

DOMESTIC ENERGY PRODUCERS ALLIANCE

DEPA

NOVEMBER

2023



DRILLER

DEPA REPORT ON INDUSTRY, LEADERSHIP, LEGISLATION AND ENERGY REGULATION

## ENERGY AND COMMERCE COMMITTEE LEADERS PRESS EPA ON HARMFUL AND UNWORKABLE CPP 2.0 PROPOSAL

*“Like its predecessor, the Clean Power Plan, the CPP2.0 Proposal aims to transform the nation’s electric generation, causing Americans’ utility service to be less reliable and more expensive. In this way, both the Clean Power Plan, which was stayed and later vacated by the Supreme Court, and this CPP2.0 Proposal, vastly exceed the limited authority Congress granted EPA under Clean Air Act Section 111, thereby violating the “major questions” doctrine.”*

Energy and Commerce Committee Chairman Cathy McMorris Rodgers, Subcommittee on Environment, Manufacturing and Critical Materials Chairman Bill Johnson, and Subcommittee on Oversight and Investigations H. Morgan Griffith co-wrote a letter to EPA Administrator Michael Regan this month calling on the EPA to withdraw the overreaching and unworkable Clean Power Plan 2.0 proposal, which would make electricity less reliable and more expensive for Americans. The letter, sent on behalf of the Republicans on the Oversight and Environment subcommittees, also requests additional information regarding the EPA’s rule development process, which appeared to be riddled with misleading and defective analyses.

The letter in its entirety follows:

“In May 2023, the Environmental Protection Agency (EPA) published proposed Greenhouse Gas (GHG) Standards and Guidelines for Fossil Fuel-Fired Power Plants (“Clean Power Plan 2.0 or CPP2.0 Proposal”), allowing, after many requests for additional time, a mere 75 days for comment. One of the main forms of compliance suggested by the EPA in the CPP2.0 Proposal involves the use of Carbon Capture Utilization and Storage (CCUS). We have raised concerns in hearings and previous letters about the ability of the power sector to meet the requirements of the CPP2.0 Proposal with CCUS for several reasons, including

the lack of CCUS infrastructure. Those concerns have been heightened with recent decisions to cancel or delay certain carbon dioxide (CO2) pipeline projects, which raises more questions about the integrity of the EPA’s rulemaking process for the Clean Power Plan 2.0.

The CPP2.0 Proposal lays out complicated, multi-phase GHG standards across numerous subcategories for new, modified, and existing coal-, natural gas-, and oil-fired electric generating units (EGUs). Like its predecessor, the Clean Power Plan, the CPP2.0 Proposal aims to transform the nation’s electric generation, causing Americans’ utility service to be less reliable and more expensive. In this way, both the Clean Power Plan, which was stayed and later vacated by the Supreme Court, and this CPP2.0 Proposal, vastly exceed the limited authority Congress granted EPA under Clean Air Act Section 111, thereby violating the “major questions” doctrine.

The CPP2.0 Proposal also appears to overestimate the feasibility of its plans for operating the nation’s fossil fuel EGU’s, including the massive amount of non-EGU infrastructure necessary for meeting proposed requirements. This raises concerns about the quality of the EPA’s analysis and information used in developing the underlying proposal. For example, the proposal essentially would require that coal plants reduce emissions by 90 percent by 2030 and that natu-

CATHY McMOIRIS RODGERS, WASHINGTON  
CHAIR

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS  
**Congress of the United States**  
House of Representatives  
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November 13, 2023

The Honorable Michael S. Regan  
Administrator  
Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Administrator Regan:

In May 2023, the Environmental Protection Agency (EPA) published proposed Greenhouse Gas (GHG) Standards and Guidelines for Fossil Fuel-Fired Power Plants ("Clean Power Plan 2.0 or CPP2.0 Proposal"), allowing, after many requests for additional time, a mere 75 days for comment. One of the main forms of compliance suggested by the EPA in the CPP2.0

ral gas-fired power plants reduce emissions by 90 percent by 2035. One of the primary pathways the EPA cites to comply with these requirements would be through CCUS and the related transport of CO2 emissions via pipeline to areas suitable for underground storage or enhanced oil recovery.

The CO2 pipeline network in the United States today, however, is geographically limited. Despite this, the CPP2.0 Proposal makes the implausible claim that a CO2 pipeline network can be built from the current 5,000 miles to upwards of 25,000 miles in order to comply with the CPP2.0 Proposal on EPA's relatively short timelines. The EPA's reliance upon the construction of 25,000 miles of natural gas pipelines from 1997 through 2008 is misleading. First, the EPA is wrong to imply 25,000 miles of new pipeline capacity was built in this timeframe and that a similar buildout of new CO2 pipeline capacity can occur in a similar timeframe. As Energy Infor-

mation Administration (EIA) data shows, of the 25,000 miles "constructed" in the cited time period, only 8,160 miles were new pipelines, with the remaining two-thirds coming from upgrades, laterals, expansions, and conversions. The siting, permitting, and time needed to build new interstate pipelines is substantially greater than the process needed to convert or increase the scale of existing pipelines. Second, natural-gas pipeline permitting has the benefit of Federal Energy Regulatory Commission (FERC) certificate and siting authority, something CO2 pipeline projects lack, which also adds to permitting challenges and delays. These are facts the EPA knew or should have known when making its claims.

Recent events underscore the problems with the EPA's analysis. Permits to build CO2 pipeline projects—including projects the EPA specifically cites in its CPP2.0 Proposal—have been rejected in Illinois, Iowa, North Dakota, and South Dakota. The Summit Carbon Solutions pipeline, originally expected to be operational in 2024, is now delaying its estimated operation date to 2026.3 The Navigator CO2 Ventures' Heartland Greenway project was canceled in October of this year, citing the unpredictable regulatory and government process. These delays and cancellations undermine the EPA's assertions that the infrastructure will be timely available for affected generators to comply with the CPP2.0 Proposal.

In addition to our concerns with the legality of the EPA's CPP2.0 Proposal, the EPA's promulgation of proposals with misleading and defective analyses undermines public trust and creates costly regulatory and legal uncertainty that harms

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Your support is vital.*

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the orderly planning for power generation that is essential to public welfare. The plainly inaccurate discussion about CO2 pipelines adds to serious questions about the analytical quality of the proposed rule. There are myriad other defects. For example, there are widespread concerns about the accuracy of the EPA's claim that Boundary Dam, the coal fired EGU in Saskatchewan, Canada, has been adequately demonstrated to capture 90 percent of CO2. Even though the plant's owner filed comments that the EPA was wrong about this assertion.

