

Statements of Administration Policy Concerning Comprehensive Energy Legislation (114th Congress)

H.R. 8 - North American Energy Security and Infrastructure Act of 2015

- Stifles the Nation's move toward energy efficiency by severely hampering the Department of Energy's (DOE) ability to provide technical support for building code development and State implementation.
- Undercuts DOE's ability to enforce its appliance standards.
- Weakens Section 433 of the Energy Independence and Security Act of 2007, which requires a reduction in fossil fuel generated energy in Federal buildings.
- Includes a provision regarding certain operational characteristics in capacity markets operated by Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). The Federal Energy Regulatory Commission (FERC) and RTOs and ISOs are already well positioned, especially as technologies change over time, to ensure that capacity market structures adequately provide for the procurement of sufficient capacity to efficiently and reliably fulfill the resource-adequacy function that these markets are intended to perform.
- Includes new, unnecessary provisions that broaden FERC's authority to impose deadlines on other Federal agencies reviewing the environmental implications of natural gas pipeline applications.
- Unnecessarily curtails DOE's ability to fully consider whether natural gas export projects are consistent with the public interest.
- Undermines the current hydropower licensing regulatory process in place under the Federal Power Act that works to minimize negative impacts associated with the siting of hydropower projects, including negative impacts on safety, fish and wildlife, water quality and conservation, and a range of additional natural resources and cultural values.
- Presents certain constitutional concerns. Sections 1104 and 3004¹ would impermissibly interfere with the President's authorities with regard to the conduct of diplomacy and in some cases diplomatic communications, and sections 1109² and 1201³ raise concerns under the Recommendations Clause.

S. 2012 – Energy Policy Modernization Act of 2015 (now North American Energy Security and Infrastructure Act of 2016)

- Generates budgetary scoring issues associated with energy savings contracts, which represent an important tool in advancing Federal sustainability.
- Repeals existing Department of Energy (DOE) programs that aim to improve efficiency at manufacturing facilities.
- Eliminates DOE oversight of certain technology demonstration and commercial activity at National Laboratories.

¹ Section 3004 is now Section 2004.

² Section 1109 no longer includes provisions to amend the Energy Policy Act of 2005.

³ Section 1201, authorizing an Energy Security and Modernization Fund, has been removed from the bill.

- Eliminates independent certification requirements for certain ENERGY STAR products.
- Potentially delays issuance of final rules by unnecessarily requiring Federal agencies to respond to reliability analyses already required under Executive Order 13211.
- Omits key security considerations with regard to provisions dealing with cybersecurity and computing.
- Creates permitting processes and governance structures for certain energy infrastructure projects that are redundant or inconsistent with recently enacted law.
- Limits project reviews under the National Environmental Policy Act.
- The Administration has concerns about the implementability of the improvements that S. 2012 makes upon H.R. 8's hydropower relicensing provision.

Other Bills with Statements of Administration Policy:

[H.R. 1806 – America COMPETES Reauthorization Act of 2015](#)

- Undermines critical investments in science, technology, and research - The Administration believes that H.R. 1806 would be damaging to the Administration's actions to move American competitiveness, innovation, and job growth forward through a world-leading science, technology, and innovation enterprise.

[H.R. 2898 – Western Water and American Food Security Act of 2015](#)

- Fails to address critical elements of California's complex water challenges and will, if enacted, impede an effective and timely response to the continuing drought while providing no additional water to hard hit communities. Like similar legislation in the last Congress, H.R. 2898 was developed with little input from the public, the Administration, or key stakeholders affected by the drought. The urgency and seriousness of the California drought requires a balanced and flexible approach that promotes water reliability and ecosystem restoration.

[H.R. 1937 – National Strategic and Critical Minerals Production Act of 2015](#)

- Undermines existing environmental safeguards for, at a minimum, almost all types of hardrock mines on Federal lands. Specifically, H.R. 1937 undermines sound Federal decision-making by eliminating appropriate reviews under the National Environmental Policy Act if certain conditions are met, circumventing public involvement in mining proposals, and bypassing the formulation of alternatives to proposals, among other things. The Administration also opposes the legislation's severe restrictions on judicial review.

[H.R. 2406 – Sportsmen's Heritage and Recreational Enhancement \(SHARE\) Act](#)

- Includes harmful provisions that impair Federal management of federally-owned lands and undermine important existing public land and environmental laws, rules, and processes.

[H.R. 2647 – Resilient Federal Forests Act of 2015](#)

- Falls short of fixing the fire budget problem and contains other provisions that undermine collaborative forest restoration, environmental safeguards, and public participation across the National Forest System and public lands.

[H.R. 538 - Native American Energy Act](#)

- Undermines public participation and transparency of review of projects on Indian lands under the National Environmental Policy Act, sets unrealistic deadlines and removes oversight for appraisals of Indian lands or trust assets, and prohibits awards under the Equal Access to Justice Act or payment of fees or expenses to a plaintiff from the Judgment Fund in energy-related actions.

Other Bills Noted:

[H.R. 351 – LNG Permitting Certainty and Transparency Act](#)

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