

1 NEAL R. GROSS & CO., INC.

2 RPTS HASSETT

3 HIF173030

4

5

6 MARKUP ON:

7 H.R. _____, HYDROPOWER POLICY MODERNIZATION

8 ACT OF 2017; H.R. _____, ENHANCING STATE

9 ENERGY SECURITY PLANNING AND EMERGENCY

10 PREPAREDNESS ACT; H.R. 2786, TO AMEND THE

11 FEDERAL POWER ACT WITH RESPECT TO THE

12 CRITERIA AND PROCESS TO QUALIFY A

13 QUALIFYING CONDUIT HYDROPOWER FACILITY;

14 H.R. 2883, PROMOTING CROSS-BORDER ENERGY

15 INFRASTRUCTURE ACT; AND H.R. 2910,

16 PROMOTING INTERAGENCY COORDINATION OF

17 NATURAL GAS PIPELINES ACT

18 THURSDAY, JUNE 22, 2017

19 House of Representatives

20 Subcommittee on Energy

21 Committee on Energy and Commerce

22 Washington, D.C.

23

24

25 The subcommittee met, pursuant to call, at 10:00 a.m., in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

26 Room 2123 Rayburn House Office Building, Hon. Fred Upton [chairman
27 of the subcommittee] presiding.

28 Members present: Representatives Upton, Olson, Barton,
29 Shimkus, Murphy, Latta, Harper, McKinley, Kinzinger, Griffith,
30 Johnson, Bucshon, Flores, Mullin, Hudson, Cramer, Walberg, Walden
31 (ex officio), Rush, McNerney, Peters, Green, Doyle, Castor,
32 Sarbanes, Welch, Tonko, Loeb sack, Schrader, Kennedy,
33 Butterfield, and Pallone (ex officio).

34 Staff present: Mike Bloomquist, Deputy Staff Director; Elena
35 Brennan, Legislative Clerk, Energy/Environment; Karen Christian,
36 General Counsel; Jordan Davis, Director of Policy and External
37 Affairs; Wyatt Ellertson, Research Associate,
38 Energy/Environment; Adam Fromm, Director of Outreach and
39 Coalitions; Giulia Giannangeli, Legislative Clerk, Digital
40 Commerce and Consumer Protection/Communications and Technology;
41 Jay Gulshen, Legislative Clerk, Health; Tom Hassenboehler, Chief
42 Counsel, Energy/Environment; A.T. Johnston, Senior Policy
43 Advisor, Energy; Ben Lieberman, Senior Counsel, Energy; Mary
44 Martin, Deputy Chief Counsel, Energy & Environment; Katie
45 McKeough, Press Assistant; Carly McWilliams, Professional Staff
46 Member, Health; Brandon Mooney, Deputy Chief Energy Advisor; Mark
47 Ratner, Policy Coordinator; Annelise Rickert, Counsel, Energy;
48 Dan Schneider, Press Secretary; Sam Spector, Policy Coordinator,
49 Oversight and Investigations; Jason Stanek, Senior Counsel,
50 Energy; Madeline Vey, Policy Coordinator, Digital Commerce and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

51 Consumer Protection; Hamlin Wade, Special Advisor, External
52 Affairs; Jeff Carroll, Minority Staff Director; David Cwiertny,
53 Minority Energy/Environment Fellow; Elizabeth Ertel, Minority
54 Office Manager; Jean Fruci, Minority Energy and Environment
55 Policy Advisor; Evan Gilbert, Minority Press Assistant; Caitlin
56 Haberman, Minority Professional Staff Member; Rick Kessler,
57 Minority Senior Advisor and Staff Director, Energy and
58 Environment; John Marshall, Minority Policy Coordinator; Dan
59 Miller, Minority Policy Analyst; Alexander Ratner, Minority
60 Policy Analyst; Tim Robinson, Minority Chief Counsel; Andrew
61 Souvall, Minority Director of Communications, Outreach and Member
62 Services; Tuley Wright, Minority Energy and Environment Policy
63 Advisor; and C.J. Young, Minority Press Secretary.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

64 The Chairman. Good morning, everybody.

65 This markup is going to include five important energy
66 infrastructure-related bills dealing with hydropower, pipelines,
67 electric transmission, and grid security. Some of the bills have
68 been drafted with bipartisan input, while some are still a little
69 bit of a work in progress, and in large part we are picking up
70 where we left off on last year's energy bill conference.

71 We have legislation introduced by Mr. Hudson and Ms. DeGette
72 to promote small conduct hydropower, a bill introduced by Mr.
73 Mullin promoting cross-border energy infrastructure, a bill
74 introduced by Mr. Flores promoting interagency coordination for
75 review of the natural gas pipelines, and a discussion draft
76 sponsored by Mrs. Cathy McMorris Rodgers to modernize the
77 licensing process for hydropower projects.

78 We are also taking up a new discussion draft that I am leading
79 to enhance state energy security planning and emergency
80 preparedness.

81 This bipartisan discussion draft builds upon the committee's
82 impressive record of addressing energy security, emergency
83 preparedness, job creation, and infrastructure protection.

84 Through the FAST Act, which we passed in 2015, we made several
85 policy updates to reflect evolving cybersecurity threats to the
86 Nation's energy and electricity systems, including greater DOE
87 authority to respond to emergencies. The Enhancing State Energy
88 Security Planning and Emergency Preparedness Act improves the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

89 energy emergency planning function established under a 1990
90 amendment to the Energy Policy and Conservation Act.

91 Privatizing and elevating energy security planning and
92 emergency preparedness is an important and timely step in the face
93 of increased risks and interdependence of energy infrastructure
94 and end use systems.

95 So I look forward to continuing to work across the aisle as
96 we move forward in finalizing this important bill. Today's
97 subcommittee markup is an important step forward as we try to
98 modernize our Nation's infrastructure and breaking down barriers
99 to job growth and economic development.

100 The discussion draft, again, remains a work in progress. I
101 look forward to engaging with each member of the subcommittee and
102 full committee to further perfect the bills before it would get
103 to the floor, so that we can build momentum to get this thing done.

104 And with that, I yield to my friend, the ranking member of
105 the subcommittee, the gentleman from the Chicago Cubs World Series
106 champion state, Mr. Rush. Though he is probably a White Sox fan
107 because he has got --

108 Mr. Rush. Thank you, Mr. Chairman. I enjoy -- as a
109 politician, I am a fan of the Sox and the Cubs.

110 Mr. Chairman, I want to thank you for having this markup.
111 But, Mr. Chairman, I want to alert the other side that we come
112 here, we come and we are negotiating on -- in good faith on some
113 of these bills. But there is hope on our side that for at least

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

114 some of the bills that we will be marking up today that we will
115 come to an agreement.

116 Specifically, Mr. Chairman, many members of our side have
117 a strong desire to find common ground on hydropower licenses, and
118 committee staff on both sides have been meeting in good faith over
119 the past few weeks to try and reach common ground.

120 Unfortunately, it appears that at least two of the bills that
121 were noticed for today's markup promoting interagency
122 coordination for review of the Natural Gas Pipeline Act and the
123 Hydropower Policy Modernization Act of 2017 are vastly different
124 from the discussion drafts that have been part of the staff
125 negotiation.

126 In fact, Mr. Chairman, these two bills do not at all reflect
127 any of the changes that our side had asked for, but instead move
128 in the opposite direction and are even more problematic for our
129 side to accept. Additionally, while we need to hear from both
130 staff on some of the bills before us today, I would point out that
131 we never received a response from you, Mr. Chairman, on our request
132 for a hearing on the hydroelectric licensing modernization bill
133 with officials from the Departments of Interior, Commerce, and
134 Agriculture, whose purview will be greatly impacted by this bill,
135 along with states and tribes.

136 This is yet another instance where, once again, Mr. Chairman,
137 our side is left to wonder whether we will ever hear directly from
138 the administration on any bill or topic in our jurisdiction. In

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

139 a word, Mr. Chairman, where is the Administrator of the EPA, and
140 where is the Secretary of Energy? Six months into the Trump
141 administration, and we haven't heard a murmur from any -- from
142 the administrator or from the secretary, and it is high time that
143 we hear something from those in the administration who have
144 responsibilities to this subcommittee and to the Congress.

145 Mr. Chairman, it is my hope that we can get through today's
146 markup, that we can go back to good faith negotiations, and find
147 common ground on some of these pieces of legislation without
148 either side going -- going in our corner and go into our competing
149 and partisan roll calls.

150 With that, I yield back.

151 The Chairman. The gentleman yields back. The chair would
152 recognize the chair of the full committee, the gentleman from
153 Oregon, Mr. Walden.

154 Mr. Walden. I thank the gentleman for his leadership on
155 this, on these issues. And I know you have been hard at work,
156 heading us towards solutions that seek to modernize our Nation's
157 energy infrastructure and improve our energy security. To date,
158 we have held more than 10 infrastructure-related hearings and
159 briefings, and just last week the House cleared 10 committee bills
160 to boost our energy infrastructure and increase energy
161 efficiency.

162 This congress, we have examined the roadblocks to energy
163 infrastructure and barriers to the gas pipeline permitting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

164 process, cross-border energy infrastructure, and hydropower
165 facilities. Our previous work examining these issues has
166 informed the bills under consideration today. We have learned
167 that oftentimes dozens of agencies are involved in the permitting
168 process, so it is time that we address these issues head on and
169 improve the federal licensing procedures and processes to ensure
170 that we get these projects to market sooner for consumers.

171 Doing this would create good-paying construction jobs and
172 capitalize on America's growing energy potential. These bills
173 would strengthen the Federal Energy Regulatory Commission's role
174 as the lead agency for coordinating the necessary environmental
175 reviews and required permits, effectively streamlining the
176 approval process to cut down unnecessary delays and challenges.

177 I would also like to take note that hydropower is of
178 particular importance to me. In my own State of Oregon, more than
179 40 percent of our energy is produced from hydropower at relatively
180 low cost to consumers across the district. Recently, last
181 weekend, I toured the Dalles Dam in Wasco County -- half of it
182 is at least -- and saw firsthand the technology and the generating
183 of clean hydropower for the Pacific Northwest. It is essential
184 as part of our power mix.

185 We have a great opportunity in this committee to help
186 increase the use of our Nation's hydro resources to better utilize
187 this renewable energy source. The two bills before us today make
188 meaningful improvements to the hydropower licensing process,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

189 modernizing our federal policies, and promoting this renewable
190 energy source to ensure consumers across the country receive
191 affordable and reliable electricity from hydropower, which, by
192 the way, emits no greenhouse gas emissions.

193 Pipeline and hydropower bills are not the only bills under
194 consideration today. New vulnerabilities and threats to our
195 Nation's energy infrastructure, and changes in the ways we
196 generate, transmit, and deliver power continue to evolve. States
197 are now at the forefront of energy security and emergency
198 preparedness.

199 The Enhancing State Energy Security Planning and Emergency
200 Preparedness Act would reauthorize and help us to focus a DOE State
201 Energy Program to strengthen state's capabilities to ensure our
202 energy infrastructure is protected against physical and
203 cybersecurity attacks.

204 Cumulatively, these bills represent a really important step
205 forward in our efforts to put consumers first while working to
206 enact reforms that build on our energy abundance, modernize our
207 energy infrastructure, grow our economy, and create good jobs.

208 So I thank my colleagues for their work on these bills, and
209 I look forward to continuing our bipartisan efforts as we move
210 toward full committee markup. And I yield back.

211 The Chairman. The gentleman yields back. The chair would
212 recognize the ranking member of the full committee, the gentleman
213 from New Jersey, Mr. Pallone, for 3 minutes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

214 Mr. Pallone. Thank you, Mr. Chairman. When it comes to
215 energy policy, we have had a good working relationship. It has
216 been honest and constructive, even when our policy differences
217 have led us to go our separate ways.

218 But today, Mr. Chairman, I am deeply concerned over the
219 process that the majority has used for this markup. For the past
220 few weeks, our staff have been negotiating with yours in good faith
221 on hydroelectric license reform. We were encouraged by what we
222 saw as your willingness to move legislative language that was,
223 while not acceptable to my caucus, a very significant step closer
224 to reforms that could speed the licensing process without
225 sacrificing environmental protections or state and tribal rights.

226 Those negotiations seem to be moving forward in a productive
227 manner, and we were willing to allow your legislative draft from
228 the May 3 hearing move forward without amendment or recorded vote,
229 and we may still be willing to do that. However, the draft
230 released on Tuesday night not only failed to address any of the
231 concerns we raised, but actually went so far as to add new sections
232 taken directly from provisions of last year's Senate energy bill
233 that we had explicitly rejected. And this does not bode well for
234 making this a bipartisan process.

235 The chairman also insisted on marking up legislation on state
236 energy security plans that our members first saw Tuesday night
237 and that has never been the subject of a legislative hearing or
238 member level discussion of any kind. And this is not bad

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

239 legislation, but we are marking it up today without any formal
240 feedback from members of this committee or stakeholders.

241 And then there is H.R. 2910, the natural gas pipeline permit
242 streamlining bill, which is a completely new and different bill
243 than the one that was discussed at our legislative hearing last
244 month. And it is clear from the text provided with the markup
245 notice dated June 14 that you had this language for almost a full
246 week before sharing it with us.

247 Now I guess I am really talking about regular order here for
248 the most part, Mr. Chairman. I know that you and the chairman
249 of the full committee always talk about regular order, but we have
250 to follow regular order, and that is not what was done today. We
251 want to work with you where we can, but that relationship, whether
252 we are collaborating on bills or contesting legislation on which
253 we disagree, requires a level of trust. And if we are to have
254 that trust and be productive, this is not the way we should be
255 doing business.

256 And I wanted to speak to the individual bills as they come
257 up, but I hope that today's issues represent an aberration and
258 not a new and unfortunate way of doing business. Again, you know
259 I am a stickler for regular order, and that is really what I am
260 talking about here today, Mr. Chairman.

261 I yield back.

262 The Chairman. The gentleman yields back. Other members
263 within to make an opening statement? The gentleman from Texas

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

264 is recognized for 2 minutes.

265 Mr. Olson. I thank you, Mr. Chairman, and I will be very
266 brief. First, I am glad we are taking a look at state energy
267 security planning. We had a tropical storm come across the Gulf
268 of Mexico yesterday, come ashore at Sabine Pass, Tropical Storm
269 Cindy. She was deadly. A 10-year-old boy was killed by debris
270 in Alabama. And while keeping people safe is our first priority,
271 we can't ignore that energy supply failures can cause death and
272 destruction, too.

273 Tropical Storm Cindy hit America's first LNG export plant,
274 Sabine Pass on the Texas-Louisiana border, run by Cheniere. Some
275 offshore rigs in the Gulf were shut down, evacuated. All of those
276 actions may cause prices to increase at home. These threats are
277 real. And as cyber threats evolve, we need to be ready for that
278 as well. Let's get this right.

279 I am also glad we are tackling hydropower reforms. Texas
280 isn't famous for its hydropower, but it is an important clean
281 baseload power. We should be making it easier to build these
282 sources of energy.

283 Lastly, on pipelines, we need these reforms. We have seen
284 time and time and time again that the current process takes too
285 long and is way too messy. The better we do on getting the energy
286 infrastructure built, the better our economy is. We need to
287 examine these projects, hear all sides, and then make a decision.
288 Death by review doesn't help anyone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

289 Thank you, Mr. Chairman. I yield back.

290 The Chairman. The gentleman yields back. Other members
291 wishing to speak? The gentleman from Texas is recognized for 2
292 minutes for an opening statement.

293 Mr. Green. Thank you, Mr. Chairman, and thank you for
294 calling up these bills. I am pleased that we are marking up my
295 bill, H.R. 2883, the Promoting Cross-Border Energy Infrastructure
296 Act.

297 The presidential permitting process dates back for many
298 administrations, but Congress has the duty to regulate the
299 commerce of the United States and cross-border energy
300 infrastructure projects far well within that space. Opponents
301 of this bill will argue that the executive permitting process has
302 worked well in the past. It is true that in the past the process
303 has been proven effective.

304 Unfortunately, cross-border decisions have now fallen
305 victim to election cycle politics. We cannot build
306 infrastructure in our country, on this continent, based on who
307 sits in the White House, a Democrat or a Republican. The
308 amendment would create a regulatory process in Department of
309 State, Department of Energy, Federal Regulatory Commission, to
310 permit cross-border infrastructure.

311 This is no different than building roads or bridges or
312 railroads. Department of Transportation coordinates that and,
313 in this case, we will see the coordination for pipes and wires.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

314 We need to build electricity transmission lines and pipelines to
315 move resources from where they are to where they are needed.

316 The bill complies with the National Environmental Policy Act
317 and requires a full environmental review of any cross-border
318 facility, including an analysis of climate change impacts. The
319 entire length of the pipeline or electric transmission will be
320 reviewed for environmental impacts, not just a cross-border
321 section.

