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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To establish the Ratepayer Justice Fund and a Federal process to reimburse ratepayers and communities harmed by utility and utility executive misconduct, including corruption, and to hold accountable those responsible for such misconduct, and for other purposes.

Ms. KAPTUR introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish the Ratepayer Justice Fund and a Federal process to reimburse ratepayers and communities harmed by utility and utility executive misconduct, including corruption, and to hold accountable those responsible for such misconduct, 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 “Ratepayer Justice and
5 Commercial Power Accountability Act”.

1 **SEC. 2. PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the generation, transmission, and sale of
4 electricity and natural gas occur in interstate com-
5 merce and are subject to Federal regulation;

6 (2) corruption affecting rate-setting,
7 anticompetitive behavior, regulatory approvals, and
8 related legislation distorts prices and harms con-
9 sumers and interstate markets;

10 (3) a Federal remedy is necessary to restore
11 losses impacting affected ratepayers and commu-
12 nities;

13 (4) commercial nuclear power criminality across
14 several States and regions of the United States re-
15 quires review and regulation, adjustment, and fair
16 reimbursement to bilked ratepayers; and

17 (5) severe attendant State criminality and neg-
18 ligence, including with respect to nuclear power pro-
19 duction, requires that audited accounts of utilities
20 and commercial enterprises be provided by appro-
21 priate forensic audit authorities and that affected
22 ratepayers and regions receive reimbursement for
23 any rates paid under such criminality.

24 (b) REMEDIAL PURPOSE.—This Act is remedial in
25 nature and is intended to restore ratepayers and affected

1 communities to the position they would have been in ab-
2 sent unlawful conduct.

3 **SEC. 3. ESTABLISHMENT OF RATEPAYER JUSTICE FUND**
4 **AND LIST OF MISCONDUCT EVENTS.**

5 (a) RATEPAYER JUSTICE FUND.—

6 (1) IN GENERAL.—There is established in the
7 Treasury of the United States a fund to be known
8 as the Ratepayer Justice Fund consisting of
9 amounts collected under section 4.

10 (2) USE.—Amounts in the Ratepayer Justice
11 Fund shall be made available without further appro-
12 priation—

13 (A) to the Secretary of the Treasury for
14 direct relief payments to eligible ratepayers in
15 accordance with section 5;

16 (B) to the Secretary of Energy for reim-
17 bursements to State consumer advocate offices
18 or comparable public counsel in accordance with
19 section 6; and

20 (C) in an amount not to exceed 5 percent
21 of the total amounts in the Ratepayer Justice
22 Fund, to the Secretary of Energy for Ratepayer
23 Community Restoration Grants in accordance
24 with section 7.

25 (b) LIST OF MISCONDUCT EVENTS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary of
3 the Treasury, in consultation with the Attorney Gen-
4 eral and Secretary of Energy, shall establish, and
5 publish in the Federal Register, a list of misconduct
6 events.

7 (2) UPDATES.—The Secretary of the Treasury
8 shall regularly update the list published under sub-
9 section (a).

10 (3) PETITION.—A citizen (including a consumer
11 advocate described in section 6) may petition the
12 Secretary of the Treasury to include a misconduct
13 event on the list published under subsection (a).

14 (4) DETERMINATION ON PETITIONS.—Not later
15 than 90 days after the date of receipt of a petition
16 regarding a misconduct event under paragraph (2),
17 the Secretary of the Treasury shall determine wheth-
18 er to include the misconduct event on the list pub-
19 lished under subsection (a).

20 **SEC. 4. FUNDING SOURCES.**

21 (a) ASSESSMENT AND COLLECTION OF CERTAIN
22 AMOUNTS.—The Secretary of the Treasury, in consulta-
23 tion with the Federal Energy Regulatory Commission,
24 shall, following the issuance of a Final Determination es-
25 tablishing liability for a misconduct event, promptly and

1 without delay, assess and collect from each covered utility,
2 C-suite executive, and lobbyist an amount equal to—

3 (1) the costs borne by ratepayers for criminal
4 mismanagement of covered utilities, C-suite execu-
5 tives, and lobbyists; and

6 (2) the unjust enrichment attributable to the
7 misconduct event, minus any amounts disgorged to
8 ratepayers, or civil or criminal forfeitures or fines
9 paid.

