

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2910) TO PROVIDE FOR FEDERAL AND STATE AGENCY COORDINATION IN THE APPROVAL OF CERTAIN AUTHORIZATIONS UNDER THE NATURAL GAS ACT, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2883) TO ESTABLISH A MORE UNIFORM, TRANSPARENT, AND MODERN PROCESS TO AUTHORIZE THE CONSTRUCTION, CONNECTION, OPERATION, AND MAINTENANCE OF INTERNATIONAL BORDER-CROSSING FACILITIES FOR THE IMPORT AND EXPORT OF OIL AND NATURAL GAS AND THE TRANSMISSION OF ELECTRICITY; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 218) TO PROVIDE FOR THE EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND IN THE STATE OF ALASKA FOR THE CONSTRUCTION OF A ROAD BETWEEN KING COVE AND COLD BAY; AND FOR OTHER PURPOSES

JULY 18, 2017.—Referred to the House Calendar and ordered to be printed

Ms. CHENEY, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 454]

The Committee on Rules, having had under consideration House Resolution 454, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-28 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those amendments printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally di-

vided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part A of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–29 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides for one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of H.R. 218, the King Cove Road Land Exchange Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–27 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part C of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part C of this report. The resolution provides for one motion to recommit with or without instructions.

Section 4 of the resolution provides that it shall be in order at any time on the legislative day of July 20, 2017, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to the bill (H.R. 2825) to amend the Homeland Security Act of 2002 to make certain improvements

in the laws administered by the Secretary of Homeland Security, and for other purposes.

Section 5 of the resolution provides that the Committee on Appropriations may, at any time before 5 p.m. on Friday, July 21, 2017, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2018.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2910, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2910 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 2883, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2883 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 218, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 218 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part C of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 76

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #5 to H.R. 2883, offered by Rep. Castor (FL), which ensures that the complete length of border-crossing projects—not just the portion crossing the border—receive a thorough environmental review. Defeated: 3–6

Majority Members	Vote	Minority Members	Vote
Mr. Cole	Ms. Slaughter	Yea
Mr. Woodall	Mr. McGovern	Yea
Mr. Burgess	Nay	Mr. Hastings of Florida	Yea

Majority Members	Vote	Minority Members	Vote
Mr. Collins	Nay	Mr. Polis	
Mr. Byrne	Nay		
Mr. Newhouse			
Mr. Buck	Nay		
Ms. Cheney	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 77

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #7 to H.R. 2910, offered by Rep. Pallone (NJ), which prohibits the use of eminent domain for pipeline projects with a certificate of public convenience after the enactment of this bill. Defeated: 3–6

Majority Members	Vote	Minority Members	Vote
Mr. Cole		Ms. Slaughter	Yea
Mr. Woodall		Mr. McGovern	Yea
Mr. Burgess	Nay	Mr. Hastings of Florida	Yea
Mr. Collins	Nay	Mr. Polis	
Mr. Byrne	Nay		
Mr. Newhouse			
Mr. Buck	Nay		
Ms. Cheney	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 78

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #4 to H.R. 2910, offered by Rep. Watson Coleman (NJ), which requires that FERC find it in the public interest before allowing a holder of public convenience to exercise eminent domain. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Mr. Cole		Ms. Slaughter	Yea
Mr. Woodall	Nay	Mr. McGovern	Yea
Mr. Burgess	Nay	Mr. Hastings of Florida	Yea
Mr. Collins	Nay	Mr. Polis	
Mr. Byrne	Nay		
Mr. Newhouse			
Mr. Buck	Nay		
Ms. Cheney	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 79

Motion by Mr. Burgess to report the rule. Adopted: 7–3

Majority Members	Vote	Minority Members	Vote
Mr. Cole		Ms. Slaughter	Nay
Mr. Woodall	Yea	Mr. McGovern	Nay
Mr. Burgess	Yea	Mr. Hastings of Florida	Nay
Mr. Collins	Yea	Mr. Polis	
Mr. Byrne	Yea		
Mr. Newhouse			
Mr. Buck	Yea		
Ms. Cheney	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 2910 IN PART A MADE IN
ORDER

1. Tsongas (MA), McGovern (MA), Beyer (VA): Shall not apply if any part of a pipeline facility that is a subject of the application is to be located on lands required under Federal, State, or local law to be managed for purposes of natural resource conservation or recreation. (10 minutes)

2. Lynch (MA): Directs FERC, in considering an application for an authorization or certificate covered by the bill, to consult with the Administrator of the Transportation Security Administration regarding the extent of the applicant's compliance with security guidance and best practice recommendations issued by TSA on pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures designed to ensure the public safety. (10 minutes)