322 We should embrace the changes taking place in North America,
323 harmonize our policies with those of our neighbors in the north
324 and south, and that is why this bill is important.

325 I do have some concerns about H.R. 2910. Limiting input,
326 when it comes to NEPA reviews, is not the right route forward,
327 and I am concerned that the legislation will create new federal
328 terms that will lead to confusion about review types undertaken
329 by federal agencies.

330 Modernization of Hydro Act, as I am proud to support, I
331 support H.R. 2786, promoting small conduit and hydropower. I am
332 also happy to see the subcommittee is also addressing state energy
333 security plans. These are vital to coastal states and -- like
334 Texas, for protection against national disasters. I am happy to
335 see the program reauthorized.

336 And I yield back my time.

337 The Chairman. The gentleman yields back. Other members
338 wishing to give an opening statement on the Republican side?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

339 Seeing none, Mr. McNerney is recognized for 2 minutes.

340 Mr. McNerney. I thank the chairman. We are considering
341 some important bills here today on hydropower, fossil fuel, energy
342 infrastructure, and issues related to protection of our energy
343 and electrical assets.

344 It is very important to modernize electrical -- our energy
345 infrastructure, and I strongly support efforts to do that. This
346 includes hydropower, wind, solar, as well as oil and gas. All
347 of these issues need the attention of this subcommittee and of
348 the full Energy and Commerce Committee. The bills before us today
349 are an attempt to address those issues.

350 However, I do believe we need to work on a bipartisan basis,
351 and I say this in real concern for my Republican colleagues. We
352 have learned on this side of the aisle through painful experience
353 that any bills that are pushed through without significant
354 bipartisan work and compromise are not sustainable and will cause
355 significant political pain. Learn from our experience. Work
356 with us to improve these bills.

357 I yield back.

358 The Chairman. The gentleman yields back. Other members
359 wishing to speak? The gentlelady from Florida, Ms. Castor, is
360 recognized.

361 Ms. Castor. Well, thank you very much, Mr. Chairman, and
362 good morning. These are very important energy policy matters we
363 will consider today, but the way we -- this committee has arrived

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

364 at the markup is very troubling. And it is not up to the high
365 standards of this committee, one of the most important in the
366 Congress, that has such a far-reaching impact on the lives of the
367 folks that we represent.

368 It has become too common for the majority party to be
369 operating in secret. Most of these bills have not received a
370 legislative hearing, and that just doesn't impact us, it impacts
371 the ability of the public to have -- to make any comment on
372 legislation that is moving through the Congress. And I am afraid
373 it has become all too common in this Congress, and bad process
374 leads to bad policy. And I believe it is diminishing the stature
375 of this committee to operate in that manner.

376 And I think Mr. Rush also raises a very important point.
377 Here we are at the end of June, and this -- it may be the first
378 time that this committee has not had any hearing with the Energy
379 Secretary, the EPA Administrator; on the health side, the HHS
380 Secretary, and I think that is a real problem for the ability of
381 the Congress to function. I don't know if it is a problem with
382 governing or if it is an intentional attempt to just hide the ball
383 from the American people.

384 So we will have -- we will bring amendments and important
385 debate today, but until you improve the process you are not going
386 to be able to improve the policy for the folks we represent.

387 I yield back.

388 The Chairman. The gentlelady yields back. Any members --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

389 Mr. Tonko?

390 Mr. Tonko. Thank you, Mr. Chair. While I have substantive
391 concerns with the Hydropower Policy Modernization Act, and the
392 Pipeline Interagency Coordination Act, I also want to express some
393 concerns with the process that got us here. Many members of this
394 subcommittee requested additional hearings on hydropower in order
395 to hear from state and tribal governments and resource agencies.
396 That request was not granted.

397 I do not believe we have a full sense of the steps that should
398 be taken to streamline and improve the hydro licensing process
399 without undermining the interests of a number of stakeholders in
400 the process. When we have received testimony from key witnesses,
401 it hasn't always been heated. FERC has said it does not support
402 the changes to trial-type hearings included in the bill before
403 us today.

404 Finally, after last week's tragic events, our hearing
405 examining energy assurance plans was rightfully postponed. It
406 has not been rescheduled, and it was not a legislative hearing
407 to begin within. Now we are marking up a discussion draft today.

408 Now, generally speaking, I think this is a pretty good draft
409 that I would be happy to support if we can get the authorization
410 level right. But, again, the process was not ideal.

411 The State Energy Program is critically important. I saw
412 this firsthand while leading the New York State Energy Research
413 and Development Authority, and I am happy to see the draft before

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

414 us today to reauthorize the program. I have introduced
415 legislation to reauthorize the program for a number of years, and
416 I would encourage the committee to support an authorization level
417 of \$90 million, which is equal to what passed the Senate as part
418 of last year's comprehensive energy bill.

419 It is also a \$35 million decrease from the previous
420 authorization level. With evolving threats to energy systems,
421 states are needing to do more than ever before to ensure the
422 reliability, the resiliency, and the security of their systems.
423 We cannot ask them to do more with less.

424 And I thank the chair for recognizing the value of SEP and
425 for holding today's markup. And with that, I yield back the
426 remaining bit of my time.

427 The Chairman. The gentleman yields back. Other members
428 wishing to speak, give an opening statement? Seeing none, the
429 chair will call up the Hydropower Policy Modernization Act of 2017
430 and ask the clerk to report.

431 [The bill follows:]

432 *****INSERT 1*****

433 Ms. Giannangeli. A discussion draft to modernize
434 hydropower policy and for other purposes.

435 The Chairman. Without objection, the first reading of the
436 bill is dispensed with. The bill will be open for amendment at
437 any point. So ordered.

438 Are there any bipartisan amendments to the bill? Seeing
439 none, are there -- oh, I am sorry, we have -- the chair would
440 recognize -- strike the last word -- the gentleman from Oregon.

441 Mr. Walden. I thank the gentleman. I move to strike the
442 last word. The Hydropower Policy Modernization Act discussion
443 draft led by our colleague, Mrs. McMorris Rodgers of Washington
444 State, is a really good faith effort to improve the licensing
445 process for hydropower, which is an important part of our
446 renewable energy system.

447 Hydropower is a clean, renewable, and reliable source of
448 baseload energy. It provides low-cost electricity to millions
449 of Americans, especially in the northwest, especially in my
450 district, especially in my state, where about half of the Nation's
451 hydropower capacity is located.

452 Hydropower has significant untapped potential. We know
453 that from the hearings we have had and the reports we have seen.
454 Unfortunately, the process to license hydropower has been
455 increasingly complex, leading to unnecessary delays and
456 uncertainty.

457 While FERC serves as the lead agency in hydropower

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

458 proceedings and sets schedules for those proceedings, there may
459 be multiple federal and state agencies or Indian tribes that
460 conduct separate permitting and environmental reviews. In
461 testimony before this committee in May, FERC identified dozens
462 of projects where the Federal Energy Regulatory Commission has
463 completed its work on a project and is now stuck waiting for
464 another agency to act under other laws -- Clean Water Act or
465 Endangered Species Act.

466 In several cases, these projects have been stalled for more
467 than a decade, 10 years. Congress must act, and we have a
468 wonderful opportunity today to do that. As we have heard from
469 FERC, they have a full workload, and the relicensing workload in
470 particular is stated to -- is slated to increase and will continue
471 to remain high well into the 2030s. Between now and then, almost
472 half of our existing hydropower facilities will begin the
473 relicensing process.

474 It is our sincere desire to continue to improve this draft
475 -- to improve this draft -- so that we have a strong bipartisan
476 product that we can all be proud of. To accomplish that, we are
477 committed to working to improve coordination among agencies and
478 bring more accountability and transparency to the process.

479 So I look forward to working with the ranking member, Mr.
480 Pallone, and all interested members of this committee to try to
481 perfect this draft, and our work will continue between this
482 subcommittee's efforts and the full committee.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

483 With that, Mr. Chairman, I would yield to my friend from New
484 Jersey, Mr. Pallone.

485 Mr. Pallone. Thank you, Mr. Chairman. I understand that
486 our staffs have had productive conversations over the past week
487 or two on Representative McMorris Rodgers' discussion draft, to
488 reform the hydropower licensing process.

489 We had a setback when the new draft was noticed for this
490 markup because it shifts the goalpost, but we would like to
491 continue to work with you toward a bill that can achieve broad
492 support among all of the members of our committee.

493 If we agree on the goals, a more timely, reliable license
494 process that provides certainty to the license applicants and that
495 continues to respect state authorities and tribal rights and
496 protects natural and cultural resources, we should be able to come
497 to agreement on this bill, but we are not there yet.

498 Our side continues to have concerns with the draft. There
499 are threshold issues for each of us. We will have to work through
500 these things, of course, but I remain optimistic at this point,
501 and it is certainly worth the effort.

502 Again, this should not be a partisan issue. Members on both
503 sides have hydropower facilities in their districts and their
504 states, and we want to see them continue to operate and thrive.
505 Renewable baseload power offers many important benefits. And,
506 as I said, we share your goal of having a licensing process that
507 moves along more quickly and avoids license proceedings that drag

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

508 on for many years beyond the current license expiration.

509 While happily most licenses move through FERC in a reasonable
510 period of time, we have all heard of cases in which a facility
511 operates for many years on an annual existing license, and that
512 is not good for anyone. It doesn't get the enhanced environmental
513 performance and water management that states, tribes, and local
514 communities are seeking, and it doesn't provide the certainty and
515 stability of a long-time license that the hydropower operator is
516 seeking.

517 But a speedier license process should not come at the expense
518 of a state's right to manage water, public safety, the public
519 participation, or at the expense of all the other vital economic
520 and societal resources and activities that rely on the rivers,
521 water, and surrounding lands. When all parties to the license
522 process work together, everyone benefits.

523 So I hope working together we can strike a proper balance
524 among all of these interests and produce a bill that all of us
525 can support. We still have a lot of work to do, but with goodwill,
526 a concerted effort, and a willingness to compromise, I am
527 optimistic we can achieve a good product.

528 And so with the understanding that we will continue working
529 towards a comprise bill that we can mark up next week, we will
530 forego offering any amendments today and agree to move this bill
531 forward to the full committee.

532 Thank you, Mr. Chairman.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

533 Mr. Walden. I want to just commend my colleague from New
534 Jersey. We share your goal that we do this without sacrificing
535 our environmental goals or infringing on state and tribal rights.
536 All stakeholders should have the opportunity to participate in
537 collaborative, transparent public proceedings where significant
538 issues are identified and are appropriately studied.

539 So I appreciate your work with us on this. I know you are
540 committed to trying to move this forward as well. That we still
541 have more work to do is obvious, and we look forward to getting
542 that work done between now and full committee.

543 So I thank you, and I yield back.

544 The Chairman. Thank you, both of you. And I was part of
545 a discussion last night with Mr. Pallone, and we came to this
546 agreement and look forward to working with all parties to get this
547 bill in proper shape before it goes to full committee.

548 Are there further amendments -- are there any further
549 amendments to the bill?

550 Mr. Sarbanes. Mr. Chairman?

551 The Chairman. The gentleman from Maryland is recognized.

552 Mr. Sarbanes. I move to strike the last word. I just wanted
553 to pick up on the last thing that Congressman Pallone was referring
554 to. And that is, as we move this thing along and make legislative
555 changes relating to the licensing process, the importance of the
556 state role can't be overstated in terms of protecting local water
557 quality.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

558 In Maryland, actually, this is a very bipartisan issue, and
559 our Republican Secretary of the Environment sent a letter to House
560 leadership last year describing how important the state's
561 authority is to require conditions in FERC licenses that are
562 necessary to protect water quality.

563 The Conowingo Dam in Maryland, a hydroelectric dam, is
564 currently in the FERC relicensing process. That dam sits on the
565 Susquehanna River, which provides half of the fresh water that
566 reaches the Chesapeake Bay. Both the river and the dam are
567 critical to the bay's water quality. So it is essential that
568 Maryland retain the authority to protect the health of the bay
569 and the coastal economies that depend on the bay by setting the
570 necessary water quality conditions for Conowingo's FERC license.

571 So we do talk a lot in this committee, and I think it is
572 appropriate about the value of the knowledge that comes from local
573 conditions and local communities, and I would urge my colleagues
574 again as we proceed not to take water quality decisions out of
575 the hands of the people who know those local communities and
576 conditions best and are in the best position to work with the
577 applicant and local communities to move the license forward.

578 I would ask unanimous consent, if I could, Mr. Chairman, to
579 enter this letter from Secretary Grumbles from Maryland into the
580 record.

581 The Chairman. Without objection.

582 [The information follows:]

583

*****COMMITTEE INSERT 1*****

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

584 Mr. Sarbanes. Thank you, and I yield back.

585 The Chairman. The gentleman yields back. Are there
586 amendments to the bill? Seeing none, the question now occurs on
587 forwarding the Hydropower Policy Modernization Act of 2017 to the
588 full committee.

589 All those in favor will say aye.

590 Those opposed, say no.

591 In the opinion of the chair, the ayes appear to have it, the
592 ayes have it, and the bill is agreed to.

593 The chair will now call up H.R. 2786 and ask the clerk to
594 report.

595 [The bill follows:]

596 *****INSERT 2*****

597 Ms. Giannangeli. H.R. 2786, to amend the Federal Power Act
598 with respect to the criteria and process to qualify as a qualifying
599 conduct hydropower facility.

600 The Chairman. And without objection, the first reading of
601 the bill is dispensed with. The bill will be open for amendment
602 at any point. So ordered.

603 Are there any bipartisan amendments to bill?

604 Mr. Hudson. Mr. Chairman?

605 The Chairman. The gentleman from North Carolina, Mr.
606 Hudson.

607 Mr. Hudson. If you would allow me to strike the last word.

608 The Chairman. Strike the last word. The gentleman is
609 recognized for 5 minutes.

610 Mr. Hudson. Thank you. Chairman Upton, Ranking Member
611 Rush, thank you for holding today's important markup. I
612 appreciate the subcommittee's consideration of this common-sense
613 legislation introduced by Representative DeGette and myself
614 focused on tapping our Nation's immense conduit hydropower
615 potential.

616 Promoting this affordable source of clean electricity is
617 important to our Nation's all-of-the-above energy strategy.
618 Hydropower remains one of the most efficient and affordable
619 sources of electricity as well as one of the largest sources of
620 renewable electricity in America. In North Carolina alone, it
621 generates enough electricity to power 350,000 homes each year.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

622 Despite its benefits, hydropower's growth has been stagnant
623 when compared to other renewable electricity sources in recent
624 years. That lack of progress is not due to lack of opportunity.
625 There are unnecessary regulatory burdens that simply clog up the
626 dam.

627 One key example is the overly complicated licensing process
628 for conduit hydropower. This innovative class of hydropower
629 harnesses the power of water flowing through manmade systems such
630 as pipes and municipal water systems or irrigation canals. It
631 produces emissions-free clean energy, improves energy diversity,
632 lowers power bills, and creates jobs, all by making use of energy
633 that would have otherwise been wasted.

634 For this reason, conduit hydropower is often described as
635 energy recovery hydropower. The opportunity is tremendous.
636 There are over 1.2 million miles of water supply mains in the
637 United States, creating literally thousands of energy recovery
638 hydropower generation opportunities. But Congress must remove
639 some of the regulatory roadblocks that inhibit this market-driven
640 growth. That is exactly what our legislation will do.

641 I would like to again thank Representative DeGette for her
642 collaboration on this bipartisan bill. We have refined our bill
643 after considering the feedback during last month's hearing from
644 the Federal Energy Regulatory Commission, non-governmental
645 organizations, and the hydropower industry. H.R. 2786 would
646 build on the industry's lessons learned from previous legislative

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

647 success in 2013, the Hydropower Regulatory Efficiency Act, and
648 reduce the total review process time for small-scale hydropower.

649 It would also remove the capacity cap and allow more
650 qualifying conduit projects to use the streamline process.
651 Reducing the regulatory burdens is a common-sense way to increase
652 our Nation's supply of clean and affordable electricity.

653 Thank you, Mr. Chairman, for including our legislation on
654 today's agenda. I look forward to working with you to advance
655 this initiative through our committee. And with that, Mr.
656 Chairman, I yield back.

657 The Chairman. The gentleman yields back. The chair would
658 recognize the gentleman from New Jersey to strike the last word
659 for 5 minutes, Mr. Pallone.

660 Mr. Pallone. Well, actually, Mr. Chairman, I have an
661 amendment, so --

662 The Chairman. The gentleman has -- are there any bipartisan
663 amendments to the bill? Seeing none, the gentleman from New
664 Jersey has offered an amendment. The clerk will report the title
665 of the amendment.

