119TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPT. 119–297
Part 1

IMPROVING INTERAGENCY COORDINATION FOR PIPELINE REVIEWS ACT

SEPTEMBER 15, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GUTHRIE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3668]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3668) to promote interagency coordination for reviewing certain authorizations under section 3 of the Natural Gas Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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59–006

PURPOSE AND SUMMARY

H.R. 3668, the "Improving Interagency Coordination for Pipeline Reviews Act," was introduced by Representative Hudson on June 3, 2025. The legislation would help address the critical need to expand and modernize the nation's natural gas pipeline infrastructure by promoting more timely and efficient reviews.

BACKGROUND AND NEED FOR LEGISLATION

The Federal Energy Regulatory Commission (FERC) is the principal Federal agency involved in the review of interstate natural gas pipelines. FERC has exclusive authority under section 7 of the Natural Gas Act (NGA)[1] to review and grant the certificate of public convenience and necessity required to construct a new or expanded interstate natural gas pipeline. FERC conducts the environmental review of each proposed natural gas pipeline project as required under the National Environmental Policy Act (NEPA).[2] Under the Energy Policy Act of 2005 (EPAct), FERC is designated as the lead agency for coordinating necessary environmental reviews and associated Federal authorizations.[3] As the lead agency, FERC often coordinates with a variety of Federal, State, and local governments and Indian tribes to balance a wide range of issues, including potential impacts on environmental and wildlife resources, land-use, and property rights.

Multiple permits are often required for a natural gas pipeline project, including permits under the Clean Water Act (CWA),[4] Endangered Species Act (ESA),[5] and Clean Air Act (CAA).[6] Under current FERC regulations, Federal and State agencies participate in the development of the NEPA analysis for a pipeline project and then are required to complete their respective permit application reviews no later than 90 days after FERC issues its final environmental document, unless another schedule is established by Federal law.[7]

Despite the increased authority given to FERC under EPAct, there is growing evidence that pipeline infrastructure approvals are being delayed unnecessarily due to a lack of coordination or insufficient action among agencies involved in the permitting process. It has also become apparent that inadequate infrastructure to transport natural gas has negatively affected electric grid reliability and electric rates, especially in New England states, as natural gas fired power plants have had difficulty accessing the fuel they need to maintain operations. Furthermore, the lack of pipeline capacity in the Northeast, especially during times of high demand in winter months, has resulted in the region becoming dangerously dependent on liquefied natural gas (LNG) imports.

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[1] 15 U.S.C. § 717f.
[2] 42 U.S.C. § 4321 *et. seq.*
[3] 15 U.S.C. 717n (where the Natural Gas Act was amended by the Energy Policy Act of 2025).
[4] 33 U.S. Code § 1251.
[5] 16 U.S.C. §§ 1531–1544.
[6] 42 U.S.C. §7401 et. seq.
[7] U.S. Federal Energy Regulatory Commission (FERC), *Regulations Implementing the Energy Policy Act of 2005: Coordinating the Processing of Federal Authorizations for Applications under Sections 3 and 7 of the Natural Gas Act and Maintaining a Complete Consolidated Record*, 18 CFR Parts 153, 157, 375, and 385, Docket No. RM06–1–000 (issued May 18, 2006), https://www.ferc.gov/sites/default/files/2020-06/RM06-1-000.pdf.

There are numerous large natural gas pipelines that would have carried billions of cubic feet of natural gas per day and served tens of millions of customers that have been cancelled in recent years due to permitting challenges and delays. While FERC is partially responsible, some States, such as New York, have weaponized their Federally delegated responsibilities under CWA Section 401 to veto pipeline construction projects for reasons unrelated to water quality.[8]

H.R. 3668 would improve the permitting process for natural gas pipelines by strengthening the lead agency role of FERC and further defining the process for participating Federal and State agencies. The intent of these provisions is to involve stakeholders sooner so that they can be involved in the setting of the schedule and identify issues of concern earlier in the process. The legislation would require agencies that may consider an aspect of an application to participate in the review process and comply with the schedules established by FERC. The legislation requires that agencies conduct their respective reviews concurrently, and in conjunction with, the project-related review conducted by FERC in compliance with NEPA. In considering an aspect of an application, Federal and State agencies may accept remote aerial survey data and use that data to grant conditional approvals, conditioned on the onsite inspection. Remote aerial surveys are widely accepted, proven methods of collecting environmental data, and allowing their use will lead to better, more informed decisions.

