

117TH CONGRESS
1ST SESSION

H. R. 4266

To prevent energy poverty in at-risk communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. HERN (for himself, Mr. WEBER of Texas, Mr. COLE, Mr. HICE of Georgia, Mr. STAUBER, Mr. NEWHOUSE, Ms. CHENEY, Mr. RESCHENTHALER, Mr. ALLEN, Mr. MULLIN, and Mr. PENCE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Energy and Commerce, 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 in at-risk communities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Energy Poverty Pre-
5 vention and Accountability Act”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States that—

1 (1) all citizens should have equal access to af-
2 fordable 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 such communities are
7 more likely to have a fixed income and spend a high-
8 er percentage of their income on energy than the
9 general population; and

10 (3) to prevent energy poverty and to ensure
11 that each at-risk community has access to affordable
12 energy, the United States should ensure that laws
13 relating to environmental and energy policy, includ-
14 ing the National Environmental Policy Act of 1969
15 (42 U.S.C. 4321 et seq.), the Endangered Species
16 Act of 1973 (16 U.S.C. 1531 et seq.), and the Mi-
17 gratory Bird Treaty Act (16 U.S.C. 703 et seq.), do
18 not have the effect of increasing the cost of energy
19 for any at-risk community.

20 **SEC. 3. DEPARTMENT OF THE INTERIOR REPORT ON AC-**
21 **CESS TO RELIABLE AND AFFORDABLE EN-**
22 **ERGY.**

23 Not later than 1 year after the date of enactment
24 of this section, the Secretary of the Interior shall submit
25 to Congress a report that—

1 (1) identifies barriers to the ability of at-risk
2 communities that live on or near Federal land or
3 Tribal land to access reliable and affordable energy,
4 including how the presence of adequate energy
5 transmission infrastructure affects such access; and

6 (2) recommends actions that the Secretary of
7 the Interior and the Chief of the Forest Service
8 could take to reduce the barriers described in para-
9 graph (1), including by—

10 (A) establishing lower fees or lowering
11 other costs;

12 (B) streamlining the approval of rights-of-
13 way on Federal land and Tribal land;

14 (C) encouraging private energy sector in-
15 vestment in Federal land and Tribal land; and

16 (D) rapidly developing electric trans-
17 mission and delivery systems in remote areas.

18 **SEC. 4. CONGRESSIONAL BUDGET OFFICE ESTIMATES FOR**
19 **EFFECTS ON ENERGY PRICES.**

20 The Director of the Congressional Budget Office
21 shall include in each applicable estimate required under
22 section 402 of the Congressional Budget and Impound-
23 ment Control Act of 1974 (2 U.S.C. 653) an estimate of
24 how the bill or resolution will affect the cost of energy
25 for at-risk communities.

1 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE IDENTI-**
2 **FICATION OF ENERGY POVERTY.**

3 (a) ANALYSIS.—

4 (1) IN GENERAL.—The Comptroller General of
5 the United States shall conduct an analysis of Fed-
6 eral energy and environmental laws, regulations
7 issued by the Secretary of the Interior and the Chief
8 of the Forest Service that relate to energy and envi-
9 ronmental policy, and State renewable portfolio
10 standards to determine how such laws, regulations,
11 and standards affected the following for at-risk com-
12 munities during the preceding fiscal year:

13 (A) Electricity prices.

14 (B) Home heating prices.

15 (C) Gasoline prices.

16 (D) Motor vehicle prices.

17 (E) Natural gas prices.

18 (F) Household appliance prices.

19 (2) REPORT.—Not later than 1 year after the
20 date of enactment of this section, the Comptroller
21 General of the United States shall submit to Con-
22 gress a report on the analysis conducted under para-
23 graph (1).

24 (b) ENERGY POVERTY.—

25 (1) IN GENERAL.—The Comptroller General of
26 the United States shall develop criteria to determine

1 whether an at-risk community is experiencing energy
2 poverty.

3 (2) REPORT.—Not later than 1 year after the
4 date of enactment of this section, the Comptroller
5 General of the United States shall submit to Con-
6 gress a report that—

7 (A) identifies, by location and type of at-
8 risk community, which at-risk communities are
9 experiencing energy poverty; and

10 (B) provides recommendations on how to
11 reduce such energy poverty.

12 **SEC. 6. OFFICE OF MANAGEMENT AND BUDGET REVIEW OF**
13 **ENERGY REGULATIONS.**

14 (a) IN GENERAL.—The Director of the Office of
15 Management and Budget shall review each applicable en-
16 ergy regulation to determine if any applicable energy regu-
17 lation imposes, relative to the general population, dis-
18 proportionate costs on at-risk communities.

19 (b) PUBLICATION.—Not later than 180 days after the
20 date of the enactment of this section, the Director of the
21 Office of Management and Budget shall publish in the
22 Federal Register the results of the review required under
23 subsection (a).

1 **SEC. 7. ENERGY POVERTY STUDY REQUIRED FOR CERTAIN**
2 **EXECUTIVE ACTION.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the President or a designee of the President
5 may only carry out an activity described in subsection (b)
6 if the Secretary of the Interior has fulfilled the require-
7 ments described in subsection (c) with respect to such ac-
8 tivity.