Because of such defects, the EPA should consider withdrawing the CPP2.0 Proposal. The defects also raise questions about the quality of your work. Accordingly, we also ask that you provide information to assist an examination of your rule development process. To begin our inquiry, we ask that you respond to the following by November 28, 2023:

1. Describe in detail your Action Development Process (ADP) for developing the regulatory proposals for GHG standards and guidelines for fossil fuel EGUs, including, but not limited to:

The date you or your staff initiated the process and the timeline for each step of the process including the options selection briefing package, draft actions, and final drafts at the conclusion of the process;

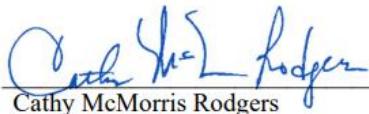
- b. How you developed your regulatory options, including assessment of alternative approaches, the entities with which you consulted, including federal agencies and non-governmental entities, such as utilities, electric generators, pipeline operators, electric grid operators, and electric reliability entities, etc.;
  - c. Your evaluation of the full costs of infrastructure development and deployment necessary to support your proposed emissions controls technologies and

systems, and if you did not conduct such as evaluation, explain why not;

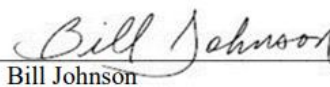
- d. How you validate the accuracy of the information in the proposals;
  - e. How you determined that CCUS for the power sector has been adequately demonstrated based upon the limited performance of cited power plants;
  - f. Whether any element of your proposal was not subject to the ADP and identify the element;
  - g. The role of the Executive Office of the President, including the Office of Management and Budget, National Climate Advisors, and any other member of the White House staff, in developing the CPP2.0 Proposal, including after completion of the ADP.
2. Provide all documents the EPA prepared to initiate this regulatory development process, including all preliminary and final Analytic Blueprints and any other planning or guidance documents covering the approach, scope, underlying technical criteria, legal criteria, and review mechanisms the EPA would follow for developing these GHG regulatory proposals, regulatory impact analyses, and Technical Support Documents.
3. Describe why information supplied in the rulemaking docket was not complete at the time of the initial release of the CPP2.0 Proposal. We look forward to your cooperation in this request. You may have your staff contact Peter Spencer or Mary Martin of the Majority Committee staff should you have questions.

We look forward to your cooperation in this request. You may have your staff contact Peter Spencer or Mary Martin of the Majority Committee staff should you have questions."

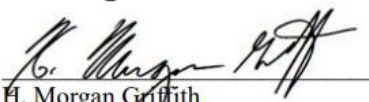
Sincerely,



Cathy McMorris Rodgers  
Chair  
House Committee on Energy and  
Commerce



Bill Johnson  
Chair  
Subcommittee on Environment,  
Manufacturing, and Critical Material



H. Morgan Griffith  
Chair  
Subcommittee on Oversight and  
Investigations

# KIOGA PRESIDENT Ed CROSS CHOSEN AS TOP LOBBYIST



The National Institute for Lobbying & Ethics (NILE) released its list of 2023 Top Lobbyist award recipients. Kansas Independent Oil & Gas Association President and DEPA Executive Board Member Ed Cross was among them.

Nominated by colleagues, Congressional staff, or clients for their outstanding work in 2023. Ed was selected from over 500 nominations. The selection process is

rigorous and competitive, and each nominee was blindly evaluated to ensure this honor was 100% merit based on the following criteria:

- Saw significant legislative success in 2023,
- Were innovative in their field or policy area during 2023,
- Are held in high regard by their clients and peers, and
- Are individuals who give back to their community through charity or pro bono work.

“I am honored and humbled to have been selected for this prestigious designation. This award came as a surprise to me,” Ed Cross said.

In 2020 NILE embarked on a mission to create an annual list that recognizes excellence in lobbying while ensuring the selection process is purely merit-based. Our dedicated panel of judges blindly evaluated each nominee to guarantee that the honor of being a Top Lobbyist is earned solely through outstanding performance and dedication to their profession in the given year.

This award celebrates the top in our profession this year,” stated Jocelyn Hong, NILE President. “This award recognizes those who have made significant contributions to those they represent, as well as those who have made a commitment to giving back through pro-bono work. Given the number of local, state, and federal lobbyists, grassroots, and PAC professionals, to be singled out by your peers for this award has real meaning,” added Hong.

The 2023 Top Lobbyist list is a diverse representation of the advocacy profession. It features lobbyists, PAC professionals, and grassroots professionals who were nominated by their peers. These individuals have demonstrated their exceptional skills in advocacy in addition to showcasing innovation and thought leadership. They have earned high regard from their clients and peers, and actively contributed to their community through charity/pro bono work. Their dedication, expertise, and commitment to ethical practices have made them exemplary representations of the profession.

Ed was honored on November 16th during a black tie event in the Russel Senate Office building in Washington DC.



## NATIONAL INSTITUTE FOR LOBBYING & ETHICS

The National Institute for Lobbying & Ethics is a national organization representing lobbying, public policy, and government affairs professionals. Our mission is to promote professionalism, competence, and high ethical standards through education. We work to provide a unified voice for the profession and the Constitution’s First Amendment right to petition government.

Above all else, NILE is committed to promoting ethical lobbying. Members of our board of directors have been at the forefront of both calling for and helping to write laws that require federal lobbyists to register with Congress. We promote transparency so that anyone can go online and see who our clients are, what issues we are working on, and how much we are paid.

NILE prescribes a strong Code of Ethics for its members to follow, as well as, a rigorous Public Policy Certificate Program that assures lobbyists have a complete knowledge of the legislative and regulatory processes.

The National Institute for Lobbying & Ethics Public Policy Certificate (PPC) program is today’s gold standard for certifying that lobbyists, government affairs, and grassroots professionals possess in-depth knowledge of legislative and political processes plus the rules, regulations, and ethics that shape lobbying requirements. The PPC program is **FOR** the profession, **BY** the profession. It is critical for government affairs professionals to keep up-to-date on the latest insights into working with policy-makers and stakeholders, especially in a time where technology and social media is changing the way we all advocate. PPC participants will learn the keys to success for getting results while meeting the highest standards of ethics and professionalism.



