



MEMORANDUM

February 24, 2023

TO: Members of the Subcommittee on Energy, Climate, and Grid Security

FROM: Committee Majority Staff

RE: Subcommittee on Energy, Climate, and Grid Security Markup

I. INTRODUCTION

On Tuesday, February 28, 2023, at 10:00 a.m., the Subcommittee on Energy, Climate, and Grid Security will meet in open markup session in 2123 Rayburn House Office Building to consider the following:

- H.R. 1068, Securing America's Critical Minerals Supply Act
- H.R. 1121, Protecting American Energy Production Act
- H.R. 1085, Researching Efficient Federal Improvements for Necessary Energy Refining (REFINER) Act
- H.R. 1058, Promoting Cross-border Energy Infrastructure Act
- H.Con.Res. 14, a resolution expressing disapproval of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.
- H.Con.Res. 17, a resolution expressing the sense of Congress that the Federal Government should not impose any restrictions on the export of crude oil or other petroleum products.
- H.R. 1130, Unlocking Our Domestic LNG Potential Act
- H.R. 1115, Promoting Interagency Coordination for Review of Natural Gas Pipelines Act
- H.R. 1160, Critical Electric Infrastructure Cybersecurity Incident Reporting Act

In keeping with Chair Rodgers' announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to EandCdocs@mail.house.gov. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time.

II. EXPLANATION OF LEGISLATION

A. H.R. 1068, Securing America's Critical Minerals Supply Act

This legislation would amend the Department of Energy (DOE) Organization Act to require the Secretary of Energy to conduct an ongoing assessment of the nation's supply of critical energy resources, the vulnerability of the critical energy resource supply chain,

and the criticality of critical energy resources in the development of energy technologies. It would also direct the Secretary to strengthen critical energy resource supply chains by diversifying sourcing and increasing domestic production, refining, and processing of resources. Under this legislation, the term “critical energy resource” means any energy resource that is essential to the energy sector and energy systems of the United States and the supply chain of which is vulnerable to disruption. (Rep. Bucshon introduced this legislation.)

B. H.R. 1121, Protecting American Energy Production Act

This legislation would prohibit a moratorium on the use of hydraulic fracturing unless such moratorium is authorized by an Act of Congress. The legislation also establishes the sense of Congress that States should maintain primacy for the regulation of hydraulic fracturing for oil and natural gas production on state and private lands. (Rep. Duncan introduced this legislation.)

C. H.R. 1085, Researching Efficient Federal Improvements for Necessary Energy Refining (REFINER) Act

This legislation would require the Secretary of Energy to direct the National Petroleum Council to issue a report examining the importance of petrochemical refineries to energy security. The report must also contain an analysis of the capacity of such refineries and opportunities to expand capacity, as well as analyze risks to refineries. (Rep. Latta introduced this legislation.)

D. H.R. 1058, Promoting Cross-border Energy Infrastructure Act

This legislation would establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity. The legislation would replace the existing Presidential Permit process that has been established through Executive Order with a statutorily directed process. Under the legislation, the Federal Energy Regulatory Commission (FERC) would be authorized to review applications for cross-border oil and natural gas pipelines, and DOE would be authorized to review applications for cross-border electric transmission facilities. Substantially similar legislation passed the House in the 115th Congress with a bipartisan vote. (Rep. Armstrong introduced this legislation.)

E. H.Con.Res. 14, a resolution expressing disapproval of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.

This resolution expresses disapproval of President Biden’s revocation of the Presidential permit for the Keystone XL pipeline. (Rep. Lesko introduced this legislation.)

F. H.Con.Res. 17, a resolution expressing the sense of Congress that the Federal Government should not impose any restrictions on the export of crude oil or other petroleum products.

This resolution would express the sense of the Congress that the Federal government should not impose any restrictions on the export of crude oil or other petroleum products. (Rep. Guthrie introduced this legislation.)

G. H.R. 1130, Unlocking Our Domestic LNG Potential Act

This legislation would amend the Natural Gas Act (NGA) to repeal all restrictions on the import and export of natural gas. Under current law, the NGA prohibits the import or export of natural gas, including liquefied natural gas (LNG), without completing a lengthy approval process conducted by DOE. The legislation would align the NGA with the existing national policy on the import and export of other fossil fuels, including crude oil and petroleum products. (Rep. Johnson introduced this legislation.)

H. H.R. 1115, Promoting Interagency Coordination for Review of Natural Gas Pipelines Act

This legislation would improve coordination among Federal and State agencies reviewing applications for the construction of interstate natural gas pipelines. The legislation would strengthen FERC's lead agency role under the NGA by requiring schedules, concurrent reviews, and provisions to resolve disputes among permitting agencies. Substantially similar legislation passed the House in the 115th Congress with a bipartisan vote. (Rep. Burgess introduced this legislation.)

I. H.R. 1160, Critical Electric Infrastructure Cybersecurity Incident Reporting Act

This legislation would amend the Federal Power Act (FPA) to authorize DOE to promulgate regulations to require critical electric infrastructure owners and operators to share information regarding cybersecurity incidents with DOE. The provisions within the FPA that would be amended by this legislation originated from authority DOE was granted in the Fixing America's Surface Transportation Act (FAST Act) that was signed into law in 2015. The FAST Act designated DOE as the "Sector-specific agency" for energy sector cybersecurity, granted DOE authority to address grid security emergencies, and granted FERC, in consultation with DOE, authority to protect, share, and designate critical electric infrastructure information. (Rep. Walberg introduced this legislation.)

III. STAFF CONTACTS

If you have any questions regarding this markup, please contact Mary Martin of the Committee Staff at (202) 225-3641.