

Speier	Torres	Wasserman
Suozi	Tsongas	Schultz
Swalwell (CA)	Vargas	Waters, Maxine
Takano	Veasey	Watson Coleman
Thompson (CA)	Vela	Welch
Thompson (MS)	Velázquez	Wilson (FL)
Titus	Visclosky	Yarmuth
Tonko	Walz	

NOT VOTING—5

Cummings	Napolitano	Turner
Labrador	Scalise	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1422

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO TRANSNATIONAL CRIMINAL ORGANIZATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115-55)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days of the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to significant transnational criminal organizations declared in Executive Order 13581 of July 24, 2011, is to continue in effect beyond July 24, 2017.

Significant transnational criminal organizations continue to threaten the safety of the United States and its citizens through the scope and gravity of their actions. Such organizations derive revenue through widespread illegal conduct and overwhelmingly demonstrate a blatant disregard for human life through acts of violence and abuse. These organizations often facilitate and aggravate violent civil conflicts

and increasingly facilitate the activities of other dangerous persons. As the sophistication of these organizations increases, they pose an increasing threat to the United States.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13581 with respect to transnational criminal organizations.

DONALD J. TRUMP.
THE WHITE HOUSE, July 19, 2017.

PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES ACT

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 2910.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 454 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2910.

The Chair appoints the gentleman from Tennessee (Mr. DUNCAN) to preside over the Committee of the Whole.

□ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the 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, with Mr. DUNCAN of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. UPTON) and the gentlewoman from Florida (Ms. CASTOR) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, introduced by my colleague and friend from Texas (Mr. FLORES).

I want to congratulate him for his work on this very important piece of legislation that, in fact, will streamline the permit process for the building of energy infrastructure, which will strengthen our economy, create the jobs that we want, and, in fact, in-

crease our energy security. Very important.

This bill is going to address the critical need to expand and modernize the Nation's natural gas pipeline infrastructure by promoting a more timely and efficient review.

Mr. Chairman, by establishing FERC as the lead agency, this bill is going to bring greater certainty, accountability, and transparency to the siting process for interstate natural gas pipelines. Unfortunately, many important projects have been delayed unnecessarily while waiting for permits from participating agencies, and when siting a pipeline project, multiple permits are always required, permits under the Clean Water Act, the Endangered Species Act, the Clean Air Act.

So FERC often coordinates with a variety of Federal, State, and local governments and Indian Tribes to balance a wide range of issues, including the potential impacts on environmental and wildlife resources, land use, and, of course, property rights.

This bill is going to improve the permitting process by strengthening the lead agency role of FERC in further defining the process for participating in Federal and State agencies, and 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.

Further, 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 compliance with NEPA.

□ 1430

To be clear, we are not skipping steps, we are just saying that one part of the process shouldn't hold up the entire project if progress can be made on other required permits.

So this bill is going to encourage more timely and efficient reviews, a more robust and reliable energy pipeline system, more affordable energy prices for every American.

Mr. Chair, I congratulate the gentleman from Texas, who has brought this bill before us through the committee process.

Mr. Chair, I reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I rise in opposition to H.R. 2910. The bill shortcuts the important review process for interstate natural gas pipeline projects, a process which already boasts one of the quickest review periods for any type of major energy project. The bill is unnecessary.

To my colleague from the Energy and Commerce Committee's point when he says that too many of these projects are being delayed; to the contrary. The Federal Energy Regulatory Commission testified in front of our committee

that almost 90 percent of interstate natural gas pipeline projects are approved within 1 year. This is a dangerous bill because of what it does to short-circuit safety and environmental review processes.

Now, I want to say, at the outset, pipelines can be a safe and practical way to transport natural gas. Natural gas pipelines are part of a modern energy infrastructure system—I would say that almost all Democrats agree with that—but what this bill does is it shortcuts, it overrides safety, private property rights, environmental concerns.

This is a problem, because when you look at the long list of serious accidents involving natural gas pipelines, the fatalities, the accidents, the injuries, it is just inappropriate and very poor public policy to give those natural gas pipelines a pass.

Mr. Chair, I yield as much time as he may consume to the gentleman from Illinois (Mr. RUSH), the ranking member of the Energy and Commerce's Subcommittee on Energy.

Mr. RUSH. Mr. Chair, I want to thank the gentlewoman from Florida (Ms. CASTOR), a wonderful colleague and a Member who has really shown extraordinary leadership on this matter and other matters that appear before this Congress and the Energy and Commerce Committee.

Mr. Chair, I strongly oppose H.R. 2910 because it is a bill that offers a solution in search of a problem.

As FERC testified before the Energy Subcommittee just this past May, a whopping 88 percent of natural gas pipeline applications are currently processed within a year, and the number one reason for the delays in the approval process was due to applicants submitting incomplete paperwork.

Mr. Chair, H.R. 2910 does nothing to actually address the reason behind the delays, but instead will