

**AMENDMENT TO H.R. 4776, AS REPORTED
OFFERED BY MR. HUFFMAN OF CALIFORNIA**

Add at the end the following:

1 SEC. 4. EFFECTIVE DATE.

2 (a) IN GENERAL.—This Act, and the amendments
3 made by this Act (except the amendment made by section
4 2(b)(4)), shall not take effect until and unless—

5 (1) the Secretary of the Interior, in consultation
6 with the Secretary of Transportation and the Sec-
7 retary of Energy, certifies that all grants and funds
8 for clean energy projects (including wind, solar, stor-
9 age, and transmission projects), and for infrastruc-
10 ture projects that support clean energy projects, that
11 were rescinded since January 21, 2025, have been
12 reinstated; and

13 (2) the Secretary of the Interior, in consultation
14 with the Secretary of Transportation and the Sec-
15 retary of Energy, certifies that regulations have been
16 implemented to prevent future rescissions of such
17 grants and funds, including as provided in sub-
18 sections (b), (c), and (d).

19 (b) LIMITATIONS ON WITHDRAWAL.—The regula-
20 tions described in subsection (a)(2) shall provide that once

1 an agency has allocated or approved a specific amount of
2 funding to a clean energy project or an infrastructure
3 project that supports a clean energy project, and provided
4 public or written notice of that allocation to the recipient,
5 the agency shall not withdraw, rescind, cancel, materially
6 reduce, or redirect that allocation except—

7 (1) at the written request of the recipient; or

8 (2) pursuant to a written determination for
9 which the agency bears the burden of proof and
10 demonstrates, by clear and convincing evidence,
11 that—

12 (A) the recipient was ineligible at the time
13 of allocation;

14 (B) the application contained material mis-
15 representations or omissions; or

16 (C) the agency and the recipient concur, in
17 writing, that the project has become infeasible
18 for reasons beyond the control of the United
19 States and the project cannot reasonably be
20 modified to cure that infeasibility.

21 (c) RELIANCE INTERESTS.—The regulations de-
22 scribed in subsection (a)(2) shall provide that before
23 issuing a determination under subsection (b)(2), the agen-
24 cy shall—

1 (1) provide the recipient a reasonable oppor-
2 tunity to submit information regarding actions taken
3 and commitments made in reliance on the allocation,
4 including expenditures, contractual obligations,
5 issuance of debt, and foregone alternative opportuni-
6 ties;

7 (2) consider those reliance interests and wheth-
8 er any lesser measure, such as modification of mile-
9 stones, re-scoping of the project, or partial
10 deobligation, would be legally permissible and would
11 avoid or minimize harm to those reliance interests;
12 and

13 (3) explain in its written determination how it
14 has satisfied paragraph (2).

15 (d) JUDICIAL REVIEW.—An agency action to with-
16 draw, rescind, cancel, materially reduce, or redirect an al-
17 location described in this section shall be subject to review
18 under chapter 7 of title 5, United States Code. In any
19 such action, the agency shall bear the burden of dem-
20 onstrating compliance with such regulations, and a court
21 shall consider the adequacy of the agency's treatment of
22 reliance interests in determining whether the action was
23 arbitrary, capricious, an abuse of discretion, or otherwise
24 not in accordance with law.