10 (b) CALCULATION OF ASSESSMENT.—In assessing
11 the amount described in subsection (a), the Secretary of
12 the Treasury, in consultation with the Federal Energy
13 Regulatory Commission, shall include in such assess-
14 ment—

15 (1) revenues and profits realized by the covered
16 utility that are attributable to official acts taken by
17 public officials, statutes enacted, regulations promul-
18 gated, rate schedules approved, or rate orders
19 issued, under misconduct events;

20 (2) revenues and profits realized by the C-suite
21 executive (in the form of incentives, bonuses, equity,
22 or other compensation) that are attributable to offi-
23 cial acts taken by public officials, statutes enacted,
24 regulations promulgated, rate schedules approved, or
25 rate orders issued, under misconduct events;

1 (3) prejudgment interest determined by a court
2 of competent jurisdiction;

3 (4) the amounts assessed to, collected from, and
4 paid by ratepayers of a covered utility, as reflected
5 in regulatory records and rate cases, that are in ex-
6 cess of what would otherwise be assessed to, col-
7 lected from, and paid by ratepayers if not for the of-
8 ficial acts taken by public officials, statutes enacted,
9 regulations promulgated, rate schedules approved, or
10 rate orders issued, under misconduct events;

11 (5) any amounts borrowed or taken from any
12 employee welfare benefit plan, employee benefit pen-
13 sion plan, or pension plan, as those terms are de-
14 fined in section 3 of the Employee Retirement In-
15 come Security Act of 1974 (29 U.S.C. 1002) or
16 comparable State law, in connection with or to fi-
17 nance misconduct events;

18 (6) civil or criminal forfeitures and fines paid
19 by the covered utility and C-suite executive; and

20 (7) any other gains by the covered utility and
21 C-suite executive attributable to the official acts
22 taken by public officials, statutes enacted, regula-
23 tions promulgated, rate schedules approved, or rate
24 orders issued, under misconduct events.

1 **SEC. 5. DIRECT RELIEF PAYMENTS FOR ELIGIBLE RATE-**
2 **PAYERS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of the Treas-
5 ury, acting through the Commissioner of Internal Revenue
6 and in consultation with the Secretary of Energy, shall
7 establish a system allowing an eligible ratepayer following
8 the issuance of a Final Determination establishing liability
9 for a misconduct event to claim a direct relief payment
10 relating to such misconduct event—

11 (1) in the form of a refundable credit on the
12 annual Federal tax return of the eligible ratepayer;
13 or

14 (2) for an eligible ratepayer who is not required
15 to file an annual Federal tax return, through a
16 claims and direct payment process established by the
17 Secretary of the Treasury by regulation.

18 (b) REQUIREMENTS FOR SUBMISSION OF CLAIMS.—
19 An eligible ratepayer claiming a direct relief payment
20 under the system established under subsection (a) shall
21 attest under penalty of perjury—

22 (1) to the address of the eligible ratepayer and
23 having received service from a covered utility during
24 the period in which such covered utility carried out
25 a misconduct event;

1 (2) to the name of the covered utility and ap-
2 proximate dates that the covered utility provided
3 service to the eligible ratepayer; and

4 (3) that the eligible ratepayer has not pre-
5 viously received a direct relief payment that fully
6 compensates for the amount of financial harm as-
7 sumed by said ratepayer relating to the misconduct
8 event from any source.

9 (c) VERIFICATION.—

10 (1) REQUIREMENT.—

11 (A) IN GENERAL.—The Secretary of the
12 Treasury, in consultation with the Secretary of
13 Energy, shall, promptly and without delay fol-
14 lowing the filing of a claim for a direct relief
15 payment in accordance with subsection (b),
16 verify such claim under the system established
17 under subsection (a).

18 (B) ISSUANCE.—The Secretary of the
19 Treasury shall issue a direct relief payment to
20 any eligible ratepayer who is not required to file
21 an annual Federal tax return with respect to
22 which the Secretary verifies the claim of such
23 eligible ratepayer.

24 (2) CUSTOMER RECORDS.—

1 (A) IN GENERAL.—At the request of the
2 Secretary of the Treasury, a covered utility
3 shall provide to the Secretary the customer
4 records of the covered utility.

5 (B) PENALTIES.—The Secretary of the
6 Treasury or the Attorney General may impose
7 any penalty that the Secretary or Attorney
8 General, respectively, determines to be appro-
9 priate, on a covered utility that violates sub-
10 paragraph (A), provided that the Secretary or
11 Attorney General provides appropriate, advance
12 notice to such covered utility and a process for
13 the covered utility to appeal such penalty before
14 the application of the penalty.

15 (3) METHODS.—The Secretary of the Treasury
16 may verify claims under paragraph (1) through the
17 customer records of the covered utility.

18 (4) TIMELY DISTRIBUTION.—The Secretary of
19 the Treasury shall, except where determined imprac-
20 ticable, begin issuing direct relief payments not later
21 than 180 days after the issuance of a Final Deter-
22 mination, and shall provide, consistent with the re-
23 porting requirements in section 10, periodic public
24 reports describing the status of claims processing
25 and distribution until all reasonably identifiable eli-

1 gible ratepayers have received restitution per mis-
2 conduct event.