# Interesting Shorts About EVs



Kirk Edwards

President at Latigo Petroleum

Uh oh... it looks like the electric vehicle movement is "hitting" some headwinds lately and in the case of this huge electric bus in San Francisco yesterday it is literally "hitting" Newton's Law too. Apparently a bus built by Google for their employees had an electrical short on an ascent up one of San Francisco's very steep hills. And alas, because the brakes are also electrically controlled, here she comes crashing back down the street like a pinball machine off of up to 9 different cars. Apparently its back up wind-mill system did not activate in time to save it! :-)

This incident along with last week's announcements by Tesla and major car dealerships that EV sales have dramatically slowed show there may not be the demand for these types of vehicles as many green prognosticators had predicted. They are piling up on new car lots and the huge discounts that are being offered are being ignored. Don't get me wrong, these EV's have their niche markets, just like battery powered golf carts do, but when folks don't have the ability to drive them home everyday or need a certain range distance over say 200 miles, these EV's are quite dicey to say the least in that capacity. And now we are seeing where they can simply short out and lose all ability to control. That's not exactly the safety and quality I am looking for in my next car especially if it is over \$50,000 which most of the new EV models are. I am a believer we need all forms of more efficient and cleaner vehicles ahead, I am just not in the camp of it being mandated to me when it will cause way more hardship and cost than buying the tried and true internal combustion engine which runs on American produced Oil and/or Natural Gas. Or in the best case a hybrid of the two. Come on Biden administration let us compete on a level playing field ahead. I like those odds better!



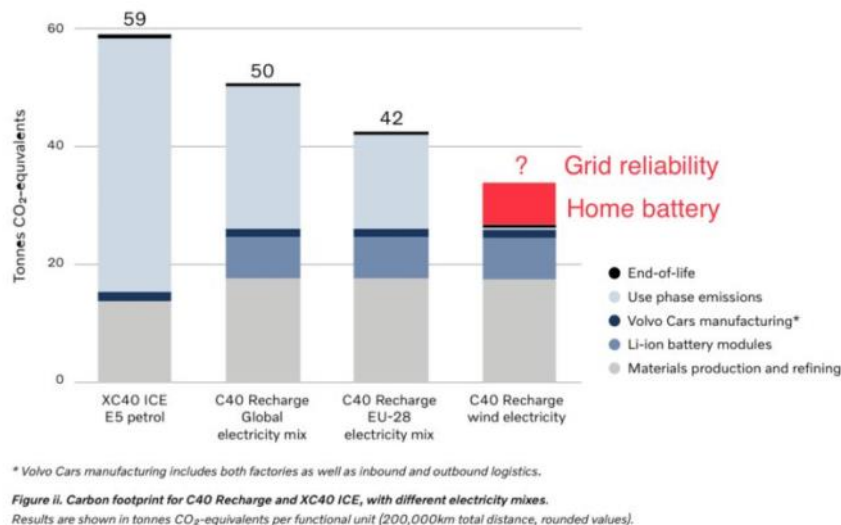
Leen Weijers

VP Engineering at Liberty Oilfield Services

Here is a fairy tale from Scandinavia that masks as an engineering report (<https://lnkd.in/gWCv-GES>).

Volvo has pledged to go all electric by 2035 and carbon neutral by 2040. In an attempt to appeal to the righteous, they assume dispatchability of power has no cost.

In the graph below, they list the lifetime carbon footprint of an internal combustion engine (ICE) vs a battery electric vehicle (BEV). One of the good features of this study is that it compares the footprint of the same car with each engine.



Once upon a time, the wind huffed and puffed all the time and "wind only" was a reasonable choice for traveling Vikings. But today, wind only has a worldwide capacity factor of 26%. It only works 6 hours a day and takes many sick days throughout the year. What are the odds it provides power long enough to charge a battery overnight? Who is going to wait for that? Volvo thinks: everyone. My guess: no one.

Therefore, another battery the size of the car battery is needed at home (I have added it in red). In addition, wind-only for the grid also requires more batteries and overbuilding to make it reliable.

Why are energy "alternatives" presented by anyone attempting to claim green credentials so utterly unrealistic?

# HOUSE ENERGY & COMMERCE CHAIR OPENING REMARKS ON THE EPA'S EFFORT TO JEOPARDIZE RELIABLE AND AFFORDABLE ENERGY FOR STATES

THE HEARING WAS TO EXAMINE STATE PERSPECTIVES CONCERNING THE EPA'S PROPOSED GREENHOUSE GAS EMISSIONS STANDARDS FOR THE POWER SECTOR AND THE RELIABLE DELIVERY OF ELECTRICITY.

House Energy and Commerce Chair Cathy McMorris Rodgers (R-WA) delivered the following opening remarks at the November 14th Environment, Manufacturing, and Critical Materials "Clean Power Plan 2.0: EPA's Effort to Jeopardize Reliable and Affordable Energy for States."

taking steps to build on America's energy leadership and legacy. The reality is more and more Americans today face threats of blackouts as a result of rush to green policies destabilizing our grid.

*"In order to ensure the American people have access to affordable, reliable energy to keep them safe, fed, and warm, it's vital that we, the Committee of jurisdiction, understand and take actions to address the EPA's proposals and what they mean for the nation's electricity systems as well as America's energy leadership."*

- CATHY McMORRIS RODGERS (R-WA)

## AMERICAN ENERGY LEADERSHIP

"Energy is foundational to everything we do. It powers our economy and our security. It's why America is leading in lifting people out of poverty and raising the standard of living. America's ability to harness energy through innovation and deploy it through entrepreneurship has transformed the human condition.

We've achieved this while being a leader in emissions reductions and maintaining some of the highest environmental and labor standards in the world, and we've done this while delivering reliable and affordable energy across every state and community. We should be celebrating our accomplishments with solutions that expand on this country's remarkable legacy of innovation."

## THREAT OF BLACKOUTS

"We've been blessed with an abundance of natural resources that people and businesses rely on every day. Rather than enacting policies that will undermine our essential energy systems and shut down these key resources, we should be

In California, baseload and firm generation sources were driven out or shuttered by the state in exchange for less reliable weather dependent electricity. As a result, California has had to import a significant amount of hydroelectric power from Washington state to support its grid when sources like wind and solar can't produce enough energy to meet demand.

In Texas, an overreliance on weather-dependent resources has limited the state's capacity to endure severe weather. Last winter, several Southern state utilities were unable to get the power resources they needed from neighboring states during a severe cold event, forcing blackouts during the holidays.

NERC continues to warn that more than half the nation is at elevated risk of forced blackouts. At a recent Energy and Commerce hearing, grid operators confirmed this, warning that accelerated retirements of baseload generation, without adequate replacements, will only increase the threat of these life-threatening blackouts."

## RUSH TO DISMANTLE RELIABLE GENERATION

“Rushing to dismantle our nation’s electricity generation will harm people’s lives and well-being. The EPA’s recent proposals, like the Clean Power Plan 2.0, will force states to change fundamentally how they generate electricity and will raise costs across the board. This will cause lasting damage to energy reliability and accessibility. This is a continuation of the Obama administration’s Clean Power Plan, which sought to use obscure provisions in the Clean Air Act to restructure the American power sector by shutting down coal-fired power plants and shifting electricity generation to other—less reliable—sources.

