



February 28, 2023

The Honorable Jeff Duncan
Chairman
Subcommittee on Energy,
Climate, & Grid Security
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Diana DeGette
Ranking Member
Subcommittee on Energy,
Climate, & Grid Security
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Duncan and Ranking Member DeGette:

In advance of today's Energy, Climate, and Grid Security Subcommittee markup, the Chamber applauds the subcommittee's focus on the broken federal permitting process. We support the legislation being considered that would draw attention to this problem and would ensure greater predictability and transparency for the development of critical infrastructure. However, the Chamber has several concerns with one of the bills under consideration, which specifically addresses cyber incident reporting relating to critical electric infrastructure facilities. We hope that this legislation will be improved as the legislative process continues.

Specifically, the Chamber supports several bills aimed at enhancing domestic energy security and supporting America's leading role in innovation and the reduction of carbon emissions:

- H.R. 1068, the "Securing America's Critical Minerals Supply Act," which would direct the Department of Energy (DOE) to analyze the U.S. critical mineral existing supply and future demand, as well as threats to the supply chain. Securing current and future sources of critical minerals is an important strategic goal for the American economy.
- H.R. 1085, the "Researching Efficient Federal Improvements for Necessary Energy Refining (REFINER) Act," which would require the National Petroleum Council to analyze the value of U.S. petrochemical refineries to energy security, while also addressing current refining capacity, expansion potential, and risks to ensure future needs are met.
- H.R. 1130, the "Unlocking Our Domestic LNG Potential Act," which would empower U.S. natural gas exports and would help ensure that the U.S. remains a global leader in the international trade of this crucial commodity.
- H.R. 1115, the "Promoting Interagency Coordination for Review of Natural Gas Pipelines Act," which would improve the review processes necessary to support natural gas infrastructure development.

However, we believe H.R. 1160, the "Critical Electric Infrastructure Cybersecurity Incident Reporting Act," can be improved substantially.

The Chamber strongly supports the bipartisan Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA, P.L. 117-103), enacted in March 2022, and is working with Congress and the Administration to implement it. The protection of U.S. critical infrastructure, including electric power systems, from cyber and physical threats is a shared public-private priority. We believe H.R. 1160 – perhaps unintentionally – would conflict with CIRCIA by creating new and potentially duplicative obligations.

We believe H.R. 1160 would be improved in part by:

- Increasing to 72 hours the timeline for the reporting of significant and confirmed cyber incidents to ensure DOE is not flooded with data of relatively little actionable value.
- Establishing liability protections consistent with CIRCIA and the Cybersecurity Information Sharing Act.
- Requiring rulemaking to be completed by DOE in coordination with impacted industry entities.
- Enabling two-way information sharing and collaboration between government and private entities.

Thank you for the opportunity to contribute to your consideration of these bills. We look forward to continuing to work with you on important shared priorities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a stylized flourish at the end.

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: Members of the Committee on Energy and Commerce