666 [The amendment offered by Mr. Pallone follows:]

667 *****COMMITTEE INSERT 2*****

668 Ms. Giannangeli. Amendment to H.R. 2786, offered by Mr.
669 Pallone.

670 The Chairman. And the amendment will be considered as read.
671 The staff will distribute the amendment, and the gentleman is
672 recognized for 5 minutes in support of his amendment.

673 Mr. Pallone. Thank you, Mr. Chairman. Another bill in
674 2013, our committee moved a bipartisan bill that was sponsored
675 by Representative McMorris Rodgers and Representative DeGette
676 that created an exemption from hydropower licensing for certain
677 conduit hydropower facilities of 5 megawatts capacity or less.

678 And under the process established in that McMorris
679 Rodgers-DeGette bill, FERC must determine within 15 days after
680 receipt of a notice of intent to construct a small conduit project
681 by the developer if the project meets the qualifying criteria for
682 exemption under the law.

683 If FERC makes an initial determination that the project meets
684 that criteria, current law requires FERC to publish a public
685 notice of that determination and provide the public 45 days for
686 an opportunity to comment on or contest FERC's determination. So
687 that bill previous -- the previous bill went on to be signed into
688 law by President Obama, and as of May has resulted in qualifying
689 83 projects being exempted from federal licensing requirements.

690 Now, the bill before us today, H.R. 2786, sponsored by Mr.
691 Hudson and Ms. DeGette, would amend the Federal Power Act to lift
692 the 5 megawatt cap on conduit projects that could qualify for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

693 exemption, and it also reduces from 45 to 15 days the amount of
694 time the public would have to comment on or contest first
695 determination of whether a project qualifies for exemption.

696 So I support the development of conduit hydroelectric
697 projects and efforts to cut red tape to ensure that
698 environmentally sound projects can move forward quickly and
699 efficiently. And to that end, I also support language in the bill
700 before us that removes the 5 megawatt cap in current law and the
701 size of conduit hydroprojects that qualify for the exemption.

702 However, while I am open to modifying the 45-day timeframe
703 for public comment on the proposed exemption, I believe that 15
704 days is too short a period to allow for meaningful public input
705 into the process, and that is why I am proposing in this amendment
706 a compromise that would reduce the amount of time for public
707 notification by a third, from 45 days to 30 days.

708 The amendment balances the interests of hydropower
709 developers and that of the public. It is my understanding that
710 the chairman intends to accept this amendment -- I hope that is
711 the case -- and I would like this bill to go forward with the
712 unanimous support of members on both sides of the aisle, and I
713 believe the amendment I am offering, if adopted, would ensure that
714 outcome.

715 So I hope, Mr. Chairman, that my colleagues on the other side
716 will adopt the amendment and report the amended bill favorably
717 to the floor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

718 The Chairman. If the gentleman will yield?

719 Mr. Pallone. I yield.

720 The Chairman. I would be delighted to accept the amendment.
721 Thank you.

722 Mr. Pallone. Thank you, sir.

723 The Chairman. You make a good point, and I would urge my
724 colleagues to support it.

725 Mr. Pallone. Thank you, and I yield back.

726 The Chairman. The gentleman yields back. Other members
727 wishing to speak on the amendment? Seeing none, the vote occurs
728 on the amendment offered by Mr. Pallone.

729 All those in favor will say aye.

730 Those opposed, say no.

731 In the opinion of the chair, the ayes have it. The amendment
732 is agreed to.

733 Are there further amendments to the bill? If not, the
734 question now occurs on forwarding H.R. 2786, as amended, to the
735 full committee.

736 All those in favor will say aye.

737 Those opposed, say no.

738 In the opinion of the chair, the ayes have it. The bill,
739 as amended, is agreed to.

740 The chair now calls up the Enhancing State Energy Security
741 Planning and Emergency Preparedness Act and asks the clerk to
742 report.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

743

[The bill follows:]

744

*****INSERT 3*****

745 Ms. Giannangeli. A discussion draft, to amend the Energy
746 Policy and Conservation Act to provide federal financial
747 assistance to states to implement, review, and revise state energy
748 security plans, and for other purposes.

749 The Chairman. Without objection, the first reading of the
750 bill is dispensed with. The bill will be open for any point, and
751 I would ask to strike the last word and recognize myself for 5
752 minutes.

753 The Enhancing State Energy Security Planning and Emergency
754 Preparedness Act would strengthen states' abilities to secure our
755 energy infrastructure against physical and cyber attacks, and
756 would help mitigate the risk of energy supply disruptions.
757 States are, in fact, leaders in recognizing the need to prioritize
758 energy security, emergency preparedness, and energy
759 infrastructure protection. And the committee understands that
760 energy security planning is best carried out at the state level.

761 No one is more familiar with the circumstances, risks, and
762 vulnerabilities of local areas than the states. And throughout
763 the entire process, the committee has worked hard to listen to
764 the needs of the states. The committee received testimony from
765 witnesses, including the National Association of State Energy
766 Officials, the National Association of Regulatory Utility
767 Commissioners, along with several states, including Texas,
768 Washington, Georgia, and, obviously, Michigan.

769 We sincerely appreciate the perspectives that each of these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

770 witnesses provided on energy security planning and emergency
771 preparedness. The Department of Energy's State Energy Program
772 was first authorized in the Energy Policy and Conservation Act,
773 EPCA, back in 1975. The initial program provided federal and
774 technical assistance to states who focus their efforts on energy
775 conservation, and a 1990 amendment to EPCA expanded the scope and
776 added energy emergency planning requirements as a supplement to
777 state energy conservation plans.

778 The authorization for the State Energy Program did expire
779 in 2012, and the program has been receiving unauthorized
780 appropriations ever since. Across the Nation, states have to
781 respond to a variety of hazards, including natural disasters such
782 as hurricanes, earthquakes, floods, fuel supply disruptions,
783 physical and cyber threats, and catastrophic events.

784 The current State Energy Program's authorized purpose and
785 scope does not fully address the risks and vulnerabilities of
786 today's evolving energy landscape. It has been 25 years since
787 we properly addressed energy security planning, and it is time
788 for a legislative update.

789 This bipartisan discussion draft reflects our commitment to
790 support states' ongoing energy security planning efforts yet
791 still affords the flexibility that states have to have to address
792 local energy challenges. This legislation continues the
793 committee's extensive record focused on cyber preparedness,
794 infrastructure resilience, and emergency response.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

795 I look forward to continued bipartisan discussions as we move
796 forward in finalizing the bill, and I yield back the balance of
797 my time.

798 Are there other members wishing to speak -- other members
799 wishing to speak on the bill?

800 Mr. Rush. Mr. Chairman?

801 The Chairman. The gentleman from Illinois.

802 Mr. Rush. Mr. Chairman, I move to strike the last word.

803 The Chairman. Strike the last word. He is recognized for
804 5 minutes.

805 Mr. Rush. Mr. Chairman, I want to commend the majority for
806 working with the minority on this particular piece of legislation.
807 But, again, Mr. Chairman, we would have preferred to follow
808 regular order on this bill. As you know, many members on our side
809 of the aisle support the State Energy Program, and this bill would
810 provide resources to further develop and enhance the state energy
811 security plans.

812 Funding provided in this bill would help states to implement,
813 revise, and review their energy security plans while also laying
814 out criteria for the contents of these bills. Although the
815 subcommittee has not held a legislative hearing on this draft
816 bill, I am confident that if both sides continue to work together
817 in good faith we can come to an agreement that will garner the
818 overwhelming support of members from both sides of the aisle.

819 So, Mr. Chairman, I look forward to continuing the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

820 discussions between the majority and the minority committee
821 staff, and it is my hope and expectation that we will finalize
822 a bill that will go a long way in helping states prepare plans
823 to help mitigate for and respond to energy emergencies, whether
824 they be natural or manmade, physical or cyber.

825 Mr. Chairman --

826 The Chairman. Would the gentleman yield?

827 Mr. Rush. I certainly will yield. I appreciate the
828 gentleman's comments, and I just want to give the assurance that
829 we continue to work with both sides. This is a bipartisan effort,
830 has been from the very start. I lament that we were not able to
831 have a legislative hearing, but, as we all know, last week we had
832 the tragic shooting, and we decided that we needed to cancel our
833 official duties for that day.

834 We had a number of witnesses that flew in from a variety of
835 different states. Because we did cancel the hearing itself, we
836 still went ahead with the staff briefing that was, as I understand
837 it, bipartisan. And because of the importance of this issue,
838 knowing that we have had some classified briefings as well, we
839 thought that it was important to use this window of opportunity
840 to move forward with the subcommittee mark, and allow us still
841 time before it gets to full committee and ultimately to the House
842 floor.

843 But I just want to assure every member here that as one that
844 does support regular order, this is an important issue and it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

845 only because of the tragedy last week that we were forced to cancel
846 the official legislative hearing. But as I understand it, a
847 number of different discussions, we are all together on the same
848 page wanting this legislation to move forward and will continue
849 to work before it gets scheduled before the full committee.

850 And I appreciate the gentleman's interest, his input, and
851 his sincere effort to work with us to get a bill that we can pass
852 on the House floor with broad bipartisan support. I appreciate
853 that.

854 Mr. Rush. Mr. Chairman, I reclaim my time. I just want,
855 in whatever time I have left, I just want to understate or
856 underline and reemphasize that we are absolutely dedicated to the
857 ongoing, longstanding principle of this subcommittee that we do
858 have regular order on the matters that are before the
859 subcommittee.

860 And, Mr. Chairman, with that, I yield back.

861 The Chairman. The gentleman yields back. Other members
862 wishing to speak on the bill? The gentleman from Texas, Mr.
863 Barton.

864 Mr. Barton. Thank you.

865 The Chairman. Strike the last word?

866 Mr. Barton. Yes, sir. I want to reemphasize, Mr. Chairman,
867 what you just said. We were supposed to have a legislative
868 hearing last Wednesday. I was inadvertently detained out at the
869 baseball practice, and I think at the time the hearing was supposed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

870 to have occurred I was in an argument with the FBI trying to get
871 my car out of the parking lot where the hearing occurred. So I
872 couldn't have been here, but --

873 Mr. Shimkus. Which you lost that argument, didn't you?

874 Mr. Barton. I did. I did lose that argument, very
875 emphatically actually.

876 But I just want to reinforce your remarks and also let --
877 and as Mr. Rush knows, we try to be, and most of the time are,
878 very bipartisan, and his staff, my staff, your staff, and Mr.
879 McNerney's staff, as we are in ongoing discussions about efforts
880 to improve the bill and its aspects of cybersecurity, and things
881 of that sort.

882 So we didn't have the legislative markup. But if there was
883 ever a legitimate reason to postpone it or cancel it, I think last
884 week qualifies. And I also just want to commend Mr. Doyle for
885 two things. He could not have been more gracious last Wednesday
886 in his efforts to reach out to me and all of the Republicans on
887 the baseball team, and I want to congratulate him for the victory
888 last Thursday. Don't think that that is going to become a
889 continuing thing, though, Mr. Doyle. We will be back next year.

890 Mr. Shimkus, who is one of our players, played his 21st game,
891 and he pitched a perfect inning last week, struck out two. So
892 he may be our starting pitcher, if I can get him to come to a few
893 more practices next year. I am going to have to negotiate with
894 his agent on what it is going to take to get him out, but he played

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

895 exceptionally well.

896 So, anyway, we didn't have the legislative hearing because,
897 as the chairman pointed out, there was something that had happened
898 that was fairly traumatic.

899 Mr. Rush. Will the gentleman yield?

900 Mr. Barton. I would be happy to yield.

901 Mr. Rush. I just -- you know, I don't want to quibble over
902 this, because I understand the spirit of what both the gentleman
903 from Texas and the chairman is remarking on on this bill. But
904 I want to remind the chairman and the gentleman from Texas that
905 the hearing on Thursday was an oversight hearing. It was not a
906 legislative hearing. As a matter of fact --

907 Mr. Barton. I am talking about last Wednesday.

908 Mr. Rush. I understand. But I want you -- my point is that
909 on Friday was the date that we actually got the bill. We didn't
910 get the bill until Friday. So we all were very concerned and
911 fixated on the predicament of our colleague and the Capitol Hill
912 Police officer and the members who were on the baseball team.

913 But we didn't get this bill until Friday of last week, so
914 it would not have --

915 Mr. Barton. You are correct. That is not a quibble, Mr.
916 Ranking Member. You are right about that.

917 Mr. Rush. I yield.

918 Mr. Barton. And I yield back.

919 The Chairman. The gentleman yields back. Other members

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

920 wishing to speak? Seeing none, are there bipartisan amendments
921 to the bill? Seeing none, are there amendments to the bill?

922 Seeing none, the question now occurs on forwarding the
923 Enhancing State Energy Security Planning and Emergency
924 Preparedness Act to the full committee.

925 All those in favor will say aye.

926 Those opposed, say no.

927 In the opinion of the chair, the ayes have it, and the bill
928 is forwarded on.

929 The chair now calls up H.R. 2883 and asks the clerk to report.

930 [The bill follows:]

931 *****INSERT 4*****

932 Ms. Giannangeli. H.R. 2883, to establish a more uniform,
933 transparent, and modern process to authorize the construction,
934 connection, operation, and maintenance of international
935 border-crossing facilities for the import and export of oil and
936 natural gas and the transmission of electricity.

937 The Chairman. And, without objection, the first reading of
938 the bill is dispensed with, and the bill will be open for amendment
939 at any point. So ordered.

940 Are there any bipartisan amendments to the bill? Seeing
941 none, are there any amendments to the bill?

942 Mr. Rush. Mr. Chairman?

943 The Chairman. The gentleman from New Jersey, Mr. Pallone,
944 has an amendment at the desk?

945 Mr. Pallone. I have an amendment at the desk.

946 The Chairman. The gentleman has an amendment at the desk.
947 The clerk will report the title.

948 [The amendment offered by Mr. Pallone follows:]

949 *****COMMITTEE INSERT 3*****

950 Ms. Giannangeli. Amendment to H.R. 2883, offered by Mr.
951 Pallone.

952 The Chairman. And, without objection, the amendment is --
953 the reading of the amendment is dispensed with. Staff will
954 distribute the amendment, and the gentleman is recognized for 5
955 minutes in support of his amendment.

956 Mr. Pallone. Thank you, Mr. Chairman. My amendment
957 ensures that the complete length of cross-border projects would
958 be subject to full environmental review under the National
959 Environmental Policy Act. NEPA was created to provide
960 transparency so people know what the impact of a project will be
961 on their communities.

962 However, the provisions of H.R. 2883 would circumvent that
963 transparency, and that is why I have introduced this amendment,
964 to include the entirety of a transboundary project and the
965 definition of border-crossing facility. By ensuring a federal
966 NEPA review is conducted for the entire length of these projects,
967 we can make certain that the necessary steps are taken to protect
968 the public interest and preserve our tremendous natural
969 resources.

970 My amendment is necessary since the bill redefines and
971 significantly narrows the scope of NEPA's environmental review.
972 While traditional NEPA review looks at the impacts of an entire
973 project, this bill restricts NEPA review to only that portion of
974 a project that physically crosses the border.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

975 And this restriction, in my opinion, is problematic. These
976 massive projects are more than just a border crossing. When we
977 approve a transboundary pipeline or transmission line, we are
978 approving multi-billion dollar infrastructure that may stretch
979 hundreds of miles and will last for decades.

980 These projects pass through private property and sensitive
981 lands. They transport hazardous substances that, if spilled or
982 ignited, can cause serious damage. Before making decisions about
983 whether to approve such projects, we need to carefully consider
984 their potential impacts on the environment and on communities
985 along their routes. And, simply put, we should be looking at the
986 effects of projects as a whole.

987 But that is not what the bill before us does. Instead, it
988 redefines the scope of NEPA's inquiry to only encompass the step
989 across the border. When Congress passed NEPA, it never intended
990 this law to provide such a narrow review. Congress intended NEPA
991 to provide policymakers with a critical tool to understand the
992 project's full environmental impacts and consider lower impact
993 alternatives.

994 NEPA doesn't dictate the outcome or impose any constraint
995 on projects. It simply requires the Federal Government to make
996 some effort to understand the environmental impacts of major
997 federal actions and to inform the public of those impacts.

998 Fundamentally, NEPA requires us to look before we leap, which
999 is just common sense. We should not be carelessly narrowing or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1000 creating loopholes in this law.

1001 When the Federal Government makes a decision about a major
1002 project, it should understand what is going on. Large energy
1003 projects often raise safety issues, economic implications, and
1004 environmental concerns both for the local and global
1005 environments. These projects affect communities all along their
1006 routes.

1007 Ignoring the impacts will not make them disappear. It is
1008 simply common sense that we should understand the broad scope of
1009 these impacts before deciding to approve a project. And that is
1010 why I urge all of my colleagues to support this important amendment
1011 that ensures that the complete length of cross-border projects
1012 will be subject to a full NEPA review.

