

116TH CONGRESS  
2D SESSION

# H. R. 8487

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Mr. KEVIN HERN of Oklahoma (for himself, Mr. GOSAR, Mr. MULLIN, Mr. NEWHOUSE, Mr. DUNCAN, Mr. BALDERSON, Mr. STAUBER, Mr. WEBER of Texas, Mr. ALLEN, Mr. DAVID P. ROE of Tennessee, Mr. BISHOP of Utah, and Ms. CHENEY) 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

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## 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 affect the following prices for at-risk  
12 communities 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.—The Director of the Office of  
20 Management and Budget shall publish in the Federal Reg-  
21 ister the results of the review required under subsection  
22 (a).

23 **SEC. 7. DEFINITIONS.**

24 In this Act:

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

3           (A) A low-income community.

4           (B) A minority community.

5           (C) A rural community.

6           (D) An elderly community.

7           (E) A Native American community.

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

11           (A) has an annual effect on the economy  
12 of at least \$100,000,000;

13           (B) results in a major increase in costs or  
14 prices for any consumer, industry, government  
15 agency, or geographic region; or

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

22           (3) ENERGY POVERTY.—The term “energy pov-  
23 erty” means insufficient access to affordable energy.

24           (4) FEDERAL LAND.—The term “Federal land”  
25 means any land that is under the jurisdiction of the

1 Secretary of the Interior or the Chief of the Forest  
2 Service.

3 (5) 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 gen-  
8 erate electricity.

9 (6) 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).

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