3 (d) CALCULATION OF CONSUMER INJURY.—

4 (1) QUANTIFICATION.—The Secretary of En-
5 ergy, in consultation with the Federal Energy Regu-
6 latory Commission, the relevant State commission,
7 and the relevant State consumer advocate office or
8 comparable public counsel, where applicable, shall
9 quantify—

10 (A) the total consumer injury, including
11 economic harms faced by any affected commu-
12 nity, for each misconduct event using objective
13 and verifiable evidence based on overcharges to
14 ratepayers of the covered utility, unlawfully au-
15 thorized rates assessed to ratepayers of the cov-
16 ered utility, or other measurable impacts to
17 ratepayers or the community identified in regu-
18 latory records; and

19 (B) any escalation in the costs of mainte-
20 nance and repairs to the infrastructure of a
21 covered utility that is attributable to utility ex-
22 ecutive mismanagement.

23 (2) QUANTIFICATION REQUIREMENTS.—In
24 making the quantification required under paragraph
25 (1), the Secretary of Energy shall—

1 (A) consider and give substantial weight to
2 final findings of fact, refund determinations,
3 customer class information, and ratemaking
4 records developed by the relevant State commis-
5 sion and relevant State consumer advocate of-
6 fice or comparable public counsel where applica-
7 ble; and

8 (B) estimate, to the maximum extent prac-
9 ticable, the difference between the rates or
10 charges actually paid by ratepayers and the
11 rates or charges that would have been lawfully
12 authorized in the absence of the covered mis-
13 conduct.

14 (3) ALLOCATION OF RESTITUTION.—The Sec-
15 retary of Energy shall—

16 (A) allocate restitution among eligible rate-
17 payers using objective and equitable standards
18 that reflect the extent of consumer injury;

19 (B) in making allocations, consider—

20 (i) the customer class of each eligible
21 ratepayer;

22 (ii) the duration of service during the
23 period of covered misconduct;

1 (iii) the amount of charges paid dur-
2 ing the misconduct period, to the extent
3 such information is readily available;

4 (iv) differences in rates among cus-
5 tomer classes;

6 (v) refunds, credits, or restitution pre-
7 viously received relating to the same mis-
8 conduct event; and

9 (vi) any other objective factor nec-
10 essary to achieve equitable restitution;

11 (C) ensure, to the maximum extent prac-
12 ticable, similarly situated ratepayers within the
13 same customer class receive substantially equiv-
14 alent proportional restitution; and

15 (D) utilize customer billing records, State
16 commission records, and other reliable regu-
17 latory records to verify allocations and minimize
18 administrative burden.

19 (4) RESTITUTION METHODOLOGY.—Not later
20 than 180 days after the date of enactment, the Sec-
21 retary of Energy, in consultation with the Federal
22 Energy Regulatory Commission, the Secretary of the
23 Treasury, State commissions, and State consumer
24 advocate offices or comparable public counsel, shall

1 publish guidance establishing uniform methodologies
2 for—

3 (A) calculating consumer injury;

4 (B) allocating restitution among customer
5 classes;

6 (C) identifying eligible ratepayers, includ-
7 ing former customers;

8 (D) accounting for refunds, credits, settle-
9 ments, or other prior recoveries; and

10 (E) ensuring that restitution is adminis-
11 tered under this Act consistently among juris-
12 dictions while avoiding duplicate recovery.

13 (5) ONE PAYMENT PER MISCONDUCT EVENT.—

14 For each misconduct event, each eligible ratepayer
15 may receive only 1 direct relief payment under this
16 section.

17 (6) INTEREST FOR DIRECT RELIEF PAY-
18 MENTS.—Direct relief payments issued to ratepayers
19 pursuant to this section, and the calculation of as-
20 sessment under section 4(b), shall include interest
21 which shall be computed daily from the date of a
22 Final Determination to date of issuance of payment
23 or collection at a rate equal to the weekly average
24 1-year constant maturity Treasury yield, as pub-
25 lished by the Board of Governors of the Federal Re-

1 serve System, for the calendar week preceding the
2 date of a misconduct event.

3 (e) LIMITATIONS PERIOD.—An eligible ratepayer
4 may only claim a direct relief payment under this section
5 during the 4-year period beginning on the date on which
6 the final determination relating to such misconduct event
7 is issued.

8 (f) PREVENTION OF DOUBLE RECOVERY.—A direct
9 relief payment to an eligible ratepayer relating to a mis-
10 conduct event under this section shall be reduced dollar-
11 for-dollar by any direct refund, credit, or restitution al-
12 ready received by such eligible ratepayer for the same mis-
13 conduct event.