1013 And I yield back, Mr. Chairman.

1014 The Chairman. The gentleman yields back. The chair
1015 recognizes the gentleman from Oklahoma, Mr. Mullin.

1016 Mr. Mullin. Thank you, Mr. Chairman. And while I greatly
1017 have respect for Ranking Member Pallone, I do want to point out
1018 a couple of things. The first thing, this legislation has
1019 absolutely nothing in it that would repeal environmental
1020 protection that is already applicable to pipelines, or it will
1021 hinder in any way the ability of federal agencies or states to
1022 carry out their statutory responsibilities.

1023 So we are not making any changes to any environmental study.
1024 All this bill does is simply remove the process out for excuses.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1025 We have seen too long the Keystone Pipeline that was being used
1026 as an excuse, and layers of red tape was put in there, so this
1027 legislation defines "border crossing facility" to mean the
1028 portion of the pipeline that is located at the international
1029 boundary only.

1030 This amendment would try to expand the definition of the
1031 border crossing facility to include the entire length of the
1032 pipeline, which would infringe on a state's rights to receive and
1033 decide the impacts of the other portions of the pipeline. This
1034 bill has been carefully crafted with bipartisan support to be
1035 protective of public safety and the environment.

1036 This amendment would upset this careful balance that we have
1037 had with bipartisan support and effectively gut this bill, so I
1038 would urge my colleagues to vote no on this amendment.

1039 Mr. Green. Mr. Chairman, does the gentleman yield?

1040 Mr. Mullin. Yes, I would yield to Mr. Green.

1041 Mr. Green. Thank you. We had this bill last Congress, and
1042 we requested a Congressional Research Service, and I would be glad
1043 to hand out the copies based on the last. And I think the language
1044 is the same in this bill as it was for the last one, if my colleagues
1045 would like to see a copy of what the CRS talked about.

1046 Before federal agents can make a final decision on a proposed
1047 action, NEPA requires that the agency identify the proposal's
1048 effects on the quality of human environment. The scope and level
1049 of review required under NEPA depends on whether these effects

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1050 will be significant. To make that determination, each agency
1051 must identify and evaluate the proposal.

1052 This bill doesn't change that. There will still be a NEPA
1053 process not just at the cross-border -- the crossing the border,
1054 but also along the route that it will trigger a NEPA process.

1055 The amendment I don't think is necessary. I think it will
1056 already be covered because, again, I am familiar with the border
1057 of Texas and the pipelines. There will not be a pipeline that
1058 goes into Mexico that doesn't cross some federal property, a
1059 wildlife refuge, or something else that will trigger a NEPA
1060 review.

1061 So, I mean, I can't say that about the Canadian border.
1062 Maybe my colleagues from northern -- but this bill does not take
1063 away any NEPA oversight that is currently in the law.

1064 And I appreciate my colleague from Oklahoma. I will quit
1065 for about a day complaining you are still taking our football
1066 players.

1067 And I will yield back.

1068 Mr. Barton. Would the gentleman from Oklahoma yield to me?

1069 Mr. Mullin. Yes.

1070 Mr. Barton. I want to reinforce what you just said. The
1071 whole point of this bill is to put into statute to replace an
1072 ambiguous non-statutory certification process by the President,
1073 which is just kind of happenstance, really.

1074 And so what Mr. Green and Mr. Mullin are trying to do is put

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1075 in clear statute a simple, understandable, time-certain process.
1076 If we accepted Mr. Pallone's amendment, as Markwayne pointed out,
1077 you would basically gut the bill. So I want to reinforce the
1078 opposition.

1079 I also want to take point of personal privilege. We have
1080 talked a lot about the members and people that were at the baseball
1081 practice last week when the shooting occurred. At the back of
1082 the room, we have a gentleman named Brian Kelly. He is at the
1083 very back left-hand corner. He is the Republican umpire, and he
1084 hits fungos to the outfield and is just a volunteer who comes out
1085 and helps us.

1086 Last week he risked his life. He came behind where the
1087 Capitol Hill Police were and was direct -- they couldn't see the
1088 shooter, and Brian actually risked his body to see where the
1089 shooter was and direct the Capitol Hill officers to where the
1090 shooter was shooting at the members. If he will stand up, we
1091 should recognize him.

1092 [Applause.]

1093 Mr. Barton. He is one of the unsung heroes and a
1094 tremendously good guy.

1095 And with that, I yield back to Markwayne.

1096 Mr. Mullin. I yield back, Mr. Chairman.

1097 The Chairman. The gentleman yields back. Other members
1098 wishing to speak on the amendment? The gentleman from California
1099 is recognized for 5 minutes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1100 Mr. McNerney. Thank you, Mr. Speaker, and I yield my time
1101 to the ranking member.

1102 Mr. Pallone. Thank you, Mr. McNerney. I don't -- I am not
1103 going to spend a lot of time, but, you know, I looked at the CRS
1104 memo that Mr. Green just provided, and my concern is not -- and
1105 the reason for this amendment is not alleviated, in my opinion,
1106 by this memo because there is really no guarantee that if you limit
1107 the scope of the review under the existing bill to just that
1108 section that crosses the border, there is no guarantee that NEPA
1109 is going to look beyond that and look at the whole project.

1110 And even though -- I mean, looking at this memo, it doesn't
1111 in any way suggest that that guarantee would be there. I mean,
1112 I guess there is nothing to stop NEPA from looking at other things,
1113 but they wouldn't be under any charge or any requirement to do
1114 that under the bill. And so that is why it is necessary to have
1115 the amendment to specify that they would look at the entire project
1116 and not just that section that crosses the border.

1117 And with that, I yield back to Mr. McNerney.

1118 Mr. McNerney. And I will yield back.

1119 The Chairman. The gentleman yields back. Other members
1120 wishing to speak on the amendment? The gentlelady from Florida,
1121 Ms. Castor.

1122 Ms. Castor. Thank you, Mr. Chairman. I want to urge
1123 adoption of the Pallone amendment, which would substantially
1124 improve this bill. H.R. 2883 proposes to eliminate meaningful

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1125 review of all environmental impacts of proposed cross-border
1126 energy projects.

1127 The bill narrowly -- dramatically narrows the scope of
1128 environmental review to only the cross-border segment of the
1129 energy project, the tiny portion that physically crosses the
1130 national boundary. That is very poor public policy, and it
1131 significantly contravenes important safeguards and the public
1132 interest.

1133 We are talking about major infrastructure projects that can
1134 span hundreds of miles. They cross through private property,
1135 through water bodies, farms, and other sensitive areas, and they
1136 carry substances that can catch fire or spill or pollute the
1137 environment. And they can have profound implications for the
1138 changing climate and all of the huge costs that are now being
1139 imposed upon families and businesses.

1140 To understand the potential environment impact of an energy
1141 project, you must look at the project as a whole. To ignore the
1142 potential environmental or safety risks for every part of the
1143 project except for the tiny sliver of land at the national boundary
1144 is irresponsible.

1145 Imagine going to the doctor, if you are feeling sick, and
1146 the doctor says, "I am giving you a clean bill of health" after
1147 only looking at your elbow. That is what this bill does. It lets
1148 these projects go forward without a full environmental review,
1149 and no meaningful review means no opportunity to mitigate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1150 potential harm to the public health, public safety, or the
1151 environment, and that is just reckless. And I think this will
1152 have the opposite effect of what is intended.

1153 I think you will probably see more lawsuits, more protests,
1154 greater delays, and, again, that would be just the opposite of
1155 what is intended.

1156 Mr. Pallone's amendment would ensure that these cross-border
1157 energy projects receive a thorough environmental review before
1158 they receive approval, and I urge adoption of the amendment and
1159 yield back my time.

1160 The Chairman. The gentlelady yields back. Other members
1161 wishing to speak on the amendment?

1162 Seeing none, the vote occurs on the amendment offered by the
1163 gentleman from New Jersey. A roll call vote has been requested.
1164 The clerk will call the roll. All those in favor of the amendment
1165 will vote aye. Those opposed will vote no.

1166 Ms. Giannangeli. Mr. Olson.

1167 Mr. Olson. No.

1168 Ms. Giannangeli. Mr. Olson votes no.

1169 Mr. Barton.

1170 Mr. Barton. No.

1171 Ms. Giannangeli. Mr. Barton votes no.

1172 Mr. Shimkus.

1173 [No response.]

1174 Mr. Murphy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1175 Mr. Murphy. No.

1176 Ms. Giannangeli. Mr. Murphy votes no.

1177 Mr. Latta.

1178 Mr. Latta. No.

1179 Ms. Giannangeli. Mr. Latta votes no.

1180 Mr. Harper.

1181 Mr. Harper. No.

1182 Ms. Giannangeli. Mr. Harper votes no.

1183 Mr. McKinley.

1184 Mr. McKinley. No.

1185 Ms. Giannangeli. Mr. McKinley votes no.

1186 Mr. Kinzinger.

1187 [No response.]

1188 Mr. Griffith.

1189 Mr. Griffith. No.

1190 Ms. Giannangeli. Mr. Griffith votes no.

1191 Mr. Johnson.

1192 Mr. Johnson. No.

1193 Ms. Giannangeli. Mr. Johnson votes no.

1194 Mr. Long.

1195 [No response.]

1196 Mr. Bucshon.

1197 Mr. Bucshon. No.

1198 Ms. Giannangeli. Mr. Bucshon votes no.

1199 Mr. Flores.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1200 Mr. Flores. No.

1201 Ms. Giannangeli. Mr. Flores votes no.

1202 Mr. Mullin.

1203 Mr. Mullin. No.

1204 Ms. Giannangeli. Mr. Mullin votes no.

1205 Mr. Hudson.

1206 Mr. Hudson. No.

1207 Ms. Giannangeli. Mr. Hudson votes no.

1208 Mr. Cramer.

1209 Mr. Cramer. No.

1210 Ms. Giannangeli. Mr. Cramer votes no.

1211 Mr. Walberg.

1212 Mr. Walberg. No.

1213 Ms. Giannangeli. Mr. Walberg votes no.

1214 Mr. Walden.

1215 Mr. Walden. No.

1216 Ms. Giannangeli. Mr. Walden votes no.

1217 Mr. Rush.

1218 Mr. Rush. Aye.

1219 Ms. Giannangeli. Mr. Rush votes aye.

1220 Mr. McNerney.

1221 Mr. McNerney. Aye.

1222 Ms. Giannangeli. Mr. McNerney votes aye.

1223 Mr. Peters.

1224 Mr. Peters. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1225 Ms. Giannangeli. Mr. Peters votes aye.
1226 Mr. Green.
1227 Mr. Green. No.
1228 Ms. Giannangeli. Mr. Green votes no.
1229 Mr. Doyle.
1230 Mr. Doyle. Yes.
1231 Ms. Giannangeli. Mr. Doyle votes aye.
1232 Ms. Castor.
1233 Ms. Castor. Aye.
1234 Ms. Giannangeli. Ms. Castor votes aye.
1235 Mr. Sarbanes.
1236 Mr. Sarbanes. Aye.
1237 Ms. Giannangeli. Mr. Sarbanes votes aye.
1238 Mr. Welch.
1239 Mr. Welch. Aye.
1240 Ms. Giannangeli. Mr. Welch votes aye.
1241 Mr. Tonko.
1242 Mr. Tonko. Aye.
1243 Ms. Giannangeli. Mr. Tonko votes aye.
1244 Mr. Loeb sack.
1245 Mr. Loeb sack. Aye.
1246 Ms. Giannangeli. Mr. Loeb sack votes aye.
1247 Mr. Schrader.
1248 [No response.]
1249 Mr. Kennedy.

1250 Mr. Kennedy. Aye.

1251 Ms. Giannangeli. Mr. Kennedy votes aye.

1252 Mr. Butterfield.

1253 Mr. Butterfield. Aye.

1254 Ms. Giannangeli. Mr. Butterfield votes aye.

1255 Mr. Pallone.

1256 Mr. Pallone. Aye.

1257 Ms. Giannangeli. Mr. Pallone votes aye.

1258 Chairman Upton.

1259 The Chairman. Votes no.

1260 Ms. Giannangeli. Chairman Upton votes no.

1261 The Chairman. How does Mr. Shimkus vote?

1262 Mr. Shimkus. I vote no.

1263 Ms. Giannangeli. Mr. Shimkus votes no.

1264 The Chairman. Other members wishing to change their vote
1265 or to vote? Seeing none, the clerk will report the tally.

1266 Ms. Giannangeli. Mr. Chairman, on that vote, there were 12
1267 ayes and 18 noes.

1268 The Chairman. 12 ayes, 18 noes. The amendment is not
1269 agreed to.

1270 Are there other further amendments to the bill? The chair
1271 will recognize the gentleman from Illinois to offer an amendment,
1272 Mr. Rush.

1273 Mr. Rush. Mr. Chairman, I have an amendment at the desk.

1274 [The amendment offered by Mr. Rush follows:]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1275

*****COMMITTEE INSERT 4*****

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1276 The Chairman. And the clerk will report the amendment.
1277 Ms. Giannangeli. Amendment to H.R. 2883, offered by Mr.
1278 Rush.

1279 The Chairman. And the amendment will be considered as read.
1280 The staff will distribute the amendment, and the gentleman from
1281 Illinois is recognized for 5 minutes in support of his amendment.

1282 Mr. Rush. Thank you, Mr. Chairman. Mr. Chairman, my
1283 amendment will simply retain the current requirement that the
1284 permitting agency must find that a project is in the public
1285 interest before the project is approved. Mr. Chairman, the
1286 stated objective of H.R. 2883 is to, I quote, "Is to establish
1287 a more uniform, transparent, and modern process to authorize the
1288 construction, connection, operation, and maintenance of
1289 international border crossing facilities for the import and
1290 export of oil and natural gas and the transmission of
1291 electricity."

1292 However, Mr. Chairman, H.R. 2883 appears to be less about
1293 expediting the permitting process for cross-border pipelines and
1294 transmission lines and more about creating a de facto rubber stamp
1295 for these projects.

1296 Mr. Chairman, this bill tips the scales in favor of an
1297 automatic approval in two key ways. First, the new process
1298 established by the bill effectively exempts such projects from
1299 environmental safety and review under the National -- under NEPA
1300 by narrowing NEPA applicability to the -- just the portions of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1301 the project actually crossing the border.

1302 Additionally, the process created by the bill also tips the
1303 scale in favor of approving controversial projects by
1304 establishing a rebuttable presumption of approval. Mr.
1305 Chairman, the existing process requires an agency to
1306 affirmatively find that a project is in the public interest, but
1307 instead this bill shifts the burden of proof to opponents of the
1308 project to demonstrate otherwise.

1309 In fact, H.R. 2883 will allow a project that was found not
1310 to be in the public interest under the current permitting process
1311 to reapply under the new weaker process. Mr. Chairman, these
1312 massive cross-border energy projects could have a significant
1313 impact on people's lives, and we owe it to the American people
1314 to make a real effort to understand those impacts before deciding
1315 whether or not to approve an application.

1316 Using information developed under NEPA, the current public
1317 interest standard allows all of the relevant potential impacts
1318 of a project to be considered and mitigated, where possible, and
1319 where appropriate. But I am concerned that the bill's new
1320 permitting provision will actually make the process worse, less
1321 transparent, less inclusive, and ultimately less -- far less
1322 effective.

1323 Mr. Chairman, this bill would drastically narrow what can
1324 be considered in evaluating these projects. And together with
1325 the 120-day time limit imposed in the bill, these provisions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1326 basically require the permitting agencies to rubber stamp all
1327 cross-border projects.

1328 Mr. Chairman, despite the intended objective of this bill,
1329 by narrowing the scope of NEPA, limiting public participation and
1330 shifting the burden of determining public interest, this bill may
1331 actually lead to greater controversy, increased litigation, and
1332 longer delays.

1333 With that said, Mr. Chairman, I urge all of my colleagues
1334 to support my amendment. And with that, I yield back the balance
1335 of my time.

1336 The Chairman. The gentleman yields back, and I would ask
1337 to strike the last word. I would recognize myself for 5 minutes.

1338 I would argue that the underlying bill, 2883, actually would
1339 establish a more uniform, transparent, and modern process to
1340 authorize the construction of pipelines in the electric
1341 transmission facilities literally at the border. Canada and
1342 Mexico are two of our most trusted allies and trading partners.
1343 And unless there is a good reason to believe that trade with these
1344 countries is for some reason not in the national interest, border
1345 crossing facilities should be approved.

1346 We actually have a longstanding precedent for a rebuttable
1347 presumption in favor of trade with our allies. The Natural Gas
1348 Act, for example, contains the very same standard of review.
1349 Language is the same. So this amendment would gut the bill, and
1350 I would urge my colleagues to vote no on the amendment, and yield

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1351 back the balance of my time.