Furthermore, these policies go well beyond the EPA’s congressionally mandated authority and potentially violate the recent Supreme Court decision in *West Virginia v. EPA*, where the Court ruled that EPA’s efforts to circumvent Congress and restructure the U.S. power sector through the Clean Air Act were unconstitutional.

The Supreme Court’s ruling made clear that the EPA’s actions would transform the nation’s electricity system on a scale that only Congress had the authority to direct. Yet this ruling has not stopped the EPA’s assault on our grid, and I am concerned about additional abuses of power by the administration in an attempt to exceed the authority delegated to the EPA by Congress. We have a lot of questions about how the EPA’s Clean Power Plan 2.0 proposal could harm our way of life.

In June, we heard from the electric sector. Today, we will hear from states, who would have to implement these rules, limiting their ability to get reliable, affordable energy to ensure families, communities, and businesses can thrive. What they say about the practicality of these rules, for their communities and their own authorities over their electric systems and electric generation, matters.

In order to ensure the American people have access to affordable, reliable energy to keep them safe, fed, and warm, it’s vital that we, the Committee of jurisdiction, understand and take actions to address the EPA’s proposals and what they mean for the nation’s electricity systems as well as America’s energy leadership.

That is our goal today.”



## THE EPA’S EGU STRATEGY

The proposed rules are part of a larger, comprehensive suite of regulatory actions for power plants. EPA Administrator Regan announced this suite of actions, known as the EGU (for “electric generating unit”) strategy, to address climate, health, and environmental burdens from power plants. These regulatory actions include the Interstate Transport Rule, Regional Haze, Risk and Technology Review for the Mercury Air Toxics Rule, effluent limitations, and a legacy coal combustion residue rule. These rules are impacting operations of existing baseload generation in the bulk power system, compelling, in many instances, retirements of generating sources earlier than had been planned. For example, when the EPA proposed its ozone Interstate Transport Rule, also known as the “Good Neighbor Plan,” in February 2022, it modeled that the rule would accelerate the retirements of an additional 18 gigawatts of coal generation by 2030. Other estimates projected the impacts as high as 42 gigawatts of early coal generation retirements in affected regions by 2027—upwards of 50 percent of coal generation capacity in some cases. (The rule was finalized in March 2023 and has been subject to litigation in several Federal Circuit Courts.)

## ELECTRIC RELIABILITY

Electric sector authorities, including grid operators and reliability entities, have reported increasing risks to electric reliability driven by accelerated retirement of conventional resources like coal, natural gas, and nuclear. This trend is magnified by operating limitations of new replacement generation, primarily wind and solar. The North American Electric Reliability Corporation (NERC) warned in its reliability assessment for the Summer of 2023 that two-thirds of North America is at risk of energy shortfalls during high demand periods in summer. NERC notes that other EPA regulations, namely its “Good Neighbor Plan,” will limit operation of fossil fuel resources in 23 states during summer. This puts added stress on other resources and grid operators in regions that experience peak demand during the summer. NERC’s reliability assessment for the Winter of 2023-2024 shows similarly large reliability risks during peak winter conditions. On August 8, 2023, the grid operators ERCOT, MISO, PJM, and SPP jointly filed comments

CONTINUED ON PAGE 8

on EPA's proposed rules. In their comments, the grid operators stated that their systems will need to rely even more on generation able to provide critical reliability attributes, like coal and natural gas, as more intermittent resources come onto the system. The grid operators also noted that the proposal could result in material, adverse impacts to reliability if significant technological advances in carbon capture and storage and hydrogen supply and transport do not occur as at the pace or scale anticipated by the EPA.

## STATE PERSPECTIVES

The proposed rule presents myriad issues for states, which would have to implement the standards, particularly on existing fossil generation sources. States have exclusive jurisdiction over intrastate electricity matters. States implement generation resource policies and regulate the siting and construc-

tion of most generation resources and transmission facilities within their jurisdictions. Section 111(d) of the CAA allows for State authorities and flexibility for implementing EPA standards on existing sources. Under this section, States have discretion to consider "other factors" when developing compliance strategies; these factors may include remaining useful life of existing sources or other factors States determine appropriate to fulfill their responsibilities. How the proposed rules affect State discretion for implementing the standards will be an issue to examine for policymakers. Factors such as the stringency of the standards, whether the standards have been adequately demonstrated, whether the timelines for implementing the standards are feasible, and how the standards affect other state responsibilities relating to the supply and delivery of power, all have been issues raised in the rulemaking docket.

THE PEOPLE OF AMERICAN OIL & NATURAL GAS



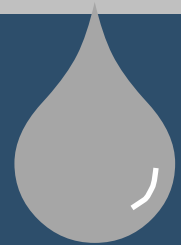
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DECEMBER 21 | 2PM CT | VIA ZOOM

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DEPA members can follow the issues the Regulatory Committee is watching and acting on by subscribing to the monthly DEPA TRACKER. Emailed out mid-month, this is a quick rundown of DC movement on the issues that affect our industry.



# THE FOREIGN POLLUTION FEE ACT— WAIT, WHAT?

Republican Senators Bill Cassidy, and Lindsey Graham just introduce legislation that would:

- Enact a new tax
- Create new bureaucracy
- Include sweeping powers so future Congresses would have trouble reining in the growth of this tax
- Tax industries that American manufacturing can't meet the demand on, so these products HAVE to be imported— and American consumers must pay more for the products.

We aren't talking about certain brands of products we are talking about aluminum, biofuels, cement, crude oil, ammonia, iron, steel, lithium-ion batteries, critical minerals, natural gas petrochemicals, plastics, pulp and finished paper produced, refined petroleum products solar cells, panels, and wind turbines.

- Include refineries, so Americans will pay higher prices at the pump, no matter how much domestic oil production increases
- Define “pollution” as “greenhouse gas emissions”
- Lean into the anti-fossil fuel mission of codifying the Massachusetts v. EPA ruling to allow the EPA to regulate greenhouse gases as pollutants
- Stir up a hornet's nest of retaliatory import tariffs
- Disincentivize on-shoring of manufacturing by raising energy prices in the US.
- Draw praise from:

## Citizens' Climate Lobby

“CCL volunteers have been lobbying about this type of policy for years. It's part of what CCL has been lobbying Congress about since... well, basically since we started lobbying Congress.... We appreciate Sens. Cassidy and Graham for their leadership in advancing the climate policy conversation in this way.”

