



[~116H8487]

~~[DISCUSSION DRAFT]~~

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. HERN introduced the following bill; which was referred to the Committee
on _____

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—

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

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

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

17 **SEC. 3. DEPARTMENT OF THE INTERIOR REPORT ON AC-**
18 **CESS TO RELIABLE AND AFFORDABLE EN-**
19 **ERGY.**

20 Not later than 1 year after the date of enactment
21 of this section, the Secretary of the Interior shall submit
22 to Congress a report that—

23 (1) identifies barriers to the ability of at-risk
24 communities that live on or near Federal land or
25 Tribal land to access reliable and affordable energy,

1 including how the presence of adequate energy
2 transmission infrastructure affects such access; and

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

7 (A) establishing lower fees or lowering
8 other costs;

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

11 (C) encouraging private energy sector in-
12 vestment in Federal land and Tribal land; and

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

15 **SEC. 4. CONGRESSIONAL BUDGET OFFICE ESTIMATES FOR**
16 **EFFECTS ON ENERGY PRICES.**

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

23 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE IDENTI-**
24 **FICATION OF ENERGY POVERTY.**

25 (a) ANALYSIS.—

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

10 (A) Electricity prices.

11 (B) Home heating prices.

12 (C) Gasoline prices.

13 (D) Motor vehicle prices.

14 (E) Natural gas prices.

15 (F) Household appliance prices.

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

21 (b) ENERGY POVERTY.—

22 (1) IN GENERAL.—The Comptroller General of
23 the United States shall develop criteria to determine
24 whether an at-risk community is experiencing energy
25 poverty.

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

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

8 (B) provides recommendations on how to
9 reduce such energy poverty.

10 **SEC. 6. OFFICE OF MANAGEMENT AND BUDGET REVIEW OF**
11 **ENERGY REGULATIONS.**

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

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

22 **SEC. 7. ENERGY POVERTY STUDY REQUIRED FOR CERTAIN**
23 **EXECUTIVE ACTION.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, the President or a designee of the President

1 may only carry out an activity described in subsection (b)
2 if the Secretary of the Interior has fulfilled the require-
3 ments described in subsection (c) with respect to such ac-
4 tivity.

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

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

11 (2) An action that would prohibit or substan-
12 tially delay, with respect to Federal land, the
13 issuance of—

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

16 (B) a new coal lease, permit, approval, or
17 authorization; or

18 (C) a new hard rock (including the list of
19 critical minerals published in the notice of the
20 Secretary of the Interior entitled “Final List of
21 Critical Minerals 2018” (83 Fed. Reg. 23295
22 (May 18, 2018)) lease, permit, approval, or au-
23 thorization.

24 (3) Withdrawal of Federal land from—

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

3 (B) location, entry, and patent under the
4 mining laws; or

5 (C) disposition under laws pertaining to
6 mineral and geothermal leasing or mineral ma-
7 terials.

8 (e) REQUIREMENTS.—To fulfill the requirements de-
9 scribed in subsection (a) with regard to an activity de-
10 scribed in subsection (b), the Secretary of the Interior
11 shall—

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

14 (A) impose disproportionate costs on at-
15 risk communities; or

16 (B) increase the likelihood that at-risk
17 communities will experience energy poverty and
18 job losses;

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

21 (3) transmit a report on such study to Con-
22 gress.

23 (d) ENERGY POVERTY STUDY.—

24 (1) IN GENERAL.—Subject to paragraph (3),
25 upon request from an entity described in paragraph

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

9 (A) creating jobs;

10 (B) reducing energy prices; and

11 (C) other relevant measures identified by
12 the lead Federal department or agency or the
13 requestor the study.

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

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

20 (B) A State or local government.

21 (C) An Indian Tribe.

22 (D) An entity determined appropriate by
23 the lead agency for the relevant project.

24 (3) MEMORANDUM OF UNDERSTANDING.—The
25 lead Federal department or agency with respect to

1 the project to be studied under paragraph (1) may
2 not begin the study until that lead Federal depart-
3 ment or agency has entered into a memorandum of
4 understanding with the requestor of the study. A
5 memorandum of understanding entered into under
6 this paragraph shall include—

7 (A) an agreement regarding a neutral
8 third party to conduct the study;

9 (B) a determination of what entity (with
10 the consent of that entity) will bear the cost of
11 the study, which may include stakeholders other
12 than the requestor; and

13 (C) such other aspects of the study that
14 the lead Federal department or agency and the
15 requestor consider appropriate.

16 **SEC. 8. DEFINITIONS.**

17 In this Act:

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

20 (A) A low-income community.

21 (B) A minority community.

22 (C) A rural community.

23 (D) An elderly community.

24 (E) A Native American community.

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

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

6 (B) results in a major increase in costs or
7 prices for any consumer, industry, government
8 agency, or geographic region; or

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

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

17 (A) the Secretary of Agriculture;

18 (B) the Secretary of Energy; and

19 (C) the Secretary of the Interior.

20 (4) ENERGY POVERTY.—The term “energy pov-
21 erty” means a condition in which individuals and
22 families do not have access to affordable and reliable
23 energy to maintain economic security.

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

1 (A) means—

2 (i) National Forest System land;

3 (ii) public lands (as defined in section
4 103 of the Federal Land Policy and Man-
5 agement Act of 1976 (43 U.S.C. 1702));

6 (iii) the outer Continental Shelf (as
7 defined in section 2 of the Outer Conti-
8 nental Shelf Lands Act (43 U.S.C. 1331));

9 and

10 (iv) land under the jurisdiction of the
11 Secretary of Energy; and

12 (B) includes land described in paragraph
13 (1) for which the rights to the surface estate or
14 subsurface estate are owned by a non-Federal
15 entity.

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

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