14 (g) PRIORITY.—

15 (1) RESIDENTIAL CUSTOMERS.—In issuing di-
16 rect relief payments to eligible ratepayers who are
17 not required to file an annual Federal tax return,
18 the Secretary of the Treasury shall prioritize the
19 issuance of direct relief payments to such eligible
20 ratepayers who are residential customers.

21 (2) NON-RESIDENTIAL CUSTOMERS.—In issuing
22 direct relief payments to eligible ratepayers who are
23 not required to file an annual Federal tax return,
24 the Secretary of the Treasury shall issue to such eli-
25 gible ratepayers who are not residential customers

1 pro rata restitution payments after the 4-year period
2 described in subsection (e) has expired and all
3 claims by eligible ratepayers who are residential cus-
4 tomers are satisfied, or as otherwise provided in reg-
5 ulations promulgated by the Secretary.

6 (h) ANNUAL AUDITS.—The Inspector General of the
7 Department of the Treasury shall annually carry out au-
8 dits of claims by eligible ratepayers for direct relief pay-
9 ments under the system established under subsection (a).

10 **SEC. 6. CONSUMER ADVOCATES.**

11 (a) IN GENERAL.—

12 (1) REIMBURSEMENT.—The Secretary of En-
13 ergy may reimburse a State consumer advocate of-
14 fice or comparable (as determined by such Sec-
15 retary) public counsel from the Ratepayer Justice
16 Fund, after the issuance of direct relief payments
17 under section 5 relating to the misconduct event, for
18 verified investigation and litigation expenses that
19 materially contributed to establishing the covered
20 misconduct.

21 (2) CERTIFICATION.—For any reimbursement
22 issued under paragraph (1), the Secretary of Energy
23 shall publish a certification in the Federal Register
24 that the verified investigation and litigation expenses

1 materially contributed to establishing the covered
2 misconduct.

3 (b) PROTECTION FOR RATEPAYERS.—The Secretary
4 of Energy may not pass along the costs of any reimburse-
5 ment described in subsection (a) to ratepayers.

6 (c) TECHNICAL ASSISTANCE.—The Secretary of En-
7 ergy and the Secretary of the Treasury may request tech-
8 nical assistance from State commissions and State con-
9 sumer advocate offices or comparable public counsel in
10 identifying eligible ratepayers, verifying customer impacts,
11 calculating consumer injury, and administering restitution
12 under this Act. The reasonable costs of providing such
13 technical assistance may be reimbursed by the Secretary
14 of the Treasury from the Ratepayer Justice Fund estab-
15 lished by section 3, subject to the limitations of this sec-
16 tion.

17 **SEC. 7. RATEPAYER COMMUNITY RESTORATION GRANTS.**

18 (a) AWARD OF GRANTS.—The Secretary of Energy
19 shall award grants, which shall be known as Ratepayer
20 Community Restoration Grants and without any matching
21 requirement, in designated communities to local govern-
22 ments, regional development organizations, organizations
23 described in section 501(c)(3) of the Internal Revenue
24 Code of 1986, or community development financial institu-
25 tions.

1 (b) USE OF GRANTS.—A Ratepayer Community Res-
2 toration Grant awarded to an entity described in sub-
3 section (a) in a designated community may only be used
4 for—

5 (1) improvements to infrastructure in the des-
6 ignated community, including projects for clean en-
7 ergy, energy efficiency, energy distribution, grid re-
8 silience, transportation, water resource management
9 (including projects authorized under the Drinking
10 Water State Revolving Fund and Clean Water State
11 Revolving Fund), and rural development, and the
12 enumerated activities authorized under section 105
13 of the Housing and Community Development Act of
14 1974 (42 U.S.C. 5305) for community development
15 block grants;

16 (2) the development of small business concerns
17 in the designated community, including activities
18 aligned with the purposes set forth in section 2 of
19 the Small Business Act (15 U.S.C. 631);

20 (3) a clean energy project in the designated
21 community;

22 (4) the construction and deployment of infra-
23 structure in the designated community for the provi-
24 sion of broadband service consistent with the pur-
25 poses of the Broadband Equity, Access, and Deploy-

1 events for technical assistance in relation to, and the
2 award of any funds available to the Secretary for, grid
3 infrastructure, resiliency, and modernization projects, ac-
4 tivities, technologies, equipment, hardening measures, and
5 other related services.

6 **SEC. 9. ENFORCEMENT.**

7 (a) IN GENERAL.—The Attorney General may bring
8 civil actions to enforce compliance with this Act, including
9 the collection of assessments under section 4 through—

- 10 (1) the imposition of a lien;
11 (2) the garnishment of an asset; or
12 (3) any other action that the Attorney General
13 determines to be appropriate that the Attorney Gen-
14 eral is authorized to take under any other provision
15 of law.

