

Union Calendar No. 755

118TH CONGRESS
2D SESSION

H. R. 5482

[Report No. 118–923, Part I]

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, Ms. 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

DECEMBER 18, 2024

Additional sponsors: Mr. BABIN, Mr. LANGWORTHY, Mrs. LESKO, Mr. MOYLAN, Mr. FALLON, and Mr. ARMSTRONG

DECEMBER 18, 2024

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 18, 2024

Committees on Energy and Commerce, Agriculture, the Budget, and Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 14, 2023]

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 Preven-*
5 *tion and Accountability Act of 2024”.*

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

7 *It is the sense of Congress that—*

8 *(1) all Americans should have equal access to af-*
9 *fordable and reliable energy to maintain personal*
10 *health and economic security;*

11 *(2) the United States should mitigate the dis-*
12 *parate impact of increases in the cost of energy on at-*
13 *risk communities because those communities are more*
14 *likely to have a fixed income and spend a higher per-*
15 *centage of their income on energy compared to the*
16 *general population; and*

17 *(3) to prevent energy poverty and ensure that*
18 *each at-risk community has access to affordable en-*
19 *ergy, the United States should ensure that Federal*
20 *policies will not increase the cost of energy for any*
21 *at-risk community.*

22 **SEC. 3. DEFINITIONS.**

23 *In this Act:*

1 (1) *AGENCY*.—The term “agency” has the mean-
2 ing given the term in section 551 of title 5, United
3 States Code.

4 (2) *AGENCY ACTION*.—The term “agency action”
5 has the meaning given the term in section 551 of title
6 5, United States Code.

7 (3) *AT-RISK COMMUNITY*.—The term “at-risk
8 community” means—

9 (A) a low-income community;

10 (B) a minority community;

11 (C) a rural community;

12 (D) an elderly community; or

13 (E) an American Indian, Alaska Native, or
14 Native Hawaiian community.

15 (4) *ELDERLY COMMUNITY*.—The term “elderly
16 community” means a census tract where the majority
17 of the population consists of elderly persons (as “el-
18 derly person” is defined in section 891.205 of title 24,
19 Code of Federal Regulations (as in effect on the date
20 of the enactment of this Act)).

21 (5) *ENERGY POVERTY*.—The term “energy pov-
22 erty” means a condition in which individuals do not
23 have access to affordable and reliable energy to main-
24 tain economic security.

1 (6) *ENERGY RULE.*—*The term “energy rule”*
2 *means a rule (as such term is defined in section 551*
3 *of title 5, United States Code)—*

4 (A) *promulgated by—*

5 (i) *the Administrator of the Environ-*
6 *mental Protection Agency;*

7 (ii) *the Secretary of the Interior;*

8 (iii) *the Secretary of Agriculture;*

9 (iv) *the Secretary of Energy; or*

10 (v) *any other agency the actions of*
11 *which may affect energy poverty in an at-*
12 *risk community; and*

13 (B) *that may result in a change to—*

14 (i) *electricity prices;*

15 (ii) *home heating prices;*

16 (iii) *gasoline prices;*

17 (iv) *oil prices;*

18 (v) *motor vehicle prices;*

19 (vi) *natural gas prices; or*

20 (vii) *household appliance prices.*

21 (7) *FEDERAL LAND.*—

22 (A) *IN GENERAL.*—*The term “Federal land”*
23 *means—*

24 (i) *National Forest System land;*

(ii) *public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));*

(iii) *the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)); and*

(iv) *land managed by the Department of Energy.*

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

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

(9) *LOW-INCOME COMMUNITY.—The term “low-income community” means—*

(A) *a census block group in which the poverty rate for such block group is at least 20 percent;*

(B) *in the case of a block group not located within a metropolitan area, the median family income for such block group does not exceed 80 percent of statewide median family income; or*

1 (C) *in the case of a block group located*
 2 *within a metropolitan area, the median family*
 3 *income for such block group does not exceed 80*
 4 *percent of the greater of statewide median family*
 5 *income or the metropolitan area median family*
 6 *income (as defined in section 45D(e) of the Inter-*
 7 *nal Revenue Code of 1986 (26 U.S.C. 45D(e)).*