H.R. 3668 would increase public accountability, transparency, and efficiency by requiring FERC to publish the schedule, a list of all actions required by each applicable agency, and the status of all pending actions. The legislation also contains a provision that would improve the water quality review by shifting the responsibility from the States to FERC. Under H.R. 3668, an applicant for a Federal authorization for an interstate pipeline would not be required to obtain a CWA Section 401 certification from a State. Instead, FERC would incorporate the water quality certification into its existing NEPA review, with necessary terms or conditions proposed by the States participating in the review process.

COMMITTEE ACTION

On April 30, 2025, the Subcommittee on Energy held a legislative hearing on 14 pieces of legislation, including H.R. 3668. The Subcommittee received testimony from:

- Mike Goff, Acting Undersecretary of Energy, U.S. Department of Energy;
- David L. Morenoff, Acting General Counsel, Federal Energy Regulatory Commission;
- Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission;
- Jim Matheson, Chief Executive Officer, National Rural Electric Cooperative Association;
- Amy Andryszak, President and Chief Executive Officer, Interstate Natural Gas Association of America;

[8] *Constitution Pipeline Co., LLC v. FERC*, Docket CP18–5, (filed Sept. 14, 2018) (see No. 18–1251 (D.C. Cir. filed 9/14/2018) Denial of waiver of Clean Water Act authority; finding that New York DEC acted in a timely manner, following Constitutions withdrawal and resubmittal of its CWA application, in denying CWA permit.).

- Todd A. Snitchler, President and Chief Executive Officer, Electric Power Supply Association and;
- Kim Smaczniak, Partner, Roselle LLP.

On June 5, 2025, the Subcommittee on Energy met in open markup session and forwarded H.R. 3668, without amendment, to the full Committee by a record vote of 15 yeas and 11 nays. On June 25, 2025, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3668, without amendment, favorably reported to the House by a record vote of 27 yeas and 23 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

As of 02/24/2025

COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON ENERGY
119TH CONGRESS
ROLL CALL VOTE # 18

BILL: H.R. 3668, Improving Interagency Coordination for Pipeline Reviews Act.

AMENDMENT: Approved Favorably to the Full Committee (Final Passage)

DISPOSITION: **Agreed to,** by a roll call vote of 15 yeas to 11 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Latta	X			Ms. Castor		X	
Mr. Weber	X			Mr. Peters		X	
Mr. Palmer	X			Mr. Menendez		X	
Mr. Allen	X			Mr. Mullin		X	
Mr. Balderson	X			Ms. McClellan		X	
Mr. Pfluger	X			Ms. DeGette		X	
Mrs. Harshbarger	X			Ms. Matsui		X	
Mrs. Miller-Meeks				Mr. Tonko		X	
Mr. James	X			Mr. Veasey			
Mr. Bentz	X			Ms. Schrier		X	
Mr. Fry	X			Ms. Fletcher			
Ms. Lee				Ms. Ocasio-Cortez		X	
Mr. Langworthy	X			Mr. Auchincloss			
Mr. Rulli				Mr. Pallone		X	
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						
Mr. Guthrie	X						

06/05/2025

As of 02/24/2025

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 23

BILL: H.R. 3668, Improving Interagency Coordination for Pipeline Reviews Act

AMENDMENT: Final Passage

DISPOSITION: **Agreed to,** by a roll call vote of 27 yeas and 23 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis				Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez			
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry				Mr. Landsman		X	
Ms. Lee				Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

06/25/2025

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3668 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to address the critical need to expand and modernize the nation's natural gas pipeline infrastructure by promoting more timely and efficient reviews.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3668 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearings were used to develop or consider H.R. 3668:

On February 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3668. The title of the hearing was "Powering America's Future: Unleashing American Energy." The Subcommittee received testimony from:

- Amanda Eversole, Executive Vice President and Chief Advocacy Officer, American Petroleum Institute;
- Brigham McCown, Senior Fellow and Director, Initiative on American Energy Security, The Hudson Institute;
- Gary Arnold, Business Manager, Denver Pipefitters Local 208 and;
- Tyler O'Connor, Partner, Crowell & Moring LLP.