## The Sierra Club

“We commend Senate Republicans for putting forward a climate-forward trade policy. The Foreign Pollution Fee Act would benefit American manufacturers and ensure that bigger polluters elsewhere in the world do not undercut domestic producers,” Harry Manin, Deputy Legislative Director for Industrial Policy and Trade, said in a statement. “It sends a strong signal to polluting international manufacturers that if they want to enter the U.S. market, they need to clean up their acts.”

## Climate Leadership Council

“Senator Bill Cassidy's introduction of the Foreign Pollution Fee Act is an encouraging step toward securing critical supply chains, solidifying international demand for cleaner U.S.-made goods, and lowering global emissions. Through establishing a foreign pollution fee on imported goods and encouraging international partnerships that align with the U.S.'s higher environmental performance, the FPF Act would introduce a global market signal to leverage America's Carbon Advantage to the benefit of the U.S. economy, American workers, and the environment. The Council looks forward to working with Senator Cassidy and a growing number of members to further develop these trade policies as tools for lowering global emissions.”

**Notably**, Senator Roger Wicker (R-MS) was one of the original co-sponsors with Cassidy and Graham, but withdrew his support. In a statement, his spokesperson, Phillip Waller, explained that while “the senator had expressed interest in an earlier form of the proposal to protect American manufacturers, [he] decided upon further review of the final text that he could not ultimately cosponsor the legislation.”

# SENATE ENERGY & NATURAL RESOURCES AND ENVIRONMENT & PUBLIC WORKS HAVE KEY COMMITTEE MEMBER CHANGES COMING

After thirteen years in the Senate, Joe Manchin announced early this month he will not be running for reelection in 2024. He plans on retiring— from the Senate. He has hinted at a 2024 presidential bid, but the consensus is he won't make an announcement until the spring.

"I will finish my term while traveling the country and speaking out to see if there is interest in building a movement to mobilize the middle, find common ground, and bring Americans together," [Manchin said in a video](#) posted online.

This means the Democrats will have 23 seats on the ballot and the hotly contested seats are red-leaning Ohio, Montana, and West Virginia. Senator Steve Daines, head of the Senate GOP's campaign committee addressed this in a statement after Manchin's announcement saying "We like our odds in West Virginia"

This also means if the Democrats keep control of the Senate, the Energy and Natural Resources Committee will have a new chairman. As one of Congress' most outspoken Democrat supporters of coal, oil, and fossil fuels in general, the committee priorities are predicted to swing to the left.

Senator Tom Carper (D-DE), a key architect of both the IRA and bipartisan infrastructure law also announced he will not seek re-election. He will retire in January 2025 after holding statewide public office since 1977. An interesting aside, Carper, 76, is the last Vietnam Veteran in the Senate. Only three Vietnam veterans remain on the House side. Reps. Jim Baird, R-IN, Mike Thompson, D-CA, and Jack Bergman, R-MI.

Carper said in his statement, that his final 20 months in office, he plans to help implement the significant climate provisions he helped write that passed in the infrastructure and inflation laws recently passed by Congress.

Carper's retirement means the Environment and Public Works Committee will be seeking a new Chairman in a Democrat-controlled Senate. For energy issues, this won't be as drastic a change as the loss of Manchin. However, since they are charged with the study and review, of matters relating to environmental protection and resource utilization and conservation, it is always helpful to have a Chairman who understands the critical place of fossil fuels in all the aspects they oversee.

Right now it appears 32 members of Congress, seven in the

US Senate and 25 members of the US House have announced they will not be on the campaign trail for 2024.

Of the U.S. Senate members not running for re-election, six announced their retirements from public office, including Debbie Stabenow (D-MI.), Ben Cardin (D-MD.), Tom Carper (D-DE.), Mitt Romney (R-UT )

Laphonza Butler (D-CA.), and Joe Manchin (D-WVa.), U.S. Sen. Mike Braun (R-IN.) is leaving to run for governor of Indiana.

Senate Incumbents retiring from public office are Joe Manchin, (D-WVa), Laphonza Butler (D-CA), Debbie Stabenow (D-MI), Ben Cardin (D-MD), Tom Carper (D-DE) and Mit Romney (R-UT)

House Incumbents retiring from public office are Michael Burgess, (R-TX), Brad Wenstrup (R-OH), Derek Kilmer (D-WA), Kay Granger (R-TX), Ken Buck (R-CO), Earl Blumenauer (D-OR), John Sarbanes (D-MD), Debbie Lesko (R-AZ), Jennifer Wexton (D-VA) Grace Napolitano (D-CA), and Victoria Spartz (R-IN)

## HOW ARE COMMITTEE MEMBERS SELECTED?

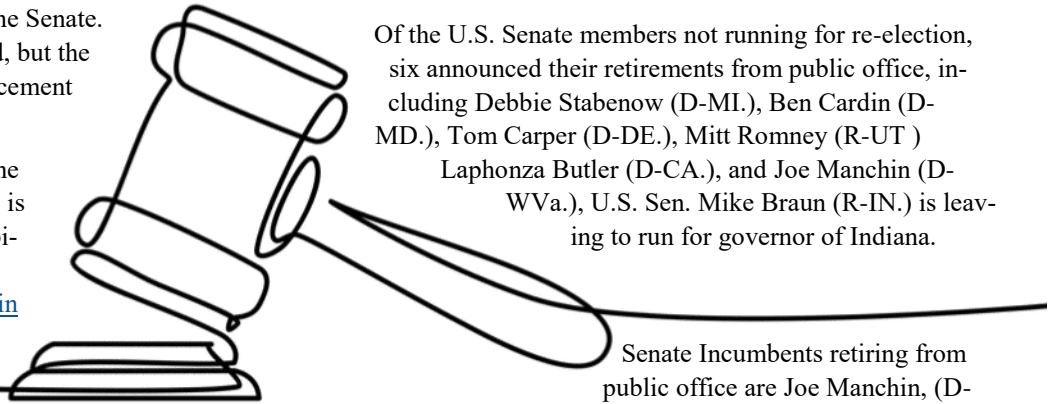
Unlike many other features of the government, Congressional committees are not specified by the Constitution or law. They are entirely a product of the party system (although legislators have created House/Senate rules regarding them).

**Standing committees** are "normal" committees. They exist pretty much every session and originate laws.

Before each session, leadership from both parties meet to determine how large each committee will be, and what number of Republicans and Democrats will appear in each. Generally, each party is represented proportionally.

Third-party and independent legislators may be assigned to committees through either party. The parties select their desired committee appointments through a system that allows experienced legislators first choice of appointments by seniority.