8 (10) *MINORITY COMMUNITY.*—*The term “minor-*
 9 *ity community” means a census tract where the ma-*
 10 *jority of the population consists of minority (as de-*
 11 *finied in section 104A of the Community Development*
 12 *Banking and Financial Institutions Act of 1994 (12*
 13 *U.S.C. 4703a)) individuals.*

14 (11) *RURAL COMMUNITY.*—*The term “rural com-*
 15 *munity” means a community that is located in an*
 16 *area that is outside of an urbanized area (as defined*
 17 *in section 5302 of title 49, United States Code).*

18 (12) *STATE RENEWABLE PORTFOLIO STAND-*
 19 *ARD.*—*The term “State renewable portfolio standard”*
 20 *means any State regulation that is designed to in-*
 21 *crease the use of renewable energy sources, including*
 22 *wind, solar, geothermal, and biomass, to generate elec-*
 23 *tricity.*

24 (13) *TRIBAL LAND.*—*The term “Tribal land” has*
 25 *the meaning given the term “Indian land” in section*

1 2601 of the Energy Policy Act of 1992 (25 U.S.C.
2 3501).

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

5 (a) *COMPTROLLER GENERAL.*—The Comptroller Gen-
6 eral of the United States, in consultation with each relevant
7 agency, shall—

8 (1) *conduct an analysis of Federal energy laws,*
9 *energy rules, and State renewable portfolio standards*
10 *to determine how those laws, rules, and standards af-*
11 *fect at-risk communities during the preceding fiscal*
12 *year, and if those laws, rules, and standards created*
13 *disproportionate financial impacts on at-risk commu-*
14 *nities relative to the general population;*

15 (2) *identify barriers to the ability of at-risk com-*
16 *munities to access reliable and affordable energy, in-*
17 *cluding the manner in which the presence of adequate*
18 *energy transmission infrastructure affects that access;*
19 *and*

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

22 (b) *REPORT.*—Not later than 1 year after the date of
23 enactment of this Act, the Comptroller General of the United
24 States shall submit to Congress a report that—

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

4 (2) identifies the at-risk communities that are
5 experiencing energy poverty, by location and type;
6 and

7 (3) provides recommendations on—

8 (A) how to reduce energy poverty in at-risk
9 communities; and

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

13 (i) rescinding or modifying energy
14 rules;

15 (ii) establishing lower fees or lowering
16 other costs;

17 (iii) improving the approval process
18 for rights-of-way on Federal land and Trib-
19 al land;

20 (iv) increasing energy production on
21 Federal lands;

22 (v) encouraging private energy sector
23 investment in Federal land and Tribal
24 land; and

1 (vi) improving grid resilience in re-
2 mote areas.

3 **SEC. 5. EXECUTIVE ACTIVITIES SUPPORTING AT-RISK COM-**
4 **MUNITIES.**

5 (a) CONGRESSIONAL BUDGET OFFICE ESTIMATES FOR
6 EFFECTS ON ENERGY PRICES.—For purposes of section 402
7 of the Congressional Budget and Impoundment Control Act
8 of 1974 (2 U.S.C. 653), the Director of the Congressional
9 Budget Office shall include in any bill or resolution that
10 could result in an agency action affecting energy poverty,
11 including the proposal of an energy rule, an estimate of
12 how the bill or resolution will affect the cost of energy for
13 at-risk communities.

14 (b) ENERGY POVERTY STUDY REQUIRED FOR CERTAIN
15 EXECUTIVE ACTIVITIES.—

16 (1) DEFINITIONS.—In this subsection:

17 (A) ACTIVITY.—The term “activity”
18 means—

19 (i) a declaration of a moratorium on
20 the leasing of Federal land for the drilling,
21 mining, or collection of oil, gas, or coal, or
22 related activities unless such moratorium is
23 authorized by Federal statute; or

24 (ii) an action (including non-action
25 with respect to an action directed to be car-

ried out by statute or regulation) that prohibits or delays, with respect to Federal land—

(I) the issuance of—

(aa) new oil and gas or geothermal lease sales, oil and gas or geothermal leases, drill permits, or associated approvals, or authorizations of any kind associated with oil and gas or geothermal leases;

(bb) new coal leases (including leases by application in process, renewals, modifications, or expansions of existing leases), permits, approvals, or authorizations; or

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

(II) a withdrawal of Federal land from—

(aa) forms of entry, appropriation, or disposal under the public land laws;

1 (bb) location, entry, and pat-
 2 ent under the mining laws; or
 3 (cc) disposition under laws
 4 pertaining to mineral and geo-
 5 thermal leasing or mineral mate-
 6 rials.

