

117TH CONGRESS
2D SESSION

S. 4451

To provide that certain policy statements of the Federal Energy Regulatory Commission shall have no force or effect unless certain conditions are met, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2022

Mr. BARRASSO (for himself, Mr. DAINES, Mr. MARSHALL, Mr. LANKFORD, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide that certain policy statements of the Federal Energy Regulatory Commission shall have no force or effect unless certain conditions are met, 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 “Ensuring National Se-
5 curity Using Reliable Energy Act” or the “ENSURE
6 Act”.

1 **SEC. 2. FERC APPLICATIONS.**

2 (a) IN GENERAL.—The following issuances by the
3 Federal Energy Regulatory Commission shall have no
4 force or effect until the date described in subsection (b):

5 (1) The updated policy statement entitled “Up-
6 dated Policy Statement on Certification of New
7 Interstate Natural Gas Facilities” (Docket No.
8 PL18–1–000 (February 18, 2022)).

9 (2) The interim policy statement entitled “Con-
10 sideration of Greenhouse Gas Emissions in Natural
11 Gas Infrastructure Project Reviews” (Docket No.
12 PL21–3–000 (February 18, 2022)).

13 (3) Any update to the policy statement entitled
14 “Certification of New Interstate Natural Gas Pipe-
15 line Facilities” (Docket No. PL99–3–000 (Sep-
16 tember 15, 1999)).

17 (b) DATE DESCRIBED.—The date referred to in sub-
18 section (a) is the later of—

19 (1) the date on which the Electric Reliability
20 Organization (as defined in section 215(a) of the
21 Federal Power Act (16 U.S.C. 824o(a))) certifies
22 that disruption to pipeline natural gas supplies does
23 not pose material risk to power system reliability in
24 any season of the year in the territory served by any
25 regional reliability entity, including the Western
26 Electricity Coordinating Council, the Midwest Reli-

1 ability Organization, the Texas Reliability Entity,
2 and the Northeast Power Coordinating Council; and

3 (2) the date on which, as determined by the Ad-
4 ministrator of the Energy Information Administra-
5 tion, prices for natural gas and wholesale electricity
6 do not exceed, for not fewer than 3 successive cal-
7 endar quarters, the average of prices for natural gas
8 and wholesale electricity that were in effect for cal-
9 endar years 2018, 2019, and 2020.

10 (c) REQUIREMENT TO TIMELY PROCESS FERC AP-
11 PPLICATIONS.—Unless and until the conditions described in
12 paragraphs (1) and (2) of subsection (b) are met, the Fed-
13 eral Energy Regulatory Commission shall timely process
14 applications under section 3(e) and section 7 of the Nat-
15 ural Gas Act (15 U.S.C. 717b(e), 717f) pursuant to the
16 Federal Energy Regulatory Commission policy statement
17 entitled “Certification of New Interstate Natural Gas
18 Pipeline Facilities” (Docket No. PL99–3–000 (September
19 15, 1999)).

20 (d) RIGHT TO SEEK RELIEF.—Any party aggrieved
21 by the failure of the Federal Energy Regulatory Commis-
22 sion to process an application described in subsection (c)
23 in a reasonable time period may seek equitable relief in
24 any Federal court of competent jurisdiction.

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