On March 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3668. The title of the hearing was "Scaling for Growth: Meeting the Demand for Reliable, Affordable Electricity." The Subcommittee received testimony from:

- Todd Brickhouse, CEO and General Manager, Basin Electric Power Cooperative;
- Asim Haque, Senior Vice President for Governmental and Member Services, PJM;
- Noel W. Black, Senior VP of Regulatory Affairs, Southern Company and;
- Tyler H. Norris, James B. Duke Fellow, Duke University.

On March 25, 2025, the Subcommittee on Energy held a hearing on H.R. 3668. The title of the hearing was "Keeping the Lights On: Examining the State of Regional Grid Reliability." The Subcommittee received testimony from:

- Gordon van Welie, President and Chief Executive Officer, ISO New England;
- Richard J. Dewey, President and Chief Executive Officer, New York Independent System Operator;
- Manu Asthana, President and Chief Executive Officer, PJM Interconnection LLC;
- Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent ISO;
- Lanny Nickell, Chief Operating Officer, Southwest Power Pool;
- Elliot Mainzer, President and Chief Executive Officer, California Independent System Operator and;
- Pablo Vegas, President and Chief Executive Officer, Electric Reliability Council of Texas, Inc.

On April 9, 2025, the Committee on Energy and Commerce held a full committee hearing on H.R. 3668. The title of the hearing was "Converting Energy Into Intelligence: The Future of AI Technology, Human Discovery, and American Global Competitiveness." The Committee received testimony from:

- Eric Schmidt, Chair, Special Competitive Studies Project;
- Manish Bhatia, Executive Vice President of Global Operations, Micron Technology;
- Alexander Wang, Founder and Chief Executive Officer, Scale AI, and;
- David Turk, Distinguished Visiting Fellow, Center on Global Energy Policy, Columbia University.

On April 30, 2025, the Subcommittee on Energy held a legislative hearing on H.R. 3668. The title of the hearing was "Assuring Abundant, Reliable American Energy to Power Innovation." The Subcommittee received testimony from:

- Mike Goff, Acting Undersecretary of Energy, U.S. Department of Energy;
- David L. Morenoff, Acting General Counsel, Federal Energy Regulatory Commission;
- Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission;
- Jim Matheson, Chief Executive Officer, National Rural Electric Cooperative Association;
- Amy Andryszak, President and Chief Executive Officer, Interstate Natural Gas Association of America;
- Todd A. Snitchler, President and Chief Executive Officer, Electric Power Supply Association and;
- Kim Smaczniak, Partner, Roselle LLP.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3668 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title, the "Improving Interagency Coordination for Review of Natural Gas Pipelines Act."

Section 2. Promoting interagency coordination for review of natural gas pipelines

Section 2(a) provides definitions for terms used throughout this section.

Section 2(b) designates FERC as the only lead agency for the purposes of complying with NEPA for an authorization under section 3 of the NGA or a certificate of public convenience and necessity under section 7 of the NGA. This section requires FERC to coordinate as early as practicable with each agency designated as a participating agency under subsection (d)(3) and to take such actions as necessary and proper to facilitate the expeditious resolution of its project-related NEPA review.

Section 2(c) directs each agency to give deference, to the maximum extent authorized by law, to the scope of the project-related NEPA review that FERC determines to be appropriate, when making a decision with respect to a Federal authorization under section 3 of the NGA or a certificate of public convenience and necessity under section 7 of the NGA.

Section 2(d)(1) requires FERC to identify as early as practicable, after it is notified by a person applying for an authorization under section 3 of the NGA or a certificate of public convenience and necessity under section 7 of the NGA, any Federal or State agency, local government, or Indian Tribe that may issue a Federal authorization or is required by Federal law to consult with FERC on the issuance of a Federal authorization.

Section 2(d)(2) requires FERC to invite the identified agencies to participate in the review process for the applicable Federal authorization. The invitation shall establish a deadline for when the agency must submit a response to FERC. FERC may extend the deadline for good cause.

