

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 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.

○