Each party will have its own internal committee on committees to make committee assignments. Each legislator makes their preferences known, and the committee makes these assignments. The assignments are then approved by the party. Finally, committee assignments must be passed as a reso-



lution in their chamber (so Senate committee assignments require a Senate resolution).

There can be quite a lot of politics here. Legislators generally want to be on committees that are important to their constituents. Party leadership may want to give high-visibility positions to loyal party members. Members of the committee on committees may attempt to reward their supporters within their party.

**Special and select committees** are established by Congressional acts. Typically the act will specify the composition of the committee. **Joint committees** have members from both chambers.

The party nomination/approval process generally still happens, as long as the committee continues to exist. In these cases, party leadership typically has much more influence. These committees are often more strategic than standing committees, and their more ad-hoc nature means there are fewer rules regarding them.

Both the Energy and Natural Resources Committee and the Environment and Public Works Committee are standing committees.

#### HOW ARE COMMITTEE CHAIRMAN SELECTED?

If one or more committee chairmanships are contested or open, the majority party's steering committee may conduct

interviews of candidates for chair during the early organization meetings. Each party's steering committee also typically makes most committee assignment recommendations during early organization, although that process may take longer as the majority and minority parties negotiate committee party ratios or for another reason. In some instances, the party's leader—the Speaker or minority leader—is the appointing official for members, or some members, of certain committees; the Speaker, as his or her party's leader, is also the appointing official for certain chairs.

Other Congressmen who have announced they plan to step back from another run include Texas Republicans Michael Burgess, and Kay Granger. Pat Fallon announced an end to his political career, but days later filed to run for Texas State Senate District 30, the seat he left before being elected to Congress.

"At the end of the day, the decision came down to, If we lose Texas, we lose the nation," Fallon [told](#) The Texas Tribune. "It's just terribly important to ensure that Texas has written a great success story and I want to keep moving that forward."

Burgess is vice chair of the powerful Rules Committee, which controls how bills are amended and debated on the floor. He's also a senior member of the Energy and Commerce Committee "It's just time. I will have been here for 22 years, much longer than I ever intended to stay," said Burgess

# Happy Thanksgiving



This holiday season as we gather gratefully with family and friends we will all be including the people of American oil and natural gas on our list of blessings.

For the natural gas that cooks the food covering the table, to the energy the keeps the house warm and the lights on; For the fertilizers that provide plentiful tables and the medicines and plastics that kept us healthy in 2023—THANK YOU.

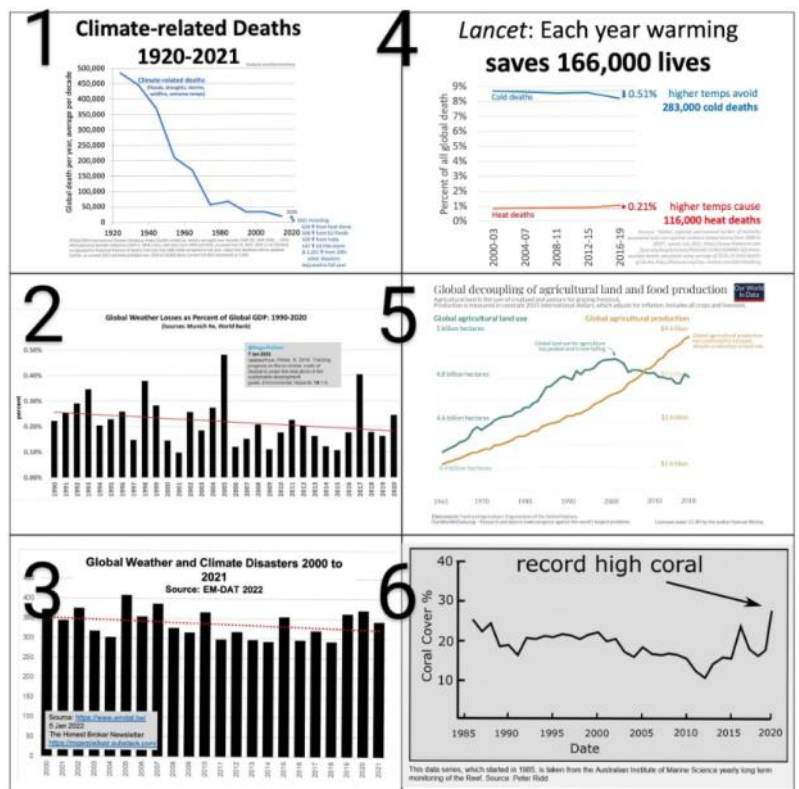
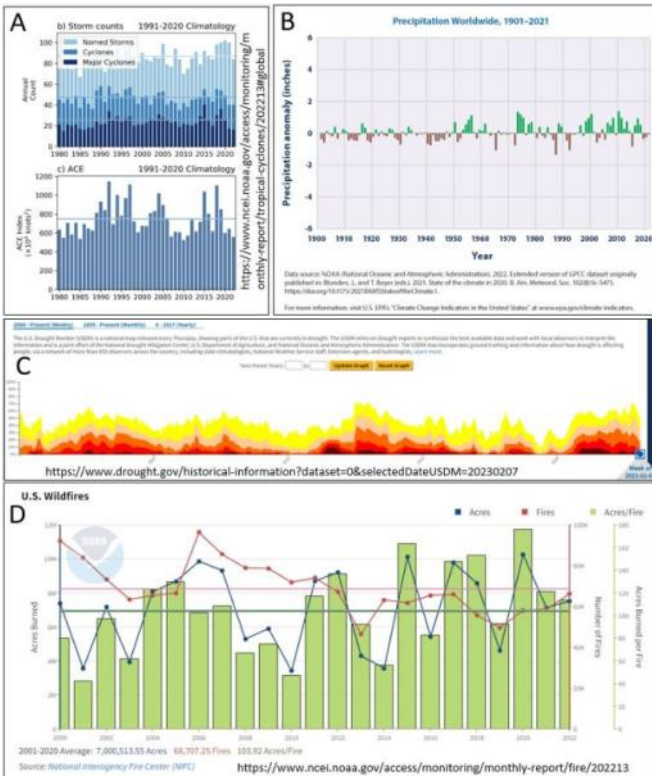


# WHAT YOU MISSED ON TWITTER THIS MONTH IF YOU DON'T PARTICIPATE



Dr. Matthew M. Wielicki @MatthewWielicki · Nov 14

It doesn't matter what I, or you for that matter, believe. The data shows that by no metric can the current state of the climate be considered an emergency or crisis. In fact, the human condition continues to improve and that makes me very thankful and excited for the future.