Section 2(d)(3) requires FERC to designate identified agencies as participating agencies with respect to an application for authorization under section 3 of the NGA or certificate of public convenience and necessity under section 7 of the NGA, unless the agency informs FERC, in writing, that the agency does not have jurisdiction over the application, has no special expertise relevant to the NEPA review, and does not intend to submit comments for the record for the NEPA review conducted by FERC.

Section 2(d)(4) provides that any agency not designated as a participating agency may not request or conduct a NEPA review that is supplemental to FERC's project-related NEPA review, unless the agency (1) demonstrates that such review is legally necessary or (2) requires information that could not have been obtained during FERC's project-related NEPA review. Additionally, it directs FERC not to consider any comments or other information submitted by an agency that is not designated as a participating agency for FERC's project-related NEPA review and not to include any comments in the record for the Commission's NEPA review from an agency that is not designated as a participating agency.

Section 2(e)(1) provides that an applicant for a Federal authorization under the NGA shall not be required to provide a certification under Section 401 of the Federal Water Pollution Control Act.

Section 2(e)(2) requires FERC to coordinate its NEPA review as necessary with States where a potential discharge into navigable waters may occur.

Section 2(e)(3) allows for States to propose conditions to FERC to protect water resources.

Section 2(e)(4) allows for FERC to include terms or conditions proposed by a State.

Section 2(f)(1) directs the Commission not to establish a deadline for a Federal authorization exceeding 90 days after the Commission completes its project-related NEPA review.

Section 2(f)(2) directs each Federal and State agency considering a Federal authorization for an application or an aspect of application under section 3 of the NGA or a certificate of public convenience and necessity under section 7 of the NGA to formulate and implement a plan to ensure completion of Federal authorizations in compliance with schedules established by FERC. When considering an aspect of an application for a Federal authorization, each Federal and State agency shall carry out the obligations of that agency under applicable law concurrently with FERC's project-related NEPA review, and in compliance with FERC's established schedule, unless the agency notifies FERC in writing that doing so would impair the ability of the agency to conduct needed analysis or otherwise carryout the agency's obligations. Each Federal and State agency considering an aspect of a Federal authorization shall transmit to FERC a statement acknowledging receipt of the schedule established by FERC. The statement shall also contain the plan formulated to ensure completion of the Federal authorizations in compliance with FERC's schedule. Not later than 30 days after the agency receives an application for a Federal authorization under section 3 of the NGA or a certificate of public convenience and necessity under section 7 of the NGA, a Federal or State agency shall transmit to the applicant a notice indicating whether the application is ready for processing. If the application is not ready for processing, the agency shall provide a comprehensive description to the applicant of the information needed for the agency to determine that the application is ready for processing. Each Federal and State agency shall transmit to FERC a report once every 90 days describing the progress made in considering an application. Section 2(e)(3) specifies that if a Federal or State agency fails to meet a deadline for a Federal authorization set forth in FERC's schedule, the head of the relevant Federal agency shall notify Congress and FERC of such failure and set forth a recommended implementation plan to ensure completion of the action.

Section 2(g)(1) directs Federal and State agencies considering an aspect of an application for a Federal authorization to identify any issues of concern that may delay or prevent an agency from working with FERC to resolve the identified issues and grant the authorization. FERC may forward any identified issue of concern to the heads of relevant agencies for resolution.

Section 2(g)(2) instructs Federal or State agencies considering an aspect of an application for a Federal authorization to consider any data gathered by aerial or other remote means submitted by the applicant. The agency may grant a conditional approval for the Federal authorization based on data gathered by aerial or remote means, conditioned on the verification of such data by subsequent onsite inspection.

Section 2(g)(3) specifies that FERC, and Federal and State agencies, may allow a person applying for a Federal authorization to fund a third-party contractor to assist in reviewing an application.

Section 2(h) directs FERC, with input from any Federal or State agency considering an aspect of an application, to track and make available to the public on the Commission's website information related to the actions required to complete a Federal authorization.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

MINORITY VIEWS

H.R. 3668, the Improving Interagency Coordination for Pipeline Reviews Act H.R. 3668 would dismantle the ability of states to keep their waters clean. The bill would introduce requirements into the pipeline permitting process that are at best duplicative and at worst would actually slow down the process of building pipelines. It would remove states' rights under section 401 of the Federal Water Pollution Control Act (commonly known as the Clean Water Act, or CWA) (33 U.S.C. 1341) to issue Water Quality Certificates to natural gas pipeline projects that discharge into their navigable waters.