16 (b) MANDATORY IMPRISONMENT.—

17 (1) PUBLIC OFFICIALS.—A public official who
18 is convicted of public corruption, honest services
19 fraud, wire fraud, racketeering conspiracy, or taking
20 a bribe from a person associated with, working on
21 behalf of, or representing a covered utility, shall be
22 imprisoned for any term of years.

23 (2) C-SUITE EXECUTIVES.—A C-suite executive
24 who is convicted of public corruption, honest services

1 fraud, wire fraud, racketeering conspiracy, or brib-
2 ery shall be imprisoned for any term of years.

3 (3) LOBBYISTS.—A lobbyist who is convicted of
4 public corruption, honest services fraud, wire fraud,
5 racketeering conspiracy, or bribery shall be impris-
6 oned for any term of years.

7 **SEC. 10. CONSULTATION WITH STATE OFFICIALS AND CO-**
8 **ORDINATION WITH STATE RESOURCES.**

9 (a) REQUIREMENT.—The Secretary of the Treasury
10 and the Secretary of Energy, in consultation with the Fed-
11 eral Energy Regulatory Commission, the applicable State
12 commission and State consumer advocate office or com-
13 parable public counsel, where applicable, shall coordinate
14 implementation of this Act to—

15 (1) avoid duplication of direct relief payments
16 under section 5;

17 (2) efficiently identify eligible ratepayers using
18 existing customer billing and regulatory records;

19 (3) utilize, to the maximum extent practicable,
20 existing findings of fact, State ratemaking records,
21 refund determinations, customer class information,
22 and bill records developed by State commissions and
23 State consumer advocate offices;

24 (4) ensure that restitution is calculated using
25 consistent methodologies and objective standards;

1 (5) minimize administrative burdens on con-
2 sumers and maximize consumer recovery by coordi-
3 nating verification procedures and claims processing;
4 and

5 (6) provide timely restitution to eligible rate-
6 payers.

7 (b) CREDIT FOR STATE ACTIONS.—The Secretary of
8 the Treasury, in consultation with the Secretary of En-
9 ergy, may deduct from the amount of a direct relief pay-
10 ment to an eligible ratepayer relating to a misconduct
11 event under section 4 any amount previously paid to such
12 eligible ratepayer relating to such misconduct event as a
13 result of the actions of a State regulatory authority.

14 (c) CONFLICT RESOLUTION.—In any case in which
15 a State agency reaches a different determination from a
16 determination made under this Act by the Secretary of
17 Energy or the Secretary of the Treasury, including with
18 respect to the amount to be collected under section 4, di-
19 rect relief payments owed to eligible ratepayers, or the du-
20 ration of a misconduct event, the determination that re-
21 sults in the highest amount of a direct relief payment shall
22 apply.

23 (d) RECOGNITION OF STATE EXPERTISE AND CO-
24 ORDINATION REQUIREMENT.—In carrying out this Act,

1 the Secretary of the Treasury and the Secretary of Energy
2 shall—

3 (1) recognize the expertise of State commissions
4 and State consumer advocate offices or comparable
5 public counsel regarding retail utility rates, customer
6 billing records, ratepayer classes, refund calcula-
7 tions, and consumer impacts; and

8 (2) to the maximum extent practicable, coordi-
9 nate implementation of this Act with State commis-
10 sions and State consumer advocate offices or com-
11 parable public counsel and rely upon their existing
12 findings, records, technical expertise to avoid dupli-
13 cation, promote administrative efficiency, and ensure
14 accurate consumer restitution.

15 (e) INTERGOVERNMENTAL RATEPAYER RESTITUTION
16 WORKING GROUP.—

17 (1) Not later than 90 days after the date of en-
18 actment of this Act, the Secretary of the Treasury,
19 in consultation with the Secretary of Energy, shall
20 establish an Intergovernmental Ratepayer Restitu-
21 tion Working Group.

22 (2) The Working Group shall include represent-
23 atives of—

24 (A) the Department of the Treasury;

25 (B) the Department of Energy;

1 (C) the Federal Energy Regulatory Com-
2 mission;

3 (D) State commissions;

4 (E) State consumer advocate offices or
5 comparable public counsel; and

6 (F) such other Federal or State agencies
7 as the Secretary of the Treasury, in consulta-
8 tion with the Secretary of Energy, determines
9 appropriate.