1352 Mr. Green. Mr. Chairman, would you yield?

1353 The Chairman. I yield, then, to the gentleman from the
1354 Texas.

1355 Mr. Green. Thank you. This amendment, I think, because of
1356 the rebuttable presumption, we have a free trade agreement with
1357 our two borders. We are not going to build pipelines to Cuba.
1358 We are not going to build pipelines to anywhere except Canada or
1359 Mexico. We have a free trade agreement, and that is why the
1360 rebuttable presumption.

1361 Now, I have to admit, in 1993, I did not vote for NAFTA, but
1362 I think over a period of time we can change it. But the success
1363 of what is happening on the Texas border now is Mexico needs our
1364 natural gas, and to get there, the permitting process has been
1365 a struggle, just because of what -- the experience of Keystone.

1366 And so that is why we are trying to make sure that between
1367 our free trading partner that we have -- that decision on
1368 rebuttable presumption is only made when Congress approved these
1369 free trade agreements. And so that is why I think we are just
1370 putting into the law what should be common sense, that if you have
1371 a free trade agreement with someone, you ought to make it a
1372 rebuttable presumption. It is in the national interest, because
1373 that is why.

1374 And thank you for yielding to me.

1375 The Chairman. With that, I yield back the balance of my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1376 time. Other members wishing to speak on the amendment? The
1377 gentleman from New Jersey, Mr. Pallone.

1378 Mr. Pallone. Thank you, Mr. Chairman. I want to speak in
1379 support of Mr. Rush's amendment. I was listening to your remarks
1380 about our great relationship with Mexico and Canada. I am not
1381 so sure that is true anymore with President Trump, but whatever.
1382 Hope springs eternal.

1383 H.R. 2883 establishes a new permitting process that appears
1384 to have one goal: ensuring rapid approval of cross-border energy
1385 projects. The bill makes it very difficult for federal agencies
1386 to do anything other than approve the proposed projects for two
1387 reasons.

1388 First, based on the reason for my initial amendment is the
1389 new permitting process narrows the federal approval and
1390 environmental review to just the cross-border portion of the
1391 proposed project, and this eliminates consideration of the
1392 concerns that stem from the project as a whole.

1393 And then, second, the reason for Mr. Rush's amendment, is
1394 that the bill establishes a rebuttable presumption of approval,
1395 meaning that the federal agency must approve the project unless
1396 it finds that the cross-border segment of the project is not in
1397 the public interest. So that is a major change. And it is not
1398 a subtle change -- a significant change--that makes it much more
1399 likely that these projects will be approved even if the record
1400 is incomplete.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1401 To put it another way, this bill effectively says that all
1402 oil and natural gas pipelines and electricity transmission lines
1403 that cross the U.S. border are always in the public interest. And
1404 to prove otherwise, federal agencies can only consider the impacts
1405 of these projects at the narrow segment that crosses the border.
1406 That is an extremely high bar to meet. And for what? To
1407 guarantee that every project gets the green light, regardless of
1408 the merits?

1409 We should keep in mind that the purpose of the current
1410 presidential permit requirement is to ensure that when a private
1411 company plans to build a massive infrastructure project across
1412 the U.S. border, the executive branch has a chance to evaluate
1413 the project.

1414 The purpose is to ensure that we understand the project's
1415 potential effects on foreign policy, trade, the economy, the
1416 environment, public health and safety, and other factors. And
1417 the purpose is also to address any unacceptable effects through
1418 permit conditions or denial, if necessary. But the process
1419 established in this bill would only serve the purpose of approving
1420 all projects more quickly.

1421 By shifting the burden of proof to require a showing that
1422 the project is contrary to the public interest and sharply
1423 narrowing the focus of that inquiry, this bill makes it extremely
1424 difficult for an agency ever to deny a permit. And that is not
1425 something that I can support, and I don't think we should support,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1426 so I am glad Mr. Rush is offering this amendment today, and I urge
1427 a yes vote.

1428 I yield back.

1429 The Chairman. The gentleman yields back. Other members
1430 wishing to speak on the amendments? Seeing none, the vote occurs
1431 on the amendment.

1432 A recorded vote is asked on the amendment. The clerk will
1433 call the roll on the Rush amendment. Those in favor will say aye.
1434 Those opposed, say no. The clerk will call the roll.

1435 Ms. Giannangeli. Mr. Olson.

1436 Mr. Olson. No.

1437 Ms. Giannangeli. Mr. Olson votes no.

1438 Mr. Barton.

1439 Mr. Barton. No.

1440 Ms. Giannangeli. Mr. Barton votes no.

1441 Mr. Shimkus.

1442 Mr. Shimkus. No.

1443 Ms. Giannangeli. Mr. Shimkus votes no.

1444 Mr. Murphy.

1445 Mr. Murphy. No.

1446 Ms. Giannangeli. Mr. Murphy votes no.

1447 Mr. Latta.

1448 Mr. Latta. No.

1449 Ms. Giannangeli. Mr. Latta votes no.

1450 Mr. Harper.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1451 Mr. Harper. No.

1452 Ms. Giannangeli. Mr. Harper votes no.

1453 Mr. McKinley.

1454 Mr. McKinley. No.

1455 Ms. Giannangeli. Mr. McKinley votes no.

1456 Mr. Kinzinger.

1457 [No response.]

1458 Mr. Griffith.

1459 Mr. Griffith. No.

1460 Ms. Giannangeli. Mr. Griffith votes no.

1461 Mr. Johnson.

1462 Mr. Johnson. No.

1463 Ms. Giannangeli. Mr. Johnson votes no.

1464 Mr. Long.

1465 [No response.]

1466 Mr. Bucshon.

1467 [No response.]

1468 Mr. Flores.

1469 Mr. Flores. No.

1470 Ms. Giannangeli. Mr. Flores votes no.

1471 Mr. Mullin.

1472 Mr. Mullin. No.

1473 Ms. Giannangeli. Mr. Mullin votes no.

1474 Mr. Hudson.

1475 Mr. Hudson. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1476 Ms. Giannangeli. Mr. Hudson votes no.
1477 Mr. Cramer.
1478 Mr. Cramer. No.
1479 Ms. Giannangeli. Mr. Cramer votes no.
1480 Mr. Walberg.
1481 Mr. Walberg. No.
1482 Ms. Giannangeli. Mr. Walberg votes no.
1483 Mr. Walden.
1484 [No response.]
1485 Mr. Rush.
1486 Mr. Rush. Aye.
1487 Ms. Giannangeli. Mr. Rush votes aye.
1488 Mr. McNerney.
1489 Mr. McNerney. Yes.
1490 Ms. Giannangeli. Mr. McNerney votes aye.
1491 Mr. Peters.
1492 Mr. Peters. Aye.
1493 Ms. Giannangeli. Mr. Peters votes aye.
1494 Mr. Green.
1495 Mr. Green. No.
1496 Ms. Giannangeli. Mr. Green votes no.
1497 Mr. Doyle.
1498 Mr. Doyle. Yes.
1499 Ms. Giannangeli. Mr. Doyle votes aye.
1500 Ms. Castor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1501 Ms. Castor. Aye.

1502 Ms. Giannangeli. Ms. Castor votes aye.

1503 Mr. Sarbanes.

1504 Mr. Sarbanes. Aye.

1505 Ms. Giannangeli. Mr. Sarbanes votes aye.

1506 Mr. Welch.

1507 Mr. Welch. Aye.

1508 Ms. Giannangeli. Mr. Welch votes aye.

1509 Mr. Tonko.

1510 Mr. Tonko. Aye.

1511 Ms. Giannangeli. Mr. Tonko votes aye.

1512 Mr. Loeb sack.

1513 Mr. Loeb sack. Aye.

1514 Ms. Giannangeli. Mr. Loeb sack votes aye.

1515 Mr. Schrader. Mr. Schrader.

1516 Mr. Schrader. Yes.

1517 Ms. Giannangeli. Mr. Schrader votes aye.

1518 Mr. Kennedy.

1519 Mr. Kennedy. Aye.

1520 Ms. Giannangeli. Mr. Kennedy votes aye.

1521 Mr. Butterfield.

1522 Mr. Butterfield. Aye.

1523 Ms. Giannangeli. Mr. Butterfield votes aye.

1524 Mr. Pallone.

1525 Mr. Pallone. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1526 Ms. Giannangeli. Mr. Pallone votes aye.

1527 Chairman Upton.

1528 The Chairman. Votes no.

1529 Ms. Giannangeli. Chairman Upton votes no.

1530 The Chairman. How is Mr. Walden recorded?

1531 Ms. Giannangeli. Mr. Walden is not recorded.

1532 Mr. Walden. No.

1533 Ms. Giannangeli. Mr. Walden votes no.

1534 The Chairman. How is Mr. Bucshon recorded?

1535 Ms. Giannangeli. Mr. Bucshon is not recorded.

1536 Mr. Bucshon. No.

1537 Ms. Giannangeli. Mr. Bucshon votes no.

1538 The Chairman. Other members wishing to change their vote
1539 or cast a vote? Seeing none, the clerk will report the tally.

1540 Ms. Giannangeli. Mr. Chairman, on that vote, there were 13
1541 ayes and 18 noes.

1542 The Chairman. 13 ayes, 18 noes. The amendment is not
1543 agreed to.

1544 Are there further amendments to the bill? Seeing none, the
1545 vote occurs on forwarding H.R. 2883 to the full committee.

1546 Mr. Rush. I want a recorded vote.

1547 The Chairman. A recorded vote has been asked for. All
1548 those in favor will vote aye. Those opposed, vote no. The clerk
1549 will call the roll.

1550 Ms. Giannangeli. Mr. Olson.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1551 Mr. Olson. Aye.

1552 Ms. Giannangeli. Mr. Olson votes aye.

1553 Mr. Barton.

1554 Mr. Barton. Aye.

1555 Ms. Giannangeli. Mr. Barton votes aye.

1556 Mr. Shimkus.

1557 Mr. Shimkus. Aye.

1558 Ms. Giannangeli. Mr. Shimkus votes aye.

1559 Mr. Murphy.

1560 [No response.]

1561 Mr. Latta.

1562 Mr. Latta. Aye.

1563 Ms. Giannangeli. Mr. Latta votes aye.

1564 Mr. Harper.

1565 Mr. Harper. Aye.

1566 Ms. Giannangeli. Mr. Harper votes aye.

1567 Mr. McKinley.

1568 Mr. McKinley. Aye.

1569 Ms. Giannangeli. Mr. McKinley votes aye.

1570 Mr. Kinzinger.

1571 [No response.]

1572 Mr. Griffith.

1573 Mr. Griffith. Aye.

1574 Ms. Giannangeli. Mr. Griffith votes aye.

1575 Mr. Johnson.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1576 Mr. Johnson. Aye.

1577 Ms. Giannangeli. Mr. Johnson votes aye.

1578 Mr. Long.

1579 [No response.]

1580 Mr. Bucshon.

1581 Mr. Bucshon. Aye.

1582 Ms. Giannangeli. Mr. Bucshon votes aye.

1583 Mr. Flores.

1584 Mr. Flores. Aye.

1585 Ms. Giannangeli. Mr. Flores votes aye.

1586 Mr. Mullin.

1587 Mr. Mullin. Aye.

1588 Ms. Giannangeli. Mr. Mullin votes aye.

1589 Mr. Hudson.

1590 Mr. Hudson. Aye.

1591 Ms. Giannangeli. Mr. Hudson votes aye.

1592 Mr. Cramer.

1593 Mr. Cramer. Aye.

1594 Ms. Giannangeli. Mr. Cramer votes aye.

1595 Mr. Walberg.

1596 Mr. Walberg. Aye.

1597 Ms. Giannangeli. Mr. Walberg votes aye.

1598 Mr. Walden.

1599 Mr. Walden. Aye.

1600 Ms. Giannangeli. Mr. Walden votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1601 Mr. Rush.

1602 Mr. Rush. No.

1603 Ms. Giannangeli. Mr. Rush votes no.

1604 Mr. McNerney.

1605 Mr. McNerney. No.

1606 Ms. Giannangeli. Mr. McNerney votes no.

1607 Mr. Peters.

1608 Mr. Peters. No.

1609 Ms. Giannangeli. Mr. Peters votes no.

1610 Mr. Green.

1611 Mr. Green. Aye.

1612 Ms. Giannangeli. Mr. Green votes aye.

1613 Mr. Doyle.

1614 Mr. Doyle. No.

1615 Ms. Giannangeli. Mr. Doyle votes no.

1616 Ms. Castor.

1617 Ms. Castor. No.

1618 Ms. Giannangeli. Ms. Castor votes no.

1619 Mr. Sarbanes.

1620 Mr. Sarbanes. No.

1621 Ms. Giannangeli. Mr. Sarbanes votes no.

1622 Mr. Welch.

1623 Mr. Welch. No.

1624 Ms. Giannangeli. Mr. Welch votes no.

1625 Mr. Tonko.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1626 Mr. Tonko. No.

1627 Ms. Giannangeli. Mr. Tonko votes no.

1628 Mr. Loeb sack.

1629 Mr. Loeb sack. No.

1630 Ms. Giannangeli. Mr. Loeb sack votes no.

1631 Mr. Schrader.

1632 Mr. Schrader. Aye.

1633 Ms. Giannangeli. Mr. Schrader votes aye.

1634 Mr. Kennedy.

1635 Mr. Kennedy. No.

1636 Ms. Giannangeli. Mr. Kennedy votes no.

1637 Mr. Butterfield.

1638 Mr. Butterfield. No.

1639 Ms. Giannangeli. Mr. Butterfield votes no.

1640 Mr. Pallone.

1641 Mr. Pallone. No.

1642 Ms. Giannangeli. Mr. Pallone votes no.

1643 Chairman Upton.

1644 The Chairman. Votes aye.

1645 Ms. Giannangeli. Chairman Upton votes aye.

1646 The Chairman. Other members wishing to change their vote

1647 or cast a vote? Seeing none, the clerk will report the tally.

1648 Ms. Giannangeli. Mr. Chairman, on that vote, there were 12

1649 ayes and 19 noes. Sorry. Mr. Chairman, on that vote, there were

1650 19 ayes and 12 noes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1651 The Chairman. 19 ayes and 12 noes. The question on
1652 forwarding 2883 is approved and forwarded to the full committee.

1653 The chair will now call up H.R. 2910 and ask the clerk to
1654 report.

1655 [The bill follows:]

1656 *****INSERT 5*****

1657 Ms. Giannangeli. H.R. 2910, to provide for federal and
1658 state -- excuse me. To provide for federal and state agency
1659 coordination in the approval of certain authorizations under the
1660 Natural Gas Act, and for other purposes.

1661 The Chairman. Without objection, the first reading of the
1662 bill is dispensed with, and the bill will be open for amendment
1663 at any point. Are there any bipartisan amendments to the bill?
1664 Seeing none, are there any amendments to the bill?

1665 Mr. Rush. Mr. Chairman?

1666 The Chairman. The gentleman from Illinois has an amendment
1667 at the desk?

1668 Mr. Rush. Yes, I have an amendment.

1669 The Chairman. The clerk will report the title of the
1670 amendment. What amendment number is it, do you know? 3.

1671 Mr. Rush. 3.

1672 Ms. Giannangeli. Amendment to H.R. 2910, offered by Mr.
1673 Rush.

1674 The Chairman. And the amendment will be considered as read.
1675 The staff will distribute the amendment, and the gentleman from
1676 Illinois is recognized for 5 minutes in support of his amendment.

1677 Mr. Rush. I want to thank you, Mr. Chairman. Mr. Chairman,
1678 my amendment will simply strike Section 4 of the bill. H.R. 2910
1679 is a bill that offers a solution in search of a problem.

1680 This last month this subcommittee heard testimony from
1681 Director Terry Turpin of FERC's Office of Energy Projects in which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1682 he stated that 88 percent of applications are currently processed
1683 within 12 months. Additionally, Director Turpin noted that the
1684 number 1 reason for an application being delayed was due to the
1685 licensee failing to provide FERC and other agencies with, quote,
1686 "timely and complete information necessary to perform
1687 congressionally mandated project reviews."

1688 Mr. Chairman, instead of actually addressing the main reason
1689 causing the delays for the 12 percent of applications that take
1690 over 12 months to approve, H.R. 2910 seeks to cut corners in a
1691 variety of ways and substitutes safety with expediency.

1692 Mr. Chairman, while we all understand the need for an
1693 expanded energy infrastructure, it is extremely important to our
1694 constituents that these pipelines be constructed in a way that
1695 protects the environment and offers a sense of security to the
1696 communities which they traverse. Congress should not make it
1697 easier for private entities to claim eminent domain and
1698 potentially negatively impact historical and cultural sites,
1699 aquifers, farms, and other private properties, while at the same
1700 time limiting the ability for states, for tribes, and for local
1701 communities to provide input into the process.