Subsection 2(e) of the bill would transfer CWA section 401 authority from states to the Federal Energy Regulatory Commission (FERC) for the purposes of permitting natural gas pipelines. It would then merely allow states to propose terms or conditions upon which FERC could insist in a certificate for a natural gas pipeline pursuant to section 7 of the Natural Gas Act (NGA) or an authorization for a liquified natural gas (LNG) facility pursuant to section 3 of the NGA, but would restrict the circumstances under which FERC could accept such a condition.[1] The bill would put the onus of CWA section 401 compliance on FERC, which currently lacks the expertise and staffing necessary.[2] Forcing FERC to be responsible for CWA section 401 compliance will either delay pipelines, as FERC acquires the necessary expertise and experience, or expose pipelines to litigation risk on a potentially unsound permit.

During a legislative hearing on H.R. 3668, the Committee heard testimony from Kim Smaczniak that "under existing law, states have the ability to review discharges that result from construction of these projects and determine whether it is going to impact their state waters . . . The states are the ones who are closest to the needs of their residents. They can consider the public health impacts and the livelihood impacts of those discharges."[3] These concerns are not hypothetical. In 2020, the state of New York denied a Water Quality Certificate to Williams' Northeast Supply Enhancement Project, a pipeline project that would have installed 17 miles of natural gas pipelines into New York state waters because it found that the pipeline applicant was unable to demonstrate compliance with New York's water quality standards. In particular, the state doubted that Williams would be able to

[1] H.R. 3668 § 2(e).

[2] House Committee on Energy and Commerce, Responses to Questions for the Record from Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission, *Hearing on Assuring Abundant, Reliable American Energy to Power Innovation*, 119th Cong. (Apr. 30, 2024).

[3] House Committee on Energy and Commerce, Testimony of Kim Smaczniak, Partner, Roselle LLP, *Hearing on Assuring Abundant, Reliable American Energy to Power Innovation*, 119th Cong. (Apr. 30, 2024).

comply with mercury standards.[4] If H.R. 3668 had been law at the time of Williams' application, New York would have been unable to enforce its own clean water laws. The majority is often fond of talking about states' rights, particularly when it comes to the ability of states to set their own policies for electricity generation. It appears they hold no such regard for state clean water laws.

Moreover, the bill is a bad solution in search of a problem. The majority's report alleges that "there is growing evidence that pipeline infrastructure approvals are being delayed unnecessarily due to a lack of coordination or insufficient action among agencies involved in the permitting process'" but offers no evidence to support its assertion. In fact, the Committee received contrary testimony from Terry Turpin, who testified that:

> ". . . the Commission's current processes are thorough and have resulted in the timely approval of necessary interstate natural gas pipeline and storage facilities as well as natural gas import or export facilities. These processes ensure legally durable Commission decision-making and orders. Since 2015, the Commission has authorized over 8,100 miles of interstate natural gas pipeline totaling more than 132 billion cubic feet per day of transportation capacity and over 180 billion cubic feet of interstate storage capacity. Over that same period, the Commission has issued 44 orders authorizing LNG facility construction, expansions, or capacity uprates. The Commission has also issued 23 NGA section 3 authorizations and Presidential Permits for border crossing facilities over the last ten years."[5]

This aligns with previous testimony the Committee has received that FERC has processed 88 percent of pipeline projects applying for a certificate within a year, and testimony then-FERC Chairman Richard Glick gave before the Senate Committee on Energy and Natural Resources that the time to approve pipeline certificates had not significantly departed from prior years.[6][7] Even to the extent that one believes the majority's argument that pipeline approval timelines are a significant barrier to expanding pipeline capacity, it is clear that CWA section 401 approvals are typically not a limiting factor. In response to a direct question by Rep. Allen (R GA) on section 401 permits, Mr. Turpin responded that, "I think, historically, we haven't seen much problem with the 401s."[8] In response to this testimony, Rep. Menendez (D–NJ) offered an amendment at the Subcommittee markup that would have struck section 2(e) and clarified that nothing in the bill would impact a state's

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[4] Letter from Daniel Whitehead, Director, Division of Environmental Permits, New York State Department of Environmental Conservation, to Joseph Dean, Manager, Environmental Health and Safety, Transcontinental Gas Pipe Line Company, LLC (May 15, 2020).