10 (3) The Working Group shall—

11 (A) develop uniform guidance for calcu-
12 lating consumer injury and allocating restitu-
13 tion;

14 (B) establish procedures for sharing billing
15 records and regulatory information consistent
16 with applicable privacy laws;

17 (C) recommend best practices for identi-
18 fying eligible ratepayers;

19 (D) coordinate consumer outreach and
20 public education concerning available restitu-
21 tion; and

22 (E) recommend procedures to expedite the
23 distribution of restitution payments

24 **SEC. 11. REPORTING AND TRANSPARENCY.**

25 (a) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, and annually
3 thereafter, the Secretary of Energy, in consultation
4 with the Secretary of the Treasury and the Attorney
5 General, shall submit to Congress a report that de-
6 scribes—

7 (A) amounts collected for, deposited in,
8 and disbursed from the Ratepayer Justice
9 Fund;

10 (B) the number of eligible ratepayers who
11 have claimed a direct relief payment pursuant
12 to section 5 and the average amount (per mis-
13 conduct event) of such direct relief payment;

14 (C) information relating to Ratepayer
15 Community Restoration Grants awarded pursu-
16 ant to section 7, including identification of the
17 recipient, amount, and purpose of each such
18 Ratepayer Community Restoration Grant;

19 (D) any unresolved claims by eligible rate-
20 payers for direct relief payments pursuant to
21 section 5, collection of amounts under section 4,
22 and enforcement actions relating to such claims
23 or collection; and

24 (E) the status of interagency and intergov-
25 ernmental consultations undertaken in the pre-

1 ceding year to implement this Act, including
2 with respect to the Working Group.

3 (2) SUBMISSION OF REPORT TO MANDATED RE-
4 PORTS REPOSITORY.—The Secretary of Energy shall
5 submit to the reports online portal established under
6 the Access to Congressionally Mandated Reports
7 Act, and make publicly available on the website of
8 the Department of Energy, in connection with the
9 information required by subsection (b), the report
10 required under subsection (a).

11 (b) DATABASE.—

12 (1) IN GENERAL.—The Secretary of Energy, in
13 consultation with the Secretary of the Treasury,
14 shall create and maintain a fully searchable Internet
15 database that discloses at no charge to the public
16 and contains information sufficient to allow the pub-
17 lic to understand—

18 (A) each assessment and collection carried
19 out under section 4 and, if applicable, through
20 enforcement actions taken pursuant to section
21 8; and

22 (B) Ratepayer Community Restoration
23 Grants awarded pursuant to section 7, includ-
24 ing information on the amounts, recipients, and

1 purposes or uses of such Ratepayer Community
2 Restoration Grants.

3 (2) MAINTENANCE.—In maintaining the data-
4 base under paragraph (1), the Secretary of Energy
5 shall ensure that such database is updated on the
6 date on which an assessment or collection under sec-
7 tion 4 is carried out, an enforcement action is taken
8 pursuant to section 8, and a Ratepayer Community
9 Restoration Grant is awarded pursuant to section 7.

10 (c) PRIVACY.—Individual ratepayer information shall
11 remain confidential and not be disclosed by the Secretary
12 of Energy, the Federal Energy Regulatory Commission,
13 the Secretary of the Treasury, the Attorney General, or
14 any other Federal official involved in the implementation
15 of this Act, except as is necessary for administration of
16 the Ratepayer Justice Fund established by section 3 and
17 consultations to verify or audit claims for direct relief pay-
18 ments under section 5, or to issue direct relief payments
19 to eligible ratepayers who are not required to file an an-
20 nual Federal tax return under section 5.

21 **SEC. 12. OPERATIONAL AND SAFETY CONDITIONS OF NU-**
22 **CLEAR POWER PLANTS AFFECTED BY MIS-**
23 **CONDUCT EVENTS.**

24 (a) EXECUTIVE BRANCH ASSESSMENT REPORT.—
25 Within 2 years of the date of enactment of this Act, the

1 Secretary of Energy, acting through the Federal Energy
2 Regulatory Commission and in consultation with the Nu-
3 clear Regulatory Commission, shall submit to Congress
4 and publish on the website of the Department of Energy
5 a report that—

6 (1) describes the operational condition of each
7 nuclear power plant owned or operated, either pre-
8 viously or current, by a covered utility that was re-
9 sponsible for a misconduct event occurring prior to
10 publication of the report, including any deteriorating
11 conditions at such nuclear power plants that result
12 from underinvestment, negligence, malfeasance, or
13 other decisions by such covered utilities relative to
14 necessary operational and safety components and
15 systems; and

16 (2) the amount of costs to maintain and repair
17 infrastructure at such nuclear power plants resulting
18 from earlier underinvestment, negligence, malfea-
19 sance, or other decisions by such covered utilities,
20 including amounts that were charged to and col-
21 lected from ratepayers for such costs.