1702 Unfortunately, Mr. Chairman, H.R. 2910 does exactly that.
1703 This bill will cut corners by allowing incomplete applications
1704 to be considered. The bill will also cut corners by allowing
1705 incomplete data from earlier surveys to be considered in the
1706 application process.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1707 This bill will cut corners by minimizing the input of states
1708 and agencies responsible for protecting the environment,
1709 sensitive lands, aquifers, and other natural resources.

1710 Mr. Chairman, this bill allows FERC to determine which
1711 agencies are deemed relevant to the application process. And if
1712 a state or agency is not deemed relevant to the process by FERC,
1713 then those stakeholders are completely shut out of the process.

1714 In fact, this bill will specifically prohibit
1715 non-designation agencies, including state organizations, from
1716 being able to, quote, "request or conduct a NEPA review that is
1717 supplemental to the project-related review conducted by the
1718 Commission." This bill will also prohibit, quote,
1719 "non-designation" of agencies from including comments or
1720 supplemental information into the record.

1721 Mr. Chairman, as we have seen in the past, and continue to
1722 witness today, the issue of constructing these pipelines through
1723 aquifers, private property, cultural sites, and other sensitive
1724 lands is an issue that causes great public consternation and
1725 public outcry.

1726 We should be taking into account the sensitive nature of this
1727 issue by listening to our constituents and making them feel as
1728 though we have more of a voice in these sometimes very difficult
1729 decisions, not trying to limit their input.

1730 Mr. Chairman, I would urge all of my colleagues to support
1731 my amendment striking Section 4 of the bill, so that states,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1732 tribes, and local community stakeholders can continue to play an
1733 important role in the pipeline permitting process.

1734 With that, I yield back the balance of my time.

1735 Mr. Olson. [Presiding] The gentleman yields back. Does
1736 anyone want to speak in opposition to the amendment?

1737 Mr. Flores. Mr. Chairman, I move to strike the last word.

1738 Mr. Olson. Mr. Flores is recognized for 5 minutes.

1739 Mr. Flores. Thank you, Mr. Chairman. In the interest of
1740 time, I waive my opening comments regarding my bill, but I will
1741 go ahead and talk about what the bill does because I think my bill
1742 was mischaracterized pretty dramatically in the statement
1743 regarding this amendment.

1744 Mr. Chairman, America is one of the world's top oil and gas
1745 producers thanks to the shale revolution. Our energy
1746 infrastructure and permitting processes must be updated to
1747 reflect America's abundance of domestic energy resources.
1748 Modernizing the permitting process for our Nation's pipeline
1749 infrastructure allows us to efficiently and safely bring those
1750 resources to our downstream assets openly to consumers to power
1751 our economy and to give opportunities for hardworking American
1752 families.

1753 H.R. 2910, promoting interagency coordination for review of
1754 Natural Gas Pipelines Act, builds important permit reforms under
1755 the Energy Policy Act of 2005 by bringing greater accountability,
1756 predictability, and transparency to the process for interstate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1757 pipelines.

1758 This bill requires early notification to all participating
1759 agencies, all states, and all affected Indian tribes to lessen
1760 the burden of interagency bureaucracy, and it reinforces FERC's
1761 status as the lead agency. It further establishes a process for
1762 consultation and concurrent reviews among federal and state
1763 agencies, Indian tribes, and sets deadlines for final decisions.

1764 H.R. 2910 includes common-sense reforms, including
1765 codifying some of the Commission's existing practices in the
1766 statute. It is important to note that this process is more
1767 transparent and more accountable, and this bill enhances
1768 certainty for pipeline applicants. This bill does not guarantee
1769 a given outcome for any applicant. It does, however, ensure that
1770 the involved agencies follow their duty to act on appropriate
1771 projects and not push an ideological agenda by using delays and
1772 stall tactics. Expanding and modernizing our infrastructure
1773 brings additional benefits of creating jobs and means lower energy
1774 prices for hardworking American families.

1775 Now, I want to go -- in particular response to the amendment
1776 that has been offered by the gentleman, again, I want to say H.R.
1777 2910 encourages agencies to participate in the environmental
1778 review process. It cuts no corners, and this leads to better,
1779 more informed decisionmaking.

1780 This amendment would do the complete opposite. It would
1781 discourage agencies from participating. It would lead to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1782 confusion, it would lead to duplication, and it would lead to
1783 delay. The need for new natural gas infrastructure is clear. It
1784 presents new opportunities for our economy and jobs, it
1785 strengthens our energy security, and reduces our domestic
1786 emissions.

1787 Now, one of the things that the gentleman said that sponsored
1788 the amendment, he said that 80 percent of the applications are
1789 on time, or timely issued. Okay. That is true. That means that
1790 20 percent are late, and that 20 percent represents a substantial
1791 increase from just a few years ago.

1792 Now, these delays and that 20 percent don't come without a
1793 cost, and so here are some examples. Project A, I am going to
1794 use as an example, it costs an additional 54 million versus an
1795 original \$607 million budget, which was over a 10 percent
1796 increase.

1797 Project B, as an example, was supposed to cost about
1798 \$683 million, but the projected loss of revenues due to the delays
1799 from the lack of coordination among the bureaucracies and the
1800 additional cost due to unbudgeted and duplicative regulatory
1801 process, was 118 million. In other words, total increased cost
1802 or lost revenues of \$691 million versus a \$683 million project,
1803 two times the original cost.

1804 Project C was supposed to cost \$2.56 billion, but the delays
1805 and bureaucratic overruns -- bureaucratic delay, bureaucratic
1806 cost, cost an additional half-million dollars, or a 20 percent

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1807 increase.

1808 So that 20 percent, the 20 percent that are delayed, which,
1809 again, is way up, has a cost to our economy and has a cost on
1810 American jobs, and it delays these important projects. So I urge
1811 a no vote on the amendment, and a yes vote on the underlying bill.

1812 Thank you. I yield back.

1813 Mr. Olson. The gentleman yields back. The chair now calls
1814 upon the ranking member for an announcement.

1815 Mr. Rush. Yes. Mr. Chairman, I want to -- Tiffany, our
1816 staff here on this side, she created an uproar because she -- her
1817 water broke on this hearing, and so she is rushing home and
1818 possibly going to the hospital to have a baby.

1819 [Applause.]

1820 Mr. Shimkus. Would the gentleman yield?

1821 Mr. Rush. Yes, I will.

1822 Mr. Shimkus. I hope she has extended paternal leave, so we
1823 might be able to get things done, because she is a tough -- she
1824 is a tough negotiator.

1825 [Laughter.]

1826 Mr. Rush. Yeah, yeah, yeah. Thank you, Mr. Chairman.

1827 Mr. Olson. All right. Is there statements in support of
1828 the amendment? The chair now calls upon the ranking member of
1829 the full committee, Mr. Pallone, for 5 minutes.

1830 Mr. Pallone. Thank you, Mr. Chairman. She actually kept
1831 talking, even though she was supposed to go to the hospital. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1832 I said, "Would you please get out of here," so she finally --

1833 Mr. Shimkus. I am shocked. She kept talking? I am
1834 shocked.

1835 Mr. Pallone. She finally left.

1836 [Laughter.]

1837 Mr. Pallone. Anyway, Mr. Chairman, I do want to speak in
1838 support of the Rush amendment. The section of the bill in
1839 question, to set up a new, more limited role for agencies not
1840 designated by FERC as participating agencies in the authorization
1841 process.

1842 This is an important distinction, as any agency not
1843 designated as participating would be greatly limited in their
1844 ability to participate in the project review process, and these
1845 agencies would be prohibited from requesting or conducting a
1846 supplemental NEPA review.

1847 Further, the bill would also prohibit FERC from considering
1848 any comments provided by these agencies during a project's NEPA
1849 review or even allow FERC to include any of their comments in the
1850 record of the review.

1851 While the underlying intent of this provision remains
1852 unclear, it appears to be nothing more than an explicit attempt
1853 to weaken environmental protections and silence potential critics
1854 of certain projects. As written, this section of the bill would
1855 allow FERC to rather arbitrarily define which agencies are allowed
1856 to be involved in the review process while gagging others, and,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1857 in doing so, it would provide FERC with a mechanism to further
1858 limit public and state participation in the licensing process.

1859 Natural gas projects are often massive in scale, affecting
1860 numerous property owners, surrounding communities, and the
1861 environment. And while I heard the Republican sponsor talk about
1862 additional costs, you know, I mean, the bottom line is that these
1863 are major projects that could have real problems. And so I
1864 understand your concern about additional costs, but we do have
1865 to make sure that they are not causing any potential damage.
1866 Because of the magnitude of their potential impact, we should be
1867 welcoming, not silencing, input from diverse stakeholders.

1868 Now, my Republican colleagues might argue that by limiting
1869 participation in the NEPA review we can streamline and shorten
1870 the timeline for project approval, but there is no evidence to
1871 suggest that the approval process takes too long in the first
1872 place.

1873 As many have said, and as representatives of FERC have
1874 testified, nearly 90 percent of all new projects are certificated
1875 within 1 year. And with numbers like that, it is hard not to argue
1876 that the current review and approval framework is working just
1877 fine, in my opinion. So I support the amendment to strike the
1878 language in question and urge my colleagues to do the same.

1879 I yield back.

1880 Mr. Olson. The gentleman yields back. Does anyone want to
1881 speak in opposition to the amendment?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1882 Mr. Rush. Mr. Chairman?

1883 Mr. Olson. Does anyone want to speak in support of the
1884 amendment? Mr. Tonko from New York is recognized for 5 minutes.

1885 Mr. Tonko. Thank you, Mr. Chairman. I move to strike the
1886 last word. Mr. Chairman, I would like to pose a clarifying
1887 question to counsel. On page 9, line 14, the new text states,
1888 and I quote, "If such application is sufficiently complete for
1889 the purposes of commencing consideration." Can staff please
1890 explain what a sufficiently complete application may or may not
1891 include?

1892 Mr. Mooney. There is no definition of "sufficiently
1893 complete." It would be left to the discretion of the agency
1894 involved.

1895 Mr. Tonko. So, in other words, it would be the
1896 responsibility of that agency to decide if an application is
1897 sufficiently complete, without --

1898 Mr. Mooney. Correct.

1899 Mr. Tonko. -- firm guidance in language in this bill? So
1900 who would that agency -- we would be relying on FERC, then?

1901 Mr. Mooney. It would be the agency that is involved in
1902 issuing the federal authorization.

1903 Mr. Tonko. So then would FERC evaluate this on a
1904 case-by-case basis, or is there existing guidance on what
1905 constitutes a sufficiently complete application?

1906 Mr. Mooney. It would be up to the agency to determine

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1907 whether or not the application is sufficiently complete for the
1908 purposes of commencing consideration.

1909 Mr. Tonko. Mr. Chairman, I don't think this language is
1910 sufficiently drafted. There are too many ambiguities. We are
1911 asking FERC to make an undefined determination. Frankly, most
1912 of this bill is a solution in search of a problem. We have heard
1913 from FERC that 88 percent of projects are certified within 1 year
1914 following a completed application.

1915 And, yes, I believe it is incumbent on project developers
1916 to file completed applications before complaining that the
1917 process is too slow. I truly believe that some of these projects
1918 are necessary and in the public good, but there is not good
1919 evidence that we need to further tilt the process in favor of
1920 pipeline companies, which is what the proposed expediting process
1921 would do.

1922 Take, for instance, the remote survey section on page 11,
1923 F2. We heard testimony that aerial data have limitations and can
1924 be insufficient. These data may not account for historic sites,
1925 endangered species, or wetlands, but under this bill, agencies
1926 would be required to consider it. This bill does not include any
1927 standards or methodology requirements that must be met in order
1928 for an agency to be required to consider data from remote surveys.

1929 So state and federal agencies may be forced to consider very
1930 shoddy, unreliable data, without quality control requirements
1931 that might consider the degree of accuracy, scale, elevation, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1932 many other factors. Granting conditional permits based on
1933 inadequate data will ultimately not speed up the process, but it
1934 will enable the rights of landowners being circumvented.

1935 Applicants would not need to make a good faith attempt to
1936 gain access to a private property owner's land, and in so doing
1937 help to make an important stakeholder aware that this project is
1938 being developed. Streamlining is fine, but we are talking about
1939 a process that can result in the use of eminent domain authority.

1940 The bar for seizing private property should be high.
1941 Historically, it has been, is it in the public's interest? But
1942 this bill is helping to shift the question to, is it in the
1943 company's interest? And that is not acceptable to me.

1944 I would encourage my colleagues to oppose this bill and to
1945 support the amendments. And, with that, Mr. Chair, I yield back.

1946 Mr. Olson. The gentleman yields back. Is there any member
1947 seeking to speak in opposition to the amendment? Seeing none,
1948 is there a member who wants to speak in support of the amendment?

1949 The question now occurs on forwarding H.R. 2910 -- oh, the
1950 question now occurs on the Rush amendment. All those in favor,
1951 say aye.

1952 Mr. Rush. Mr. Chairman, I want a roll call vote.

1953 Mr. Olson. A roll call vote has been requested. The clerk
1954 will call the roll.

1955 Ms. Giannangeli. Mr. Olson.

1956 Mr. Olson. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1957 Ms. Giannangeli. Mr. Olson votes no.
1958 Mr. Barton.
1959 Mr. Barton. No.
1960 Ms. Giannangeli. Mr. Barton votes no.
1961 Mr. Shimkus.
1962 Mr. Shimkus. No.
1963 Ms. Giannangeli. Mr. Shimkus votes no.
1964 Mr. Murphy.
1965 Mr. Murphy. No.
1966 Ms. Giannangeli. Mr. Murphy votes no.
1967 Mr. Latta.
1968 Mr. Latta. No.
1969 Ms. Giannangeli. Mr. Latta votes no.
1970 Mr. Harper.
1971 Mr. Harper. No.
1972 Ms. Giannangeli. Mr. Harper votes no.
1973 Mr. McKinley.
1974 Mr. McKinley. No.
1975 Ms. Giannangeli. Mr. McKinley votes no.
1976 Mr. Kinzinger.
1977 [No response.]
1978 Mr. Griffith.
1979 Mr. Griffith. No.
1980 Ms. Giannangeli. Mr. Griffith votes no.
1981 Mr. Johnson.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1982 Mr. Johnson. No.

1983 Ms. Giannangeli. Mr. Johnson votes no.

1984 Mr. Long.

1985 [No response.]

1986 Mr. Bucshon.

1987 Mr. Bucshon. No.

1988 Ms. Giannangeli. Mr. Bucshon votes no.

1989 Mr. Flores.

1990 Mr. Flores. No.

1991 Ms. Giannangeli. Mr. Flores votes no.

1992 Mr. Mullin.

1993 Mr. Mullin. No.

1994 Ms. Giannangeli. Mr. Mullin votes no.

1995 Mr. Hudson.

1996 Mr. Hudson. No.

1997 Ms. Giannangeli. Mr. Hudson votes no.

1998 Mr. Cramer.

1999 Mr. Cramer. No.

2000 Ms. Giannangeli. Mr. Cramer votes no.

2001 Mr. Walberg.

2002 Mr. Walberg. No.

2003 Ms. Giannangeli. Mr. Walberg votes no.

2004 Mr. Walden.

2005 Mr. Walden. No.

2006 Ms. Giannangeli. Mr. Walden votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2007 Mr. Rush.

2008 Mr. Rush. Aye.

2009 Ms. Giannangeli. Mr. Rush votes aye.

2010 Mr. McNerney.

2011 Mr. McNerney. Aye.

2012 Ms. Giannangeli. Mr. McNerney votes aye.

2013 Mr. Peters.

2014 Mr. Peters. Aye.

2015 Ms. Giannangeli. Mr. Peters votes aye.

2016 Mr. Green.

2017 Mr. Green. Aye.

2018 Ms. Giannangeli. Mr. Green votes aye.

2019 Mr. Doyle.

2020 Mr. Doyle. Yes.

2021 Ms. Giannangeli. Mr. Doyle votes aye.

2022 Ms. Castor.

2023 Ms. Castor. Aye.

2024 Ms. Giannangeli. Ms. Castor votes aye.

2025 Mr. Sarbanes.

2026 Mr. Sarbanes. Aye.

2027 Ms. Giannangeli. Mr. Sarbanes votes aye.

2028 Mr. Welch.

2029 Mr. Welch. Aye.

2030 Ms. Giannangeli. Mr. Welch votes aye.

2031 Mr. Tonko.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2032 Mr. Tonko. Aye.

2033 Ms. Giannangeli. Mr. Tonko votes aye.

2034 Mr. Loeb sack.

2035 Mr. Loeb sack. Aye.

2036 Ms. Giannangeli. Mr. Loeb sack votes aye.

2037 Mr. Schrader.

2038 Mr. Schrader. Aye.

2039 Ms. Giannangeli. Mr. Schrader votes aye.

2040 Mr. Kennedy.

2041 Mr. Kennedy. Aye.

2042 Ms. Giannangeli. Mr. Kennedy votes aye.

2043 Mr. Butterfield.

2044 Mr. Butterfield. Aye.

2045 Ms. Giannangeli. Mr. Butterfield votes aye.

2046 Mr. Pallone.

2047 Mr. Pallone. Aye.

2048 Ms. Giannangeli. Mr. Pallone votes aye.

2049 Chairman Upton.

2050 The Chairman. Votes no.

2051 Ms. Giannangeli. Chairman Upton votes no.

2052 The Chairman. [Presiding] Other members wishing to change

2053 their vote or cast a vote? Seeing none, the clerk will report

2054 the tally.