9 (b) ACTIVITIES.—An activity, as referred to in sub-
10 section (a), is one or more of the following:

11 (1) Declaration of a moratorium on the leasing
12 of Federal lands for the drilling, mining, or collec-
13 tion of oil, gas, or coal, or related activities unless
14 such moratorium is authorized by Federal statute.

15 (2) An action that would prohibit or substan-
16 tially delay, with respect to Federal land, the
17 issuance of—

18 (A) a new oil and gas lease, drill permit,
19 approval, or authorization;

20 (B) a new coal lease, permit, approval, or
21 authorization; or

22 (C) a new hard rock (including the list of
23 critical minerals published in the notice of the
24 Secretary of the Interior entitled “Final List of
25 Critical Minerals 2018” (83 Fed. Reg. 23295

1 (May 18, 2018))) lease, permit, approval, or au-
2 thorization.

3 (3) Withdrawal of Federal land from—

4 (A) forms of entry, appropriation, or dis-
5 posal under the public land laws;

6 (B) location, entry, and patent under the
7 mining laws; or

8 (C) disposition under laws pertaining to
9 mineral and geothermal leasing or mineral ma-
10 terials.

11 (c) REQUIREMENTS.—To fulfill the requirements de-
12 scribed in subsection (a) with regard to an activity de-
13 scribed in subsection (b), the Secretary of the Interior
14 shall—

15 (1) conduct a study to determine if the activity,
16 relative to the general population, is likely to—

17 (A) impose disproportionate costs on at-
18 risk communities; or

19 (B) increase the likelihood that at-risk
20 communities will experience energy poverty and
21 job losses;

22 (2) publish such study on a public website of
23 the Department of the Interior; and

24 (3) transmit a report on such study to Con-
25 gress.

1 (d) ENERGY POVERTY STUDY.—

2 (1) IN GENERAL.—Subject to paragraph (3),
3 upon request from an entity described in paragraph
4 (2), a lead Federal department or agency responsible
5 for leasing or permitting an energy or mineral devel-
6 opment project, pipeline project, or transmission
7 project on Federal land, in consultation with any
8 other Federal department or agency with jurisdiction
9 over such project, shall conduct a study relating to
10 how such project is likely to alleviate energy poverty
11 in at-risk communities, including by—

12 (A) creating jobs;

13 (B) reducing energy prices; and

14 (C) other relevant measures identified by
15 the lead Federal department or agency or the
16 requestor the study.

17 (2) REQUESTORS.—The following entities may
18 compel a study by request under paragraph (1):

19 (A) The sponsor of the energy or mineral
20 project, pipeline project, or transmission project
21 on Federal land regarding which the study is
22 being conducted.

23 (B) A State or local government.

24 (C) An Indian Tribe.

1 (D) An entity determined appropriate by
2 the lead agency for the relevant project.

3 (3) MEMORANDUM OF UNDERSTANDING.—The
4 lead Federal department or agency with respect to
5 the project to be studied under paragraph (1) may
6 not begin the study until that lead Federal depart-
7 ment or agency has entered into a memorandum of
8 understanding with the requestor of the study. A
9 memorandum of understanding entered into under
10 this paragraph shall include—

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

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

17 (C) such other aspects of the study that
18 the lead Federal department or agency and the
19 requestor consider appropriate.

20 **SEC. 8. DEFINITIONS.**

21 In this Act:

22 (1) AT-RISK COMMUNITY.—The term “at-risk
23 community” means each of the following:

24 (A) A low-income community.

25 (B) A minority community.

1 (C) A rural community.

2 (D) An elderly community.

3 (E) A Native American community.

4 (2) APPLICABLE ENERGY REGULATION.—The
5 term “applicable energy regulation” means any Fed-
6 eral regulation that relates to energy and—

7 (A) has an annual effect on the economy
8 of not less than \$100,000,000;

9 (B) results in a major increase in costs or
10 prices for any consumer, industry, government
11 agency, or geographic region; or

12 (C) has a significant adverse effect on
13 competition, employment, investment, produc-
14 tivity, innovation, or the ability of an enterprise
15 based in the United States to compete with a
16 foreign-based enterprise in a domestic or inter-
17 national market.

18 (3) DESIGNEE OF THE PRESIDENT.—The term
19 “designee of the President” includes—

20 (A) the Secretary of Agriculture;

21 (B) the Secretary of Energy; and

22 (C) the Secretary of the Interior.

23 (4) ENERGY POVERTY.—The term “energy pov-
24 erty” means a condition in which individuals and

1 families do not have access to affordable and reliable
2 energy to maintain economic security.

3 (5) FEDERAL LAND DEFINED.—In this section,
4 the term “Federal land”—

5 (A) means—

6 (i) National Forest System land;

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

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

14 (iv) land under the jurisdiction of the
15 Secretary of Energy; and

16 (B) includes land described in paragraph

17 (1) for which the rights to the surface estate or
18 subsurface estate are owned by a non-Federal
19 entity.

20 (6) STATE RENEWABLE PORTFOLIO STAND-
21 ARD.—The term “State renewable portfolio stand-
22 ard” means any State regulation that is designed to
23 increase the use of renewable energy sources, includ-
24 ing wind, solar, geothermal, and biomass, to gen-
25 erate electricity.

1 (7) TRIBAL LAND.—The term “Tribal land”
2 has the meaning given the term “Indian land” in
3 section 2601 of the Energy Policy Act of 1992 (25
4 U.S.C. 3501).

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