22 (b) GAO REVIEW AND REPORT.—Within one year
23 after the report required under subsection (a) has been
24 submitted to Congress and published on the website of the
25 Department of Energy, the Comptroller General of the

1 United States shall conduct a review of, and submit a re-
2 sulting report to Congress describing, the Secretary of En-
3 ergy's compliance with subsection (a) and the resulting
4 Executive Branch Assessment Report for thoroughness,
5 accuracy, and soundness of methodology, and make any
6 recommendations for operational, safety, and process im-
7 provements for the relevant nuclear power plants and with
8 respect to the amount of costs identified pursuant to sec-
9 tion (a)(2).

10 **SEC. 13. RULES.**

11 The Secretary of the Treasury may promulgate rules
12 and issue guidance as the Secretary determines to be nec-
13 essary to carry out this Act.

14 **SEC. 14. DEFINITIONS.**

15 In this Act:

16 (1) C-SUITE EXECUTIVE.—The term “C-suite
17 executive” means any individual serving a covered
18 utility, during a period in which such covered utility
19 carried out a misconduct event, as—

20 (A) the chief executive officer;

21 (B) the chief financial officer;

22 (C) the chief operating officer;

23 (D) the president; or

24 (E) any other executive officer that reports

25 directly to the chief executive officer.

1 (2) CLASS.—The term “class” means, with re-
2 spect to any person, State agency, or Federal agen-
3 cy, to which electric energy or natural gas is sold
4 other than for purposes of resale, any group of such
5 persons, State agencies, or Federal agencies that
6 have similar characteristics of electric energy use or
7 natural gas use, respectively.

8 (3) CLEAN ENERGY PROJECT.—The term
9 “clean energy project” has the meaning given such
10 term in section 40342(a)(1) of the Infrastructure
11 Investment and Jobs Act (42 U.S.C. 18761(a)(1)).

12 (4) COMMUNITY DEVELOPMENT FINANCIAL IN-
13 STITUTION.—The term “community development fi-
14 nancial institution” has the meaning given such
15 term in section 103(5) of the Riegle Community De-
16 velopment and Regulatory Improvement Act of 1994
17 (12 U.S.C. 4702(5)).

18 (5) COVERED MISCONDUCT.—

19 (A) IN GENERAL.—The term “covered mis-
20 conduct” means any conduct that affects the
21 setting of rates, consumer charges, legislation,
22 regulation, or other decision-making by public
23 officials, including—

24 (i) the bribery of public officials;

- 1 (ii) public corruption involving the op-
2 eration of a utility or the setting of rates;
3 (iii) honest services fraud relating to
4 the operation of a utility; or
5 (iv) fraud or deception that results in
6 the distortion of regulated rates, charges,
7 or approvals, including the systematic ma-
8 nipulation of costs or revenues presented
9 to regulatory authorities.

10 (B) TIME LIMITATION.—Such covered mis-
11 conduct must have occurred not earlier than 20
12 years before the date of enactment of this Act.

13 (6) COVERED UTILITY.—The term “covered
14 utility” means—

15 (A) any for-profit entity subject to the ju-
16 risdiction of the Federal Energy Regulatory
17 Commission under part II of the Federal Power
18 Act (16 U.S.C. 824 et seq.) with respect to
19 which a final determination is made; and

20 (B) any holding company, parent, sub-
21 sidiary, affiliate, or other entity under common
22 control with such a for-profit entity to the ex-
23 tent that the holding company, parent, sub-
24 sidiary, affiliate, or other entity directly or indi-

1 rectly financed, directed, concealed, covered, or
2 financially benefitted from a misconduct event.

3 (7) DESIGNATED COMMUNITY.—The term “des-
4 ignated community” means any geographic area
5 served by a covered utility where at least 60 percent
6 of residents were customers of the covered utility
7 during the period in which such covered utility car-
8 ried out a misconduct event.

9 (8) ELIGIBLE RATEPAYER.—The term “eligible
10 ratepayer” means any residential, commercial, in-
11 dustrial, or other retail customer class that—

12 (A) received electric or gas service from a
13 covered utility for a continuous period of at
14 least 30 days during the period in which such
15 covered utility carried out a misconduct event;

16 (B) maintained an active account in good
17 standing with a covered utility during any por-
18 tion of the period in which such covered utility
19 carried out a misconduct event; and

20 (C) can be identified as a ratepayer
21 through the billing records of the covered util-
22 ity, tax records, or (as determined appropriate
23 by the Secretary of the Treasury) other
24 verifiable documentation.