2055 Ms. Giannangeli. Mr. Chairman, on that vote, there were 14

2056 ayes and 17 noes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2057 The Chairman. 14 ayes, 17 noes. The amendment is not
2058 agreed to.

2059 Are there further amendments to the bill? The gentleman
2060 from New Jersey, Mr. Pallone, has an amendment at the desk? Which
2061 number.

2062 Mr. Pallone. It says 01, Mr. Chairman.

2063 The Chairman. 01? And the clerk will report the title of
2064 the amendment.

2065 [The amendment offered by Mr. Pallone follows:]

2066 *****COMMITTEE INSERT 5*****

2067 Ms. Giannangeli. Amendment to H.R. 2910, offered by Mr.
2068 Pallone.

2069 The Chairman. And the amendment will be considered as read.
2070 The staff will distribute the amendment, and the gentleman is
2071 recognized for 5 minutes in support of his amendment.

2072 Mr. Pallone. Thank you, Mr. Chairman. This amendment
2073 would strike the remote survey section of the bill, which places
2074 aerial survey data on the same footing with on-the-ground survey
2075 data for the purposes of the pipeline siting review process.

2076 Pipeline companies have been utilizing drones and other
2077 aircraft to survey private property more regularly in recent
2078 years, and this is problematic for a number of reasons. First,
2079 aerial survey data may not be able to accurately identify
2080 waterways that are present in the project area, particularly in
2081 heavily forested areas where tree cover may obscure a water body.
2082 Aerial surveys are similarly inadequate when it comes to
2083 identifying the potential impact on endangered species that may
2084 be present in the project area.

2085 And, further, this bill appears to be an effort to sidestep
2086 the rights of private landowners and local governments who have
2087 barred pipeline companies from surveying on their property.
2088 There are important reasons why FERC and other federal agencies
2089 must utilize on-the-ground survey data to determine whether a gas
2090 pipeline can be constructed in a safe manner that minimizes
2091 impacts on local communities.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2092 And while I understand FERC does not accept aerial data --
2093 I am sorry. While I understand FERC does accept aerial data, not
2094 all federal and state agencies involved in this process feel that
2095 these remote surveys are sufficient. In my opinion, one of the
2096 main motives for this provision is to give companies the ability
2097 to move through a significant portion of the application process
2098 without property owners having knowledge of their property being
2099 surveyed and reviewed for a pipeline route.

2100 Under this provision, it is possible that a property owner
2101 would not have knowledge that a company was evaluating their
2102 property for the purposes of a natural gas pipeline route until
2103 very late in the process when opportunities to intervene are more
2104 limited. This has been happening, actually, in my home state of
2105 New Jersey where the PennEast Pipeline has been proposed and
2106 homeowners have reported that companies are surveying their
2107 property by air without notification or consent.

2108 Property owners deserve to know if a company is planning to
2109 survey their property by air and if this data is going to be used
2110 to advance an application at FERC to site a pipeline on their
2111 property. And at the very minimum, the applicant should be
2112 required to obtain consent from the property owner. So I urge
2113 my colleagues to support this important amendment, and I yield
2114 back.

2115 The Chairman. The gentleman yields back. The chair would
2116 recognize the gentleman from Texas to speak on the amendment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2117 Mr. Flores. Move to strike the last word.

2118 The Chairman. So be it.

2119 Mr. Flores. Okay. I want to oppose the amendment and
2120 request that our colleagues vote against the amendment. FERC is
2121 the lead agency for siting international -- excuse me, interstate
2122 natural gas pipelines, but there are a number of other federal
2123 and state agencies that must issue permits for large-scale
2124 projects.

2125 And through the FERC prefile process, sponsors engage with
2126 landowners, local communities, and government agencies to educate
2127 stakeholders and collect information about the best location for
2128 siting the pipeline. Unfortunately, sometimes logjams occurs in
2129 the process. For example, under the Clean Water Act, a special
2130 permit is required to cross terrain through wetlands.

2131 However, before the Corps issues their permits, they may
2132 require the applicant to survey the area. Sometimes the
2133 landowner denies access to the site, leaving the applicant process
2134 stuck. So H.R. 2910 specifies that agencies considering an
2135 aspect of a FERC application can utilize information gathered by
2136 remote aerial surveys with the condition that the data will be
2137 verified by subsequent onsite inspections.

2138 Remote aerial surveys are widely accepted. They are a
2139 proven method of collecting environmental information. Allowing
2140 remote surveys would improve the environmental review and
2141 eliminate potential for unnecessary delays. Allowing remote

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

2142 surveys would give agencies access to more information. More
2143 information leads to better decisions. I don't see how anybody
2144 can argue with that.

2145 And just so we are clear, here is the language that the
2146 gentleman is proposing to strike. Starting with line 8 on page
2147 11, "Remote surveys. If a federal or state agency considering
2148 an aspect of an application for federal authorization requires
2149 the person applying for such authorization to submit data, the
2150 agency shall consider any such data gathered by aerial or other
2151 remote means that the person submits. The agency may grant a
2152 conditional approval for the federal authorization based on the
2153 data gathered by aerial or remote means, conditioned upon the
2154 verification of such data by a subsequent onsite inspection."

2155 So we haven't really don't anything except provide for
2156 additional information on a conditional basis, which would be
2157 backed up by subsequent onsite data. So I urge a no vote because
2158 I believe the gentleman's amendment is not needed at this point.

2159 Thank you.

2160 Mr. Pallone. Would the gentleman yield?

2161 Mr. Flores. Sure. I will just yield back, but go ahead.

2162 Mr. Pallone. I am not arguing that you wouldn't have to have
2163 verification on ground eventually. The problem, though -- and
2164 this is what we face in New Jersey -- is that there is no
2165 notification of the aerial. And so often times the property
2166 owners -- in this case, particularly with the PennEast Pipeline

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2167 -- the survey is done by air, and they don't know anything about
2168 it until very -- until the very end of the process, because there
2169 is no notification of the aerial survey.

2170 And so, as a consequence, the landowner or the local
2171 government has very little time to actually, you know, provide
2172 any input. That is what we are facing right now.

2173 I thank the gentleman for yielding.

2174 Mr. Flores. Thank you. Reclaiming my time, but, again,
2175 through the FERC prefile process, sponsors engage with the
2176 landowners, local communities, and government agencies to educate
2177 their stakeholders and collect information about the best
2178 location for siting the pipeline. So this doesn't wind up as a
2179 big surprise to most landowners.

2180 I yield back.

2181 The Chairman. The gentleman yields back. Other members
2182 wishing to speak on the amendments? The gentleman from Illinois
2183 is recognized for 5 minutes.

2184 Mr. Rush. Mr. Chairman, I move to strike the last word. Mr.
2185 Chairman, I would like to speak in support of the Pallone
2186 amendment. The bill before us today will allow the use of survey
2187 data collected by aerial or other remote means in the federal
2188 authorization process for natural gas project application.

2189 My Republican colleagues argue that the use of such data in
2190 lieu of ground surveys would speed up the approval process for
2191 construction of new pipelines. In fact, the use of aerial data

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2192 may very well have the opposite effect. Aerial data would still
2193 need to be verified with the survey data collected onsite.

2194 Pipeline routes may well have to be changed, even after
2195 initial approval, if aerial data cannot be verified. This could
2196 result in lengthy construction delays while wasting already
2197 precious resources in the process. Beyond such delays, I have
2198 other serious reservations about the use of aerial and other
2199 remote surveys in the application and authorization process.

2200 The use of aerial surveys is bad for the environment. With
2201 aerial surveys, it is difficult to assess the presence of
2202 endangered plants and wildlife. It can also be difficult to
2203 identify certain types of sensitive and protected ecosystems,
2204 like wetlands.

2205 Aerial and remote surveys are also bad for property owners.
2206 Use of such data would effectively strip landowners as well as
2207 the local agencies of their ability to participate meaningfully
2208 in the pipeline siting process. Make no mistake, Mr. Chairman,
2209 approving the use of aerial and survey data for authorization of
2210 new gas projects will only serve to diminish the rights of property
2211 owners.

2212 I am sure we can all agree that natural gas projects need
2213 to be planned, approved, and developed using the best available
2214 data. Data from aerial and remote surveys are simply too limited
2215 and flawed to meet this goal.

2216 I strongly support the amendment to strike this language from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2217 the bill and urge all of my constituents to do the same.

2218 I yield back.

2219 The Chairman. The gentleman yields back. Other members
2220 wishing to speak on the amendment? Seeing none, the vote occurs
2221 on the amendment offered by the -- a roll call is requested. Those
2222 in favor of the Rush amendment will vote aye. Those opposed will
2223 vote no.

2224 Mr. Rush. Pallone amendment. Pallone amendment.

2225 The Chairman. I am sorry. The Pallone amendment. Those
2226 in favor of the Pallone amendment, vote aye. Those opposed, vote
2227 no. And the clerk will call the roll.

2228 Ms. Giannangeli. Mr. Olson.

2229 Mr. Olson. No.

2230 Ms. Giannangeli. Mr. Olson votes no.

2231 Mr. Barton.

2232 Mr. Barton. No.

2233 Ms. Giannangeli. Mr. Barton votes no.

2234 Mr. Shimkus.

2235 Mr. Shimkus. No.

2236 Ms. Giannangeli. Mr. Shimkus votes no.

2237 Mr. Murphy.

2238 Mr. Murphy. No.

2239 Ms. Giannangeli. Mr. Murphy votes no.

2240 Mr. Latta.

2241 Mr. Latta. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2242 Ms. Giannangeli. Mr. Latta votes no.
2243 Mr. Harper.
2244 Mr. Harper. No.
2245 Ms. Giannangeli. Mr. Harper votes no.
2246 Mr. McKinley.
2247 Mr. McKinley. No.
2248 Ms. Giannangeli. Mr. McKinley votes no.
2249 Mr. Kinzinger.
2250 [No response.]
2251 Mr. Griffith.
2252 Mr. Griffith. No.
2253 Ms. Giannangeli. Mr. Griffith votes no.
2254 Mr. Johnson.
2255 Mr. Johnson. No.
2256 Ms. Giannangeli. Mr. Johnson votes no.
2257 Mr. Long.
2258 [No response.]
2259 Mr. Bucshon.
2260 Mr. Bucshon. No.
2261 Ms. Giannangeli. Mr. Bucshon votes no.
2262 Mr. Flores.
2263 Mr. Flores. No.
2264 Ms. Giannangeli. Mr. Flores votes no.
2265 Mr. Mullin.
2266 Mr. Mullin. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2267 Ms. Giannangeli. Mr. Mullin votes no.
2268 Mr. Hudson.
2269 Mr. Hudson. No.
2270 Ms. Giannangeli. Mr. Hudson votes no.
2271 Mr. Cramer.
2272 Mr. Cramer. No.
2273 Ms. Giannangeli. Mr. Cramer votes no.
2274 Mr. Walberg.
2275 Mr. Walberg. No.
2276 Ms. Giannangeli. Mr. Walberg votes no.
2277 Mr. Walden.
2278 Mr. Walden. No.
2279 Ms. Giannangeli. Mr. Walden votes no.
2280 Mr. Rush.
2281 Mr. Rush. Aye.
2282 Ms. Giannangeli. Mr. Rush votes aye.
2283 Mr. McNerney.
2284 Mr. McNerney. Aye.
2285 Ms. Giannangeli. Mr. McNerney votes aye.
2286 Mr. Peters.
2287 Mr. Peters. Aye.
2288 Ms. Giannangeli. Mr. Peters votes aye.
2289 Mr. Green.
2290 Mr. Green. Aye.
2291 Ms. Giannangeli. Mr. Green votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2292 Mr. Doyle.

2293 Mr. Doyle. Yes.

2294 Ms. Giannangeli. Mr. Doyle votes aye.

2295 Ms. Castor.

2296 Ms. Castor. Aye.

2297 Ms. Giannangeli. Ms. Castor votes aye.

2298 Mr. Sarbanes.

2299 Mr. Sarbanes. Aye.

2300 Ms. Giannangeli. Mr. Sarbanes votes aye.

2301 Mr. Welch.

2302 Mr. Welch. Aye.

2303 Ms. Giannangeli. Mr. Welch votes aye.

2304 Mr. Tonko.

2305 Mr. Tonko. Aye.

2306 Ms. Giannangeli. Mr. Tonko votes aye.

2307 Mr. Loeb sack.

2308 Mr. Loeb sack. Aye.

2309 Ms. Giannangeli. Mr. Loeb sack votes aye.

2310 Mr. Schrader.

2311 Mr. Schrader. Aye.

2312 Ms. Giannangeli. Mr. Schrader votes aye.

2313 Mr. Kennedy.

2314 Mr. Kennedy. Aye.

2315 Ms. Giannangeli. Mr. Kennedy votes aye.

2316 Mr. Butterfield.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2317 Mr. Butterfield. Aye.

2318 Ms. Giannangeli. Mr. Butterfield votes aye.

2319 Mr. Pallone.

2320 Mr. Pallone. Aye.

2321 Ms. Giannangeli. Mr. Pallone votes aye.

2322 Chairman Upton.

2323 The Chairman. Votes no.

2324 Ms. Giannangeli. Chairman Upton votes no.

2325 The Chairman. Members wishing to change their vote or cast

2326 a vote? Seeing none, the clerk will report the tally.

2327 Ms. Giannangeli. Mr. Chairman, on that vote, there were 14

2328 ayes and 17 noes.

2329 The Chairman. 14 ayes, 17 noes. The amendment offered by

2330 the gentleman from New Jersey is not accepted.

2331 Are there further amendments to the bill? The gentlelady

2332 from Florida has an amendment.

2333 Ms. Castor. I have an amendment at the desk, D-04, called

2334 Avoiding Wasteful Government Spending.

2335 [The amendment offered by Ms. Castor follows:]

2336 *****COMMITTEE INSERT 6*****

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2337 The Chairman. The clerk will report the title of the bill.
2338 Ms. Giannangeli. Amendment to H.R. 2910, offered by Ms.
2339 Castor.

2340 The Chairman. And the amendment will be considered as read.
2341 The staff will distribute the amendment, and the gentlelady is
2342 recognized for 5 minutes in support of her amendment.

2343 Ms. Castor. Thank you, Mr. Chairman. Members, the bill
2344 before us today aims to expedite the Federal Energy Regulatory
2345 Commission review of natural gas pipeline applications. Now,
2346 despite the fact that 90 percent of FERC natural gas pipeline
2347 projects are approved within 1 year, I do understand the desire
2348 for FERC and other agencies to be as efficient as possible.

2349 And I am not the only one that feels this way. Earlier this
2350 month the White House set up a new council to help project managers
2351 navigate the bureaucratic maze, saying that their council will
2352 also improve transparency by creating a new online dashboard,
2353 allowing everyone to easily track major projects through every
2354 state of the approval process.

2355 Now, I have raised this issue before, that this bill is
2356 redundant and unnecessary, because I am sure all members recall
2357 that in 2015, in the overwhelmingly bipartisan FAST Act that was
2358 signed into law, the Congress directed the executive branch to
2359 set up the Federal Permitting Improvement Steering Council, or
2360 we call it FPISC, to improve timeliness, predictability, and
2361 transparency of federal environmental review and authorization

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2362 process for major infrastructure projects, including interstate
2363 natural gas pipelines.

2364 The council is now getting organized. It will oversee
2365 permitting for over 30 major infrastructure projects that will
2366 all benefit from enhanced coordination, including establishment
2367 of a lead agency for the project, recommended performance
2368 schedules, and public project timelines, and greater transparency
2369 at all levels of review.

2370 It turns out that the White House pronouncement and the FPISC
2371 are the exact same council. And taking all of that into account,
2372 the bill before us is unnecessary and redundant. Increased
2373 coordination and transparency for infrastructure permitting is
2374 already covered by FPISC, so let's not add another layer here by
2375 adopting this bill.