[5] House Committee on Energy and Commerce, Testimony of Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission, *Hearing on Assuring Abundant, Reliable American Energy to Power Innovation*, 119th Cong. (Apr. 30, 2024).

[6] House Committee on Energy and Commerce, Testimony of Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission, *Hearing on Legislation Addressing Pipeline and Hydropower Infrastructure Modernization*, 117th Cong. (May 3, 2017).

[7] Congressional Research Service, *Interstate Natural Gas Pipeline Siting: FERC Policy and Issues for Congress* (June 9, 2022) (R45239).

[8] *See* note 5.

right to issue a section 401 Water Quality Certification under the CWA. The amendment was defeated on a party-line vote.[9]

The focus on section 2(e) is not meant to imply that the other portions of the bill are acceptable. They broadly seem duplicative of current FERC practice, especially as modified by the amendments made to the National Environmental Policy Act in 2023 and with the recent Supreme Court decision in *Seven County Infrastructure Coalition v. Eagle County*. Furthermore, the requirement in section 2(f) that a final decision on any Federal authorization required for a natural gas certificate or LNG facility authorization be made within 90 days of FERC's finalizing its environmental review could conflict with current practices by pipeline developers to stagger or sequence their applications for necessary authorizations.[10]

This is the fourth time in a decade that Republicans have attempted to move this bill, or similar language, through the Committee.[11] It has yet to become law. If Republicans are truly interested in "energy dominance" or any durable change to our energy statutes to broadly make energy in this country more affordable, they must recognize that is a bigger conversation than just pipelines and natural gas. It would involve substantial fixes to the way we plan, permit, and pay for our power grid, and would require the Trump Administration to cease its attacks on sources of clean energy.

For the reasons stated above, I oppose this legislation.

FRANK PALLONE, Jr.,
Ranking Member.

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[9] House Committee on Energy and Commerce, Subcommittee on Energy, *Markup of 13 Bills*, 119th Cong. (June 5, 2025).

[10] *See* note 5.

[11] H.R. 8, 114th Cong. (2015); H.R. 2910, 115th Cong. (2017); H.R. 1115, 117th Cong. (2023).

EXCHANGE OF LETTERS WITH ADDITIONAL COMMITTEES OF REFERRAL

BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

September 11, 2025

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Graves:

I write this letter to kindly request that you forgo action on H.R. 3668, the "Improving Interagency Coordination for Pipeline Reviews Act." I would appreciate your willingness to do this so that the bill may proceed expeditiously to the House Floor.

I acknowledge that your decision to forgo action on this bill would not in any way diminish or alter the jurisdiction of the Committee on Transportation and Infrastructure, nor prejudice that Committee's jurisdictional prerogatives on this measure or similar legislation in the future.

Should you agree to forgo action, I will also include a copy of our exchange of letters on H.R. 3668 in the committee report on the bill or in the Congressional Record during consideration of the bill on the House floor.

Thank you again for your assistance on this matter.

Sincerely,

Brett Guthrie

Brett Guthrie
Chairman

Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Nick Christensen, Staff Director

Rick Larsen
Ranking Member

Katherine W. Dedrick, Democratic Staff Director

September 11, 2025

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Guthrie:

Thank you for your letter regarding H.R. 3668, the "*Improving Interagency Coordination for Pipeline Reviews Act*." I appreciate your outreach and your consideration of the jurisdictional interests of the Committee on Transportation and Infrastructure.

In the interest of permitting H.R. 3668 to proceed expeditiously to the House Floor, I am willing to forgo formal action by the Committee on Transportation and Infrastructure with the understanding that doing so does not waive any future jurisdictional claims over this bill or similar legislation.

I appreciate your commitment to include our exchange of letters in the committee report on H.R. 3668 or in the *Congressional Record* during its consideration on the House Floor.

Thank you again for your cooperation and for your work on this important legislation.

Sincerely,

Sam Graves
Chairman
Committee on Transportation
and Infrastructure

cc: The Honorable Mike Johnson, Speaker of the House
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce
The Honorable Jason Smith, Parliamentarian