

117TH CONGRESS  
2D SESSION

# S. 3908

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 23, 2022

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

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## 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 policy statements  
3 issued by the Federal Energy Regulatory Commission  
4 shall have no force or effect until the date described in  
5 subsection (b):

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

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

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

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

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

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

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

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