2376 The committee would have benefitted from testimony from
2377 FPISC on any possible redundancies with H.R. 2910. However, the
2378 majority did not invite FPISC to testify on this bill, despite
2379 requests to hold additional hearings so members could hear about
2380 their progress so far.

2381 So to eliminate this wasteful duplication, my amendment
2382 requires OMB to determine that the bill does not duplicate any
2383 existing federal efforts to improve the timeliness,
2384 predictability, and transparency of the federal environmental
2385 review and authorization process, and doesn't result in wasteful
2386 government spending.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2387 This is just an exercise in good government. If my
2388 Republican colleagues won't solicit input from federal agencies
2389 while drafting legislation, then taxpayers should not have to pay
2390 for their mistakes. If the provisions of this bill are unique,
2391 then the Act will go forward as is. But if OMB finds that these
2392 transparency and streamlining functions are already being done
2393 elsewhere, then the unnecessary and wasteful bill will not go into
2394 effect.

2395 So let's not set up a duplicative process with this bill.
2396 I urge my colleagues to adopt my common-sense amendment and yield
2397 back my time.

2398 The Chairman. The gentlelady yields --

2399 Ms. Castor. I will yield to Mr. Peters.

2400 Mr. Peters. I would like to thank the gentlelady. I just
2401 want to express some frustration. I will support this amendment,
2402 but I actually am someone who is interested in dealing with the
2403 regulatory burden of duplicative environmental review. I
2404 actually practiced law in this field. I think there is a lot of
2405 room for improvement. I think we can still achieve the same high
2406 environmental standards.

2407 But the frustrating thing for me is that this bill only had
2408 -- the legislative language was only released to us Tuesday night.
2409 I didn't see it until this morning. I am more than willing to
2410 sit down with anyone and talk about how we could improve it, but
2411 Ms. Castor raises a good question about whether this is already

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2412 taken care of.

2413 And I would like to have a conversation about, even on
2414 pipelines, which I am -- you know, there is no particular pipeline
2415 business in my district like there is in Mr. Green's -- I think
2416 we owe it to the economy to streamline these to the extent we can.

2417 I just feel like they have been really cut out of that process
2418 here. There is a real discussion to be had here, and the process
2419 that we have had here, the late -- this late notice and last-minute
2420 changes, this is much different from what we saw before. It
2421 really prevents that kind of discussion.

2422 So I am going to vote with Ms. Castor on this amendment. I
2423 will vote against this bill, but I wanted to signal explicitly
2424 to my colleagues that I am willing to work on this in a serious
2425 way if you are interested.

2426 And I yield back.

2427 The Chairman. The gentlelady yields back her time. The
2428 gentleman from Texas, Mr. Flores.

2429 Mr. Flores. Move to strike the last word. Mr. Chairman,
2430 the amendment is really what is unnecessary. If we look at the
2431 Energy Policy Act of 2005, or I will just call it the EP Act, FERC
2432 has designated as the lead agency for coordinating necessary
2433 environmental reviews and associated federal authorizations.

2434 As the lead agency, FERC often coordinates with a variety
2435 of federal, state, and local governments, and Indian tribes to
2436 balance a wide range -- wide-ranging set of issues, including

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2437 potential impacts on environmental and wildlife resources, land
2438 use, and property rights. That is what is under the EP Act.

2439 Unfortunately, the way that things have been implemented,
2440 and despite the increased authority that was given to FERC under
2441 the EP Act, there is growing evidence that pipeline infrastructure
2442 approvals are being unnecessarily delayed due to a lack of
2443 coordination or insufficient action among the agencies
2444 coordinating the permitting process.

2445 There is a December 2012 study that found that since the
2446 enactment of the EP Act's permitting reforms, the occurrence of
2447 federal authorization delays exceeding 90 days has risen from 8
2448 percent to 28 percent, while delays exceeding 180 days have risen
2449 from 3 percent to 20 percent. So that is the reason for the bill
2450 that we have in front of us today.

2451 The overwhelming majority of Americans support expanding
2452 infrastructure to ensure stable, affordable supplies of energy.
2453 Having sufficient supplies of natural gas is important to keeping
2454 electricity and home heating affordable and reliable, and
2455 infrastructure is a smart investment for energy security, job
2456 growth, and manufacturing.

2457 This amendment would jeopardize those investments, and the
2458 jobs that come with it, so I urge a no vote on the amendment and
2459 a yes vote on the underlying bill.

2460 And I yield back.

2461 The Chairman. The gentleman yields back. Other members?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2462 The gentleman from New Jersey is recognized for 5 minutes.

2463 Mr. Pallone. Thank you, Mr. Chairman. I don't want to keep
2464 arguing this because I know we are almost at the end of the markup,
2465 and actually getting done sooner than I thought we would be.

2466 But, you know, I just don't understand how, you know, when
2467 we know that -- and it has been said many times that nearly 90
2468 percent of pipeline projects are approved in less than a year --
2469 why there is any, you know, notion out there that there is going
2470 to be -- that there are significant delays.

2471 And it -- you know, we are basically saying on our side that,
2472 you know, we want to make sure that there is proper review, and,
2473 in this case, that the bill has a critical flaw because it seems
2474 that it is largely duplicative of the streamlining provision
2475 included in the FAST Act, which was passed on a bipartisan basis
2476 last Congress.

2477 The FAST Act authorized the Federal Permitting Improvement
2478 Steering Council to improve the timeliness, predictability, and
2479 transparency of the federal environmental review and
2480 authorization process for major infrastructure projects,
2481 including natural gas pipelines. The council is overseeing
2482 permitting for 32 major infrastructure projects, including 7
2483 interstate natural gas pipeline projects, and that process sets
2484 up enhanced coordination by establishing a lead agency for the
2485 project, recommended performance schedules, and public project
2486 timetables, and increased transparency throughout the review

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2487 process.

2488 And when we have a legislative hearing on a substantially
2489 different form of this bill, FERC testified that a number of
2490 provisions in the bill will duplicate efforts of the council. I
2491 just can't -- I have to believe that this bill is just -- is not
2492 only a solution in search of a problem; it is a solution to
2493 non-existent problem that was already solved by the FAST Act.

2494 And so I encourage all of my colleagues to support this
2495 amendment, so that we can get a determination as to whether this
2496 bill is truly duplicative of other federal efforts. And I expect
2497 that it is, so I would urge a vote in support of the Castor
2498 amendment.

2499 I yield back.

2500 The Chairman. The gentleman yields back. Other members
2501 wishing to speak on the bill? Seeing -- on the amendment? Seeing
2502 none, the vote occurs on the -- a roll call vote is requested.
2503 Those in favor of the Castor amendment will vote aye. Those
2504 opposed will vote no. And the clerk will call the roll.

2505 Ms. Giannangeli. Mr. Olson.

2506 Mr. Olson. No.

2507 Ms. Giannangeli. Mr. Olson votes no.

2508 Mr. Barton.

2509 Mr. Barton. No.

2510 Ms. Giannangeli. Mr. Barton votes no.

2511 Mr. Shimkus.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2512 Mr. Shimkus. No.

2513 Ms. Giannangeli. Mr. Shimkus votes no.

2514 Mr. Murphy.

2515 Mr. Murphy. No.

2516 Ms. Giannangeli. Mr. Murphy votes no.

2517 Mr. Latta.

2518 Mr. Latta. No.

2519 Ms. Giannangeli. Mr. Latta votes no.

2520 Mr. Harper.

2521 [No response.]

2522 Mr. McKinley.

2523 Mr. McKinley. No.

2524 Ms. Giannangeli. Mr. McKinley votes no.

2525 Mr. Kinzinger.

2526 [No response.]

2527 Mr. Griffith.

2528 Mr. Griffith. No.

2529 Ms. Giannangeli. Mr. Griffith votes no.

2530 Mr. Johnson.

2531 Mr. Johnson. No.

2532 Ms. Giannangeli. Mr. Johnson votes no.

2533 Mr. Long.

2534 [No response.]

2535 Mr. Bucshon.

2536 Mr. Bucshon. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2537 Ms. Giannangeli. Mr. Bucshon votes no.
2538 Mr. Flores.
2539 Mr. Flores. No.
2540 Ms. Giannangeli. Mr. Flores votes no.
2541 Mr. Mullin.
2542 Mr. Mullin. No.
2543 Ms. Giannangeli. Mr. Mullin votes no.
2544 Mr. Hudson.
2545 Mr. Hudson. No.
2546 Ms. Giannangeli. Mr. Hudson votes no.
2547 Mr. Cramer.
2548 Mr. Cramer. No.
2549 Ms. Giannangeli. Mr. Cramer votes no.
2550 Mr. Walberg.
2551 Mr. Walberg. No.
2552 Ms. Giannangeli. Mr. Walberg votes no.
2553 Mr. Walden.
2554 Mr. Walden. No.
2555 Ms. Giannangeli. Mr. Walden votes no.
2556 Mr. Rush.
2557 Mr. Rush. Aye.
2558 Ms. Giannangeli. Mr. Rush votes aye.
2559 Mr. McNerney.
2560 Mr. McNerney. Aye.
2561 Ms. Giannangeli. Mr. McNerney votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2562 Mr. Peters.

2563 Mr. Peters. Aye.

2564 Ms. Giannangeli. Mr. Peters votes aye.

2565 Mr. Green.

2566 Mr. Green. No.

2567 Ms. Giannangeli. Mr. Green votes no.

2568 Mr. Doyle.

2569 Mr. Doyle. Yes.

2570 Ms. Giannangeli. Mr. Doyle votes aye.

2571 Ms. Castor.

2572 Ms. Castor. Aye.

2573 Ms. Giannangeli. Ms. Castor votes aye.

2574 Mr. Sarbanes.

2575 Mr. Sarbanes. Aye.

2576 Ms. Giannangeli. Mr. Sarbanes votes aye.

2577 Mr. Welch.

2578 Mr. Welch. Aye.

2579 Ms. Giannangeli. Mr. Welch votes aye.

2580 Mr. Tonko.

2581 Mr. Tonko. Aye.

2582 Ms. Giannangeli. Mr. Tonko votes aye.

2583 Mr. Loeb sack.

2584 Mr. Loeb sack. Aye.

2585 Ms. Giannangeli. Mr. Loeb sack votes aye.

2586 Mr. Schrader.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2587 Mr. Schrader. Aye.

2588 Ms. Giannangeli. Mr. Schrader votes aye.

2589 Mr. Kennedy.

2590 Mr. Kennedy. Aye.

2591 Ms. Giannangeli. Mr. Kennedy votes aye.

2592 Mr. Butterfield.

2593 Mr. Butterfield. Aye.

2594 Ms. Giannangeli. Mr. Butterfield votes aye.

2595 Mr. Pallone.

2596 Mr. Pallone. Aye.

2597 Ms. Giannangeli. Mr. Pallone votes aye.

2598 Chairman Upton.

2599 The Chairman. Votes no.

2600 Ms. Giannangeli. Chairman Upton votes no.

2601 The Chairman. Members wishing to change their vote or cast

2602 a vote? Mr. Harper, I was --

2603 Mr. Harper. Votes no.

2604 Ms. Giannangeli. Mr. Harper votes no.

2605 The Chairman. Other members? Seeing none, the clerk will

2606 report the tally.

2607 Ms. Giannangeli. Mr. Chairman, on that vote, there were 13

2608 ayes and 18 noes.

2609 The Chairman. 13 ayes, 18 noes. The amendment is not

2610 agreed to.

2611 Are there further amendments to the bill? Seeing none, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2612 vote occurs on -- the question occurs on forwarding H.R. 2910 to
2613 the full committee. All those in favor -- a roll call vote is
2614 requested. The clerk will call the roll.

2615 Ms. Giannangeli. Mr. Olson.

2616 Mr. Olson. Aye.

2617 Ms. Giannangeli. Mr. Olson votes aye.

2618 Mr. Barton.

2619 Mr. Barton. Aye.

2620 Ms. Giannangeli. Mr. Barton votes aye.

2621 Mr. Shimkus.

2622 Mr. Shimkus. Aye.

2623 Ms. Giannangeli. Mr. Shimkus votes aye.

2624 Mr. Murphy.

2625 [No response.]

2626 Mr. Latta.

2627 Mr. Latta. Aye.

2628 Ms. Giannangeli. Mr. Latta votes aye.

2629 Mr. Harper.

2630 Mr. Harper. Aye.

2631 Ms. Giannangeli. Mr. Harper votes aye.

2632 Mr. McKinley.

2633 Mr. McKinley. Aye.

2634 Ms. Giannangeli. Mr. McKinley votes aye.

2635 Mr. Kinzinger.

2636 [No response.]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2637 Mr. Griffith.

2638 Mr. Griffith. Aye.

2639 Ms. Giannangeli. Mr. Griffith votes aye.

2640 Mr. Johnson.

2641 Mr. Johnson. Aye.

2642 Ms. Giannangeli. Mr. Johnson votes aye.

2643 Mr. Long.

2644 [No response.]

2645 Mr. Bucshon.

2646 Mr. Bucshon. Aye.

2647 Ms. Giannangeli. Mr. Bucshon votes aye.

2648 Mr. Flores.

2649 Mr. Flores. Aye.

2650 Ms. Giannangeli. Mr. Flores votes aye.

2651 Mr. Mullin.

2652 Mr. Mullin. Aye.

2653 Ms. Giannangeli. Mr. Mullin votes aye.

2654 Mr. Hudson.

2655 Mr. Hudson. Aye.

2656 Ms. Giannangeli. Mr. Hudson votes aye.

2657 Mr. Cramer.

2658 Mr. Cramer. Aye.

2659 Ms. Giannangeli. Mr. Cramer votes aye.

2660 Mr. Walberg.

2661 Mr. Walberg. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2662 Ms. Giannangeli. Mr. Walberg votes aye.
2663 Mr. Walden.
2664 Mr. Walden. No. Aye.
2665 Ms. Giannangeli. Mr. Walden votes aye.
2666 Mr. Rush.
2667 Mr. Rush. No.
2668 Ms. Giannangeli. Mr. Rush votes no.
2669 Mr. McNerney.
2670 Mr. McNerney. No.
2671 Ms. Giannangeli. Mr. McNerney votes no.
2672 Mr. Peters.
2673 Mr. Peters. No.
2674 Ms. Giannangeli. Mr. Peters votes no.
2675 Mr. Green.
2676 Mr. Green. No.
2677 Ms. Giannangeli. Mr. Green votes no.
2678 Mr. Doyle.
2679 Mr. Doyle. No.
2680 Ms. Giannangeli. Mr. Doyle votes no.
2681 Ms. Castor.
2682 Ms. Castor. No.
2683 Ms. Giannangeli. Ms. Castor votes no.
2684 Mr. Sarbanes.
2685 Mr. Sarbanes. No.
2686 Ms. Giannangeli. Mr. Sarbanes votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2687 Mr. Welch.

2688 Mr. Welch. No.

2689 Ms. Giannangeli. Mr. Welch votes no.

2690 Mr. Tonko.

2691 Mr. Tonko. No.

2692 Ms. Giannangeli. Mr. Tonko votes no.

2693 Mr. Loeb sack.

2694 Mr. Loeb sack. No.

2695 Ms. Giannangeli. Mr. Loeb sack votes no.

2696 Mr. Schrader.

2697 Mr. Schrader. No.

2698 Ms. Giannangeli. Mr. Schrader votes no.

2699 Mr. Kennedy.

2700 Mr. Kennedy. No.

2701 Ms. Giannangeli. Mr. Kennedy votes no.

2702 Mr. Butterfield.

2703 Mr. Butterfield. No.

2704 Ms. Giannangeli. Mr. Butterfield votes no.

2705 Mr. Pallone.

2706 Mr. Pallone. No.

2707 Ms. Giannangeli. Mr. Pallone votes no.

2708 Chairman Upton.

2709 The Chairman. Votes aye.

2710 Ms. Giannangeli. Chairman Upton votes aye.

2711 The Chairman. Other members wishing to -- how is Mr. Murphy

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2712 recorded?

2713 Ms. Giannangeli. Mr. Murphy is not recorded.

2714 Mr. Murphy. Votes aye.

2715 Ms. Giannangeli. Mr. Murphy votes aye.

2716 The Chairman. Other members wishing to change their vote
2717 or cast a vote? Seeing none, the vote -- the clerk will report
2718 the tally.

2719 Ms. Giannangeli. Mr. Chairman, on that vote, there were 17
2720 ayes and 14 noes.

2721 The Chairman. 17 ayes, 14 noes. The question on forwarding
2722 the bill to the full committee is approved. And, without
2723 objection, the staff is authorized to make technical and
2724 conforming changes to the legislation approved by the
2725 subcommittee today. So ordered.

2726 Without objection, the subcommittee stands adjourned.

2727 Thank you.

2728 [Whereupon, at 12:14 p.m., the subcommittee was adjourned.]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701