3. Beyer (VA): Improves FERCs public comment and transparency process (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 2883 IN PART B MADE IN
ORDER

1. Engel (NY): Ensures that permitting authority for cross-border pipelines remains with the Department of State. (10 minutes)

2. Tsongas (MA), McGovern (MA), Beyer (VA): States FERC may not issue a certificate of crossing if any part of the oil or natural gas pipeline project is to be located on lands required under Federal, State, or local law to be managed for purposes of natural resource conservation or recreation. (10 minutes)

3. Veasey (TX): Clarifies the applicability of the National Environmental Policy Act of 1969 (NEPA) to projects affected by the bill. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 218 IN PART C MADE IN
ORDER

1. Tsongas (MA): Requires mitigation measures, previously adopted in P.L. 111–11, to ensure that impacts to migratory birds, wildlife, and wetlands are minimized. (10 minutes)

2. Young, Don (AK): Amends section 7 to conform the text of H.R. 218 with the Senate text, S. 101. (10 minutes)

3. Grijalva (AZ): Prohibits the Act from taking effect until \$20 Million in federal funds given to Alaska for transportation purposes in King Cove is repaid to the Federal Government. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 2910 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TSONGAS OF MASSACHUSETTS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, after line 9, add the following:

(h) LIMITATION ON APPLICATION.—This section shall not apply to any application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act with respect to which any part of a pipeline facility that is a subject of the application is to be located on lands

required under Federal, State, or local law to be managed for purposes of natural resource conservation or recreation.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LYNCH OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, after line 9, add the following:

SEC. 3. PIPELINE SECURITY.

In considering an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Federal Energy Regulatory Commission shall consult with the Administrator of the Transportation Security Administration regarding the applicant's compliance with security guidance and best practice recommendations of the Administration regarding pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEYER OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, after line 9, add the following:

(g) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS.—

(1) IN GENERAL.—In conducting a project-related NEPA review, the Commission shall prepare a supplement to a draft environmental impact statement or a final environmental impact statement if—

(A) the Commission makes a substantial change in the proposed action that is relevant to environmental concerns; or

(B) there are significant new circumstances or information relevant to environmental concerns and bearing on the application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act with respect to which the project-related NEPA review is being conducted, or its impacts.

(2) MITIGATION PLANS.—In conducting a project-related NEPA review, if a draft environmental impact statement does not include information about mitigation plans for adverse impacts that cannot reasonably be avoided, the Commission shall prepare a supplement to the draft environmental impact statement that includes such information.

PART B—TEXT OF AMENDMENTS TO H.R. 2883 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ENGEL OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, after line 16, insert the following:

(i) the Secretary of State with respect to border-crossing facilities consisting of oil pipelines;

Page 2, line 17, strike “(i)” and insert “(ii)”.

Page 2, line 19, strike “oil or”.

Page 2, line 21, strike “(ii)” and insert “(iii)”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TSONGAS OF MASSACHUSETTS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, after line 14, insert the following:

(D) ADDITIONAL REQUIREMENT FOR OIL AND NATURAL GAS PIPELINE FACILITIES.—In the case of a request for a certificate of crossing for a border-crossing facility consisting of an oil or natural gas pipeline facility, the Federal Energy Regulatory Commission may not issue a certificate of crossing under subparagraph (A) if any part of the oil or natural gas pipeline project is to be located on lands required under Federal, State, or local law to be managed for purposes of natural resource conservation or recreation.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VEASEY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, after line 3, insert the following:

(D) SCOPE OF NEPA REVIEW.—Nothing in this Act, or the amendments made by this Act, shall affect the scope of any review required to be conducted under section 102 of the National Environmental Policy Act of 1969 with respect to a project for which a certificate of crossing for a border-crossing facility is requested under this subsection.

PART C—TEXT OF AMENDMENTS TO H.R. 218 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TSONGAS OF MASSACHUSETTS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, after line 18, insert the following:

SEC. 7. MITIGATION PLAN.

The requirements related to mitigation under section 6403(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1180) shall apply to the road constructed in the road corridor.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 21, insert “(including the issuance of any permit that may be required from any Federal agency to construct the road)” after “under this Act”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, after line 24, insert the following:

SEC. 8. TAXPAYER FAIRNESS.

This Act shall not take effect until the State of Alaska has repaid to the United States the \$20,000,000 in Federal funds appropriated and paid to the State of Alaska under section 353(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105-277).