Graphic created by Dr. Matthew Wielicki (@MatthewWielicki)





Steve Milloy  
@JunkScience

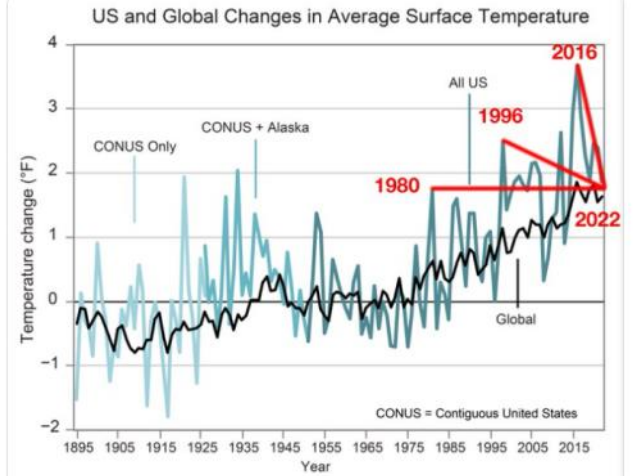
Biden issues Fifth National Climate Assessment.

Accepting its temperature graph at face value, it shows (as highlighted) that average US temperature in 2022 was:

- Barely warmer than 1980;
- Cooler than 1996; and
- Much cooler than 2016.

If every emission drives warming, how is this possible?

The climate hoax is staring you in the face.

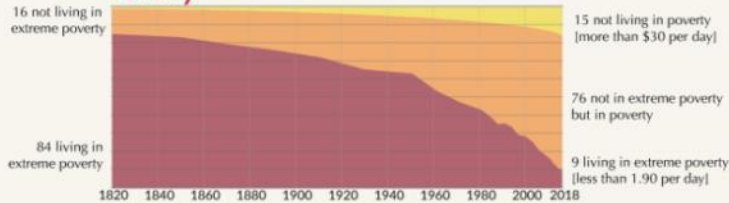


BELOW: LAST CHART FROM DR. MATTHEW WIELICKI'S

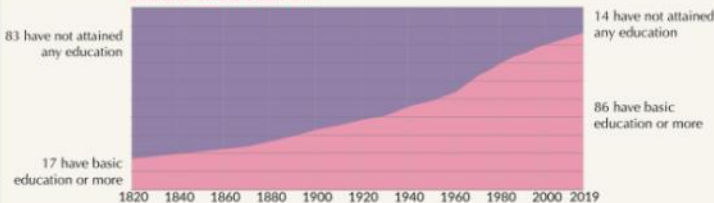
## The World as 100 People over the last two centuries

Our World in Data

### Poverty



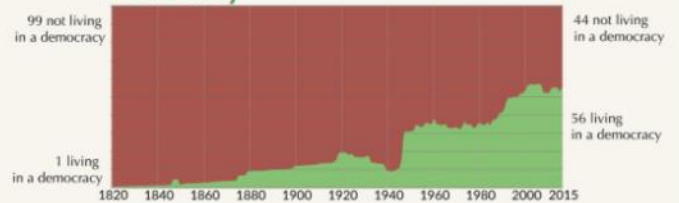
### Basic Education



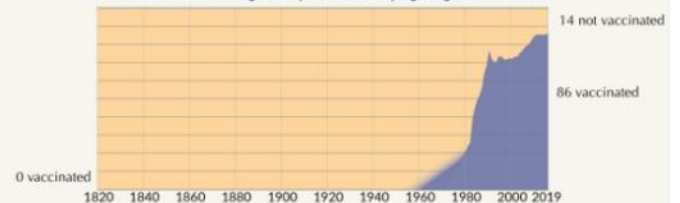
### Literacy



### Democracy



### Vaccination against diphtheria, whooping cough, and tetanus



### Child Mortality



Data sources:

Poverty: World Bank from 1981; Bourguignon & Morrison (2002) for extreme poverty up to 1970. [All measured in international-\$ to adjust for inflation and price differences between countries]  
Education: OECD for the period 1820 to 1960. IEA for the time thereafter.  
Literacy: OECD for the period 1820 to 1990. UNESCO for 2004 and later.

Democracy: Polity IV index (own calculation of global population share)

Vaccination: WHO (Global data are available for 1980 to 2017 – the DPT3 vaccination was licensed in 1949)  
[Vaccination refers to children (ages 12-23 months) in each year and not the entire population]  
Child mortality: up to 1960 own calculations based on Gapminder; World Bank thereafter



A visualization from OurWorldInData.org – the online publication that presents the research and data to make progress against the world's largest problems.

Licensed under CC-BY by the author Max Roser

Our charge for 2022 was Rational. Going into 2023 DEPA will continue to seek rational decisions, while we keep **purposeful goals in mind**. Our leaders and voters need to overcome the emotional response to the inaccurate messages and keep the purpose of our industry in mind- The welfare of the US, and the world starts with energy. DEPA will bring facts and clear thinking to the table where challenges are being discussed.

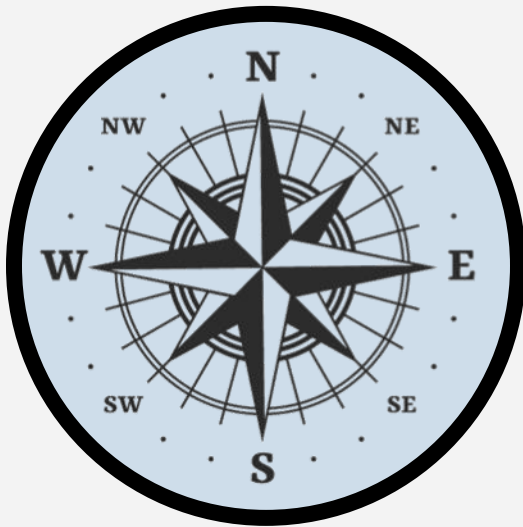
# Purposeful

pur-pose-ful (adjective) /'pərpəs(ə)l/

1: Having or showing determination or resolve

2: Having a useful purpose

3: Intentional



# 2023

**“EFFORTS AND COURAGE ARE NOT ENOUGH  
WITHOUT PURPOSE AND DIRECTION”**

**- JOHN F. KENNEDY**

Be assured DEPA will continue to be prepared, passionate, and persistent when it comes to representing your interests in Washington, D.C.

**OUR WORK IS CRITICAL. YOUR SUPPORT IS VITAL.**

We look forward to working with you.