1 (9) FINAL DETERMINATION.—The term “final
2 determination” means the final judgment, settle-
3 ment, plea agreement, deferred prosecution agree-
4 ment, or regulatory order that establishes liability
5 for covered misconduct, whether in a civil, criminal,
6 or administrative proceeding, and regardless of the
7 forum or jurisdiction in which it was issued, that is
8 entered against—

9 (A) a covered utility;

10 (B) an employee, officer, or executive of a
11 covered utility; or

12 (C) a State actor to the extent the conduct
13 of such State actor relates to the operation of
14 a covered utility.

15 (10) LOBBYIST.—The term “lobbyist” means
16 any individual who was or is employed or was or is
17 retained by a covered utility or C-suite executive, ei-
18 ther directly or indirectly, for financial or other com-
19 pensation for services that include lobbying activities
20 as that term is defined in Section 3(7) of the Lob-
21 bying Disclosure Act of 1995 (2 U.S.C. 1602(7)) or
22 lobbying contact as that term is defined in section
23 3(8) of the Lobbying Disclosure Act of 1994 (2
24 U.S.C. 1602(8)) with respect to a public official.

1 (11) MISCONDUCT EVENT.—The term “mis-
2 conduct event” means—

3 (A) an instance of covered misconduct with
4 respect to which a final determination was
5 issued;

6 (B) covered misconduct for which liability
7 has been established through a Final Deter-
8 mination, as defined in paragraph (9); or

9 (C) any circumstance the Secretary of the
10 Treasury, in consultation with the Attorney
11 General, finds relevant to conspiracy, bribery,
12 theft, extortion, fraud, or other criminal, illegal,
13 or impermissible action or conduct, by a covered
14 utility, C-suite executive, or lobbyist.

15 (12) OVERCHARGE.—The term “overcharge”
16 means the incremental amount paid by a ratepayer
17 that is attributable to covered misconduct and rep-
18 resents the difference between—

19 (A) the rates or charges actually paid by
20 the ratepayers; and

21 (B) the rates or charges that would have
22 been approved by the applicable regulatory au-
23 thority absent the covered misconduct.

24 (13) PUBLIC OFFICIAL.—The term “public offi-
25 cial” includes any elected or appointed official serv-

1 ing the United States Government, any government
2 of the several States of the United States (including
3 the District of Columbia, American Samoa, Guam,
4 the Commonwealth of the Northern Mariana Is-
5 lands, Puerto Rico, the United States Virgin Is-
6 lands), or any unit of local government therein.

7 (14) RATE.—The term “rate” has the meaning
8 given such term in section 3(10) of the Public Util-
9 ity Regulatory Policies Act of 1978 (16 U.S.C.
10 2602(10)) or section 302(5) of the Public Utility
11 Regulatory Policies Act of 1978 (15 U.S.C.
12 3202(5)), respectively.

13 (15) RATE ORDER.—The term “rate order”
14 means a formal order issued by a regulatory author-
15 ity, including by the Federal Energy Regulatory
16 Commission or a State utility regulator, that sets,
17 approves, or modifies the rates charged by a utility
18 or regulated entity to ratepayers for energy services
19 rendered to such ratepayers.

20 (16) REGIONAL DEVELOPMENT ORGANIZA-
21 TION.—The term “regional development organiza-
22 tion” includes—

23 (A) metropolitan planning organization (as
24 such term is defined in section 5303(b)(2) of
25 title 49, United States Code);

1 (B) the Delta Regional Authority estab-
2 lished by the Delta Regional Authority Act of
3 2000 (7 U.S.C. 1921 et seq.); and

4 (C) the regional Commissions established
5 by section 15301 of title 40, United States
6 Code.

7 (17) STATE ACTOR.—The term “State actor”
8 means—

9 (A) any employee, or former employee, of
10 a State or local government, including a State
11 or local official, legislator, or regulator;

12 (B) any lobbyist registered under State
13 law; or

14 (C) any entity controlled by any such per-
15 son.

16 (18) STATE.—The term “State” means the sev-
17 eral States of the United States, the District of Co-
18 lumbia, American Samoa, Guam, the Commonwealth
19 of the Northern Mariana Islands, Puerto Rico, and
20 the United States Virgin Islands.

21 (19) STATE COMMISSION.—The term “State
22 commission” has the meaning given the term “State
23 regulatory authority” in section 3(17) of the Public
24 Utility Regulatory Policies Act of 1978 (16 U.S.C.
25 2602(17)) or section 302(8) of the Public Utility

1 Regulatory Policies Act of 1978 (15 U.S.C.
2 3202(8)), respectively.

3 (20) WORKING GROUP.—The term “Working
4 Group” means the Intergovernmental Ratepayer
5 Restitution Working Group established by section
6 10(e) of this Act.