

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5482
OFFERED BY MS. HAGEMAN OF WYOMING**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Energy Poverty Pre-
3 vention and Accountability Act of 2024”.

4 SEC. 2. SENSE OF CONGRESS.

5 It is the sense of Congress that—

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

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

15 (3) to prevent energy poverty and ensure that
16 each at-risk community has access to affordable en-
17 ergy, the United States should ensure that Federal

1 policies will not increase the cost of energy for any
2 at-risk community.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

13 (A) a low-income community;

14 (B) a minority community;

15 (C) a rural community;

16 (D) an elderly community; or

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

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

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

8 (A) 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; and

17 (B) that may result in a change to—

18 (i) electricity prices;

19 (ii) home heating prices;

20 (iii) gasoline prices;

21 (iv) oil prices;

22 (v) motor vehicle prices;

23 (vi) natural gas prices; or

24 (vii) household appliance prices.

25 (7) FEDERAL LAND.—

1 (A) IN GENERAL.—The term “Federal
2 land” means—

3 (i) National Forest System land;

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

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

11 (iv) land managed by the Department
12 of Energy.

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

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

22 (9) LOW-INCOME COMMUNITY.—The term “low-
23 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 (10) 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 (11) 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 (12) 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 (13) 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, and if those laws, rules, and
23 standards created disproportionate financial impacts
24 on at-risk communities relative to the general popu-
25 lation;

1 (2) identify barriers to the ability of at-risk
2 communities to access reliable and affordable en-
3 ergy, including the manner in which the presence of
4 adequate energy transmission infrastructure affects
5 that access; and

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

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

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

14 (2) identifies the at-risk communities that are
15 experiencing energy poverty, by location and type;
16 and

17 (3) provides recommendations on—

18 (A) how to reduce energy poverty in at-risk
19 communities; and

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

23 (i) rescinding or modifying energy
24 rules;

- 1 (ii) establishing lower fees or lowering
2 other costs;
- 3 (iii) improving the approval process
4 for rights-of-way on Federal land and
5 Tribal land;
- 6 (iv) increasing energy production on
7 Federal lands;
- 8 (v) encouraging private energy sector
9 investment in Federal land and Tribal
10 land; and
- 11 (vi) improving grid resilience in re-
12 mote areas.

13 **SEC. 5. EXECUTIVE ACTIVITIES SUPPORTING AT-RISK COM-**
14 **MUNITIES.**

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

24 (b) ENERGY POVERTY STUDY REQUIRED FOR CER-
25 TAIN EXECUTIVE ACTIVITIES.—

1 (1) DEFINITIONS.—In this subsection:

2 (A) ACTIVITY.—The term “activity”
3 means—

4 (i) a declaration of a moratorium on
5 the leasing of Federal land for the drilling,
6 mining, or collection of oil, gas, or coal, or
7 related activities unless such moratorium is
8 authorized by Federal statute; or

9 (ii) an action (including non-action
10 with respect to an action directed to be
11 carried out by statute or regulation) that
12 prohibits or delays, with respect to Federal
13 land—

14 (I) the issuance of—

15 (aa) new oil and gas or geo-
16 thermal lease sales, oil and gas
17 or geothermal leases, drill per-
18 mits, or associated approvals, or
19 authorizations of any kind associ-
20 ated with oil and gas or geo-
21 thermal leases;

22 (bb) new coal leases (includ-
23 ing leases by application in proc-
24 ess, renewals, modifications, or
25 expansions of existing leases),

1 permits, approvals, or authoriza-
2 tions;

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

6 (II) a withdrawal of Federal land
7 from—

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

11 (bb) location, entry, and
12 patent under the mining laws; or

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

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

19 (i) the Secretary of Agriculture;

20 (ii) the Secretary of Energy;

21 (iii) the Secretary of the Interior; and

22 (iv) the Administrator of the Environ-
23 mental Protection Agency.

24 (C) MINERAL.—The term “mineral”
25 means any mineral subject to sections 2319

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

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

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

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

18 (i) impose disproportionate financial
19 impacts on at-risk communities; or

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

23 (B) publish the study on a public website
24 of the Department of the Interior; and

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

4 (4) ENERGY POVERTY STUDY.—

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

14 (i) creating jobs;

15 (ii) reducing energy prices; and

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

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

24 (5) MEMORANDUM OF UNDERSTANDING.—

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

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

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

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

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

19 (c) ENERGY POVERTY STATEMENT.—

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

1 plan (or equivalent document), handbook or manual
2 revision, or guidance document shall—

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

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

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

12 (A) be displayed prominently on the first
13 page of the rule, policy, plan, revision, or guid-
14 ance document; and

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

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

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