## THE PEOPLE OF AMERICAN OIL & NATURAL GAS



### Member Information:

Member Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Primary Email: \_\_\_\_\_

Secondary Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

*"I'm not convinced there is a better industry that supplies as many jobs, and as many products worldwide...when you're looking at the bottom of your shoes, or a bicycle seat, or the grips, or a steering wheel... if you sit inside an airplane and look around, everything that is in the airplane is made from fossil fuels. And I just can't imagine that anywhere in someone's mind that they believe that they could literally replace all of those products and kill an industry, over a myth."*

**-Judy Stark, Pres. Panhandle Producers and Royalty Owners Assoc, on the fight to protect the oil and gas industry from misinformation**

### Member Levels:

- ☐ \$100,000: DEPA Underwriter
- ☐ \$75,000: Lead Investor
- ☐ \$50,000: Executive Investor
- ☐ \$25,000: Principal Investor
- ☐ \$15,000: Partner Investor
- ☐ \$10,000: Associate Investor
- ☐ \$5,000: Affiliate Investor
- ☐ \$2,500: Colleague
- ☐ \$1,000: Advocate
- ☐ \$500: Friend of the Industry
- ☐ \$100: DEPA Supporter

**Return completed form and payment to:**

**DEPA P.O. Box 33190 ★ Tulsa, OK 74135**

**WWW.DEPAUSA.ORG ★ 405-669-6646**

Domestic Energy Producers Alliance, Inc.  
is a 501(C)(6) not-for-profit organization.  
Remittance is not deductible as charitable,  
but 70% may be deductible as ordinary business expenses.  
**Tax ID #26-43968612019**

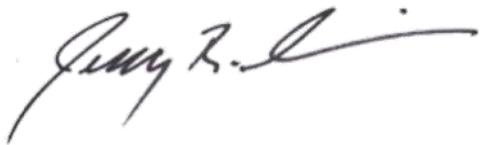
# WWW. DEPAUSA. ORG

Dear DEPA Members,

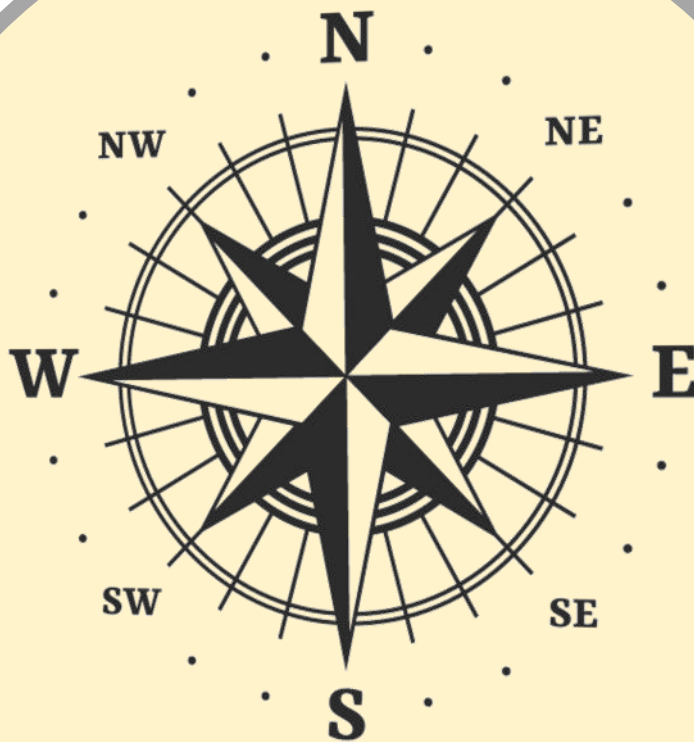
The welfare of the US, and the world starts with energy. In 2023 our mission is to be purposeful. “Efforts and courage are not enough without purpose and direction.” DEPA will continue the effort to seek rational decisions, while we keep **purposeful goals** on the forefront of our agenda. Our leaders and voters need to overcome the emotional response to the inaccurate messages and keep the purpose of our industry in mind. DEPA will bring facts and clear thinking to the table where challenges are being discussed.

Please do what you can to support our efforts by donating to our DEPA PAC. PAC donation rules are very stringent. Please follow the instructions on the donation card to make your contribution.

Thank you for all you do, and for your support of DEPA, and our mission.



Jerry Simmons  
DEPA President/CEO





# DEPA PAC

POLITICAL ACTION COMMITTEE



## What does your contribution to DEPA do?

We believe the only way to accomplish our sharply focused agenda is to establish common ground. We consistently seek common sense solutions to the challenges that face us in business, including our relationships with the legislative and executive branches of the Federal government.

DEPA gives a loud, clear voice to the majority of individuals, and companies responsible for domestic oil and gas production. We should be unapologetic about being the driver of economic growth and security across the globe. Find out more at [WWW.DEPAUSA.ORG](http://WWW.DEPAUSA.ORG)

Name : \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Occupation: \_\_\_\_\_

Amount of Contribution: \_\_\_\_\_

All contributions to the Domestic Energy Producers Alliance PAC (DEPA PAC) are voluntary. You may refuse to contribute without reprisal. Contributions to the DEPA PAC are used for federal election purposes, and may be used in connection with state elections.

Any contribution levels listed are merely suggestions. You are free to contribute more, or less, than the guidelines suggest or nothing at all, and you will not benefit or be disadvantaged by the amount of contribution, or a decision not to contribute.

Federal Law Requires us to use our best efforts to collect and report name, mailing address, occupation, and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

Contributions are not deductible as charitable contributions for federal income tax purposes. Federal law prohibits contributions from corporations, national banks, labor unions, federal govt. contractors, or foreign nationals lacking permanent resident status.

**Signature:**

\_\_\_\_\_

## DONATE TODAY!

Fill out these forms and send them in with your support of our mission work in 2022.

☐ \$10,000 Chairman's Council (Joint Contribution)

☐ \$5,000 PAC Founder

☐ \$2,500 Advisor

☐ \$1,000 Friend of Energy

☐ \$500 Sponsor

☐ \$ \_\_\_\_\_ Other

**Return to DEPA PAC:**  
**P.O. Box 33190, Tulsa, OK 74153**

**INFO@DEPAUSA.ORG**

Check enclosed for \$ \_\_\_\_\_

Please make checks payable to : **DEPA PAC**

Credit card payment is possible though an electronic invoice if you'd prefer to make your donation that way.

Contact Debbie Bloem [ddbloem@depausa.org](mailto:ddbloem@depausa.org), or 405-669-6646 to request and electronic invoice.

**Paid for by the Domestic Energy Producers Alliance PAC**

PAC contributions are not deductible for federal tax purposes. The maximum an individual may contribute to the PAC is \$5,000 per year. Couples may contribute \$10,000 from a joint account, but such contribution requires both signatures. Contributions from corporations, labor unions, federal govt contractors, national banks, and foreign nationals without permanent residency status and from any individual contributing another's funds are prohibited.