7 (B) *DESIGNEE OF THE PRESIDENT.*—The
 8 term “designee of the President” means—

9 (i) the Secretary of Agriculture;
 10 (ii) the Secretary of Energy;
 11 (iii) the Secretary of the Interior; and
 12 (iv) the Administrator of the Environ-
 13 mental Protection Agency.

14 (C) *MINERAL.*—The term “mineral” means
 15 any mineral subject to sections 2319 through
 16 2344 of the Revised Statutes (commonly known
 17 as the “Mining Law of 1872”) (30 U.S.C. 22 et
 18 seq.), and minerals located on lands acquired by
 19 the United States (as defined in section 2 of the
 20 Mineral Leasing Act for Acquired Lands (30
 21 U.S.C. 351)).

22 (2) *ACTIVITY TO BE CARRIED OUT.*—Notwith-
 23 standing any other provision of law, the President, or
 24 a designee of the President, may carry out an activity
 25 only if the Secretary of the Interior has fulfilled the

1 *activity requirements described in paragraph (3) for*
2 *that activity.*

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

5 (A) *conduct a study to determine if the ac-*
6 *tivity, relative to the general population, is like-*
7 *ly to—*

8 (i) *impose disproportionate financial*
9 *impacts on at-risk communities; or*

10 (ii) *increase the likelihood that at-risk*
11 *communities will experience energy poverty*
12 *and job losses;*

13 (B) *publish the study on a public website of*
14 *the Department of the Interior; and*

15 (C) *submit to Congress a report on the*
16 *study that describes the study findings under*
17 *subparagraph (A).*

18 (4) *ENERGY POVERTY STUDY.—*

19 (A) *IN GENERAL.—On request by an entity*
20 *described in subparagraph (B), a lead agency re-*
21 *sponsible for leasing or permitting an energy or*
22 *mineral development project, pipeline project, or*
23 *transmission project on Federal land, in con-*
24 *sultation with another agency with jurisdiction*
25 *over that project, shall conduct a study relating*

1 *to how the project is likely to alleviate energy*
2 *poverty in at-risk communities, including by—*

3 *(i) creating jobs;*

4 *(ii) reducing energy prices; and*

5 *(iii) other relevant measures as deter-*
6 *mined by the lead agency, or the entity re-*
7 *questing the study.*

8 *(B) STUDY REQUEST.—An entity spon-*
9 *soring an energy or mineral project, pipeline*
10 *project, or transmission project on Federal land*
11 *may request a study for that project pursuant to*
12 *subparagraph (A).*

13 *(5) MEMORANDUM OF UNDERSTANDING.—*

14 *(A) IN GENERAL.—The lead agency, with*
15 *respect to a project to be studied under para-*
16 *graph (4)(A), may not begin the study until the*
17 *lead agency has entered into a memorandum of*
18 *understanding with the entity that requested the*
19 *study.*

20 *(B) REQUIREMENTS.—A memorandum of*
21 *understanding entered into under this paragraph*
22 *shall include—*

23 *(i) an agreement regarding a neutral*
24 *third party to conduct the study;*

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

(iii) such other aspects of the study that the lead agency and the entity that requested the study consider appropriate.

(c) *ENERGY POVERTY STATEMENT.*—

(1) *IN GENERAL.*—Beginning 30 days after the date on which the Director of the Office of Management and Budget issues guidance under section 6, an agency promulgating any energy rule (including an interpretative rule), general statement of policy, development or revision of a resource management plan (or equivalent document), handbook or manual revision, or guidance document shall—

(A) certify that the agency has determined the rule, policy, plan, revision, or guidance will not result in short-term or long-term energy poverty in at-risk communities; and

(B) include an energy poverty statement described in paragraph (2).

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

1 (A) be displayed prominently on the first
2 page of the rule, policy, plan, revision, or guid-
3 ance document; and

4 (B) include a justification for the deter-
5 mination made under paragraph (1)(A).

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

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

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