOR CER-
4 TAIN EXECUTIVE ACTIVITIES.—

5 (1) DEFINITIONS.—In this subsection:

6 (A) ACTIVITY.—The term “activity”
7 means—

8 (i) a declaration of a moratorium on
9 the leasing of Federal land for the drilling,
10 mining, or collection of oil, gas, or coal, or
11 related activities unless such moratorium is
12 authorized by Federal statute; or

13 (ii) an action (including non-action
14 with respect to an action directed to be
15 carried out by statute or regulation) that
16 prohibits or delays, with respect to Federal
17 land—

18 (I) the issuance of—

19 (aa) new oil and gas lease
20 sales, oil and gas leases, drill per-
21 mits, or associated approvals, or
22 authorizations of any kind associ-
23 ated with oil and gas leases;

24 (bb) new coal leases (includ-
25 ing leases by application in proc-

1 ess, renewals, modifications, or
2 expansions of existing leases),
3 permits, approvals, or authoriza-
4 tions;

5 (cc) new mineral patents,
6 leases, claims, permits, approvals,
7 or authorizations; or

8 (II) a withdrawal of Federal land
9 from—

10 (aa) forms of entry, appro-
11 priation, or disposal under the
12 public land laws;

13 (bb) location, entry, and
14 patent under the mining laws; or

15 (cc) disposition under laws
16 pertaining to mineral and geo-
17 thermal leasing or mineral mate-
18 rials.

19 (B) DESIGNEE OF THE PRESIDENT.—The
20 term “designee of the President” means—

21 (i) the Secretary of Agriculture;

22 (ii) the Secretary of Energy;

23 (iii) the Secretary of the Interior; and

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

1 (C) MINERAL.—The term “mineral”
2 means any mineral subject to sections 2319
3 through 2344 of the Revised Statutes (com-
4 monly known as the “Mining Law of 1872”)
5 (30 U.S.C. 22 et seq.), and minerals located on
6 lands acquired by the United States (as defined
7 in section 2 of the Mineral Leasing Act for Ac-
8 quired Lands (30 U.S.C. 351)).

9 (2) ACTIVITY TO BE CARRIED OUT.—Notwith-
10 standing any other provision of law, the President,
11 or a designee of the President, may carry out an ac-
12 tivity only if the Secretary of the Interior has ful-
13 filled the activity requirements described in para-
14 graph (3) for that activity.

15 (3) ACTIVITY REQUIREMENTS.—For each activ-
16 ity, the Secretary of the Interior shall—

17 (A) conduct a study to determine if the ac-
18 tivity, relative to the general population, is like-
19 ly to—

20 (i) impose disproportionate costs on
21 at-risk communities; or

22 (ii) increase the likelihood that at-risk
23 communities will experience energy poverty
24 and job losses;

1 (B) publish the study on a public website
2 of the Department of the Interior; and

3 (C) submit to Congress a report on the
4 study that describes the study findings under
5 subparagraph (A).

6 (4) ENERGY POVERTY STUDY.—

7 (A) IN GENERAL.—On request by an entity
8 described in subparagraph (B), a lead agency
9 responsible for leasing or permitting an energy
10 or mineral development project, pipeline project,
11 or transmission project on Federal land, in con-
12 sultation with another agency with jurisdiction
13 over that project, shall conduct a study relating
14 to how the project is likely to alleviate energy
15 poverty in at-risk communities, including by—

16 (i) creating jobs;

17 (ii) reducing energy prices; and

18 (iii) other relevant measures as deter-
19 mined by the lead agency, or the entity re-
20 questing the study.

21 (B) STUDY REQUEST.—An entity spon-
22 soring an energy or mineral project, pipeline
23 project, or transmission project on Federal land
24 may request a study for that project pursuant
25 to subparagraph (A).

1 (5) MEMORANDUM OF UNDERSTANDING.—

2 (A) IN GENERAL.—The lead agency, with
3 respect to a project to be studied under para-
4 graph (4)(A), may not begin the study until the
5 lead agency has entered into a memorandum of
6 understanding with the entity that requested
7 the study.

8 (B) REQUIREMENTS.—A memorandum of
9 understanding entered into under this para-
10 graph shall include—

11 (i) an agreement regarding a neutral
12 third party to conduct the study;

13 (ii) a determination of which entity,
14 with the consent of that entity, will bear
15 the cost of the study, which may include
16 stakeholders other than the requestor; and

17 (iii) such other aspects of the study
18 that the lead agency and the entity that re-
19 quested the study consider appropriate.

20 (c) ENERGY POVERTY STATEMENT.—

21 (1) IN GENERAL.—Beginning 30 days after the
22 date on which the Director of the Office of Manage-
23 ment and Budget issues guidance under section 6,
24 an agency promulgating any energy rule, including
25 any interpretative rule, general statements of policy,

1 or guidance document shall include an energy pov-
2 erty statement described in paragraph (2).

3 (2) ENERGY POVERTY STATEMENT.—An energy
4 poverty statement referred to in paragraph (1)
5 shall—

6 (A) be displayed prominently on the first
7 page of the rule or guidance; and

8 (B) state that the applicable agency cer-
9 tifies that the rule or guidance will not result
10 in energy poverty in at-risk communities.

11 **SEC. 6. OMB IMPLEMENTATION GUIDANCE.**

12 Not later than 90 days after the date of enactment
13 of this Act, the Director of the Office of Management and
14 Budget shall issue guidance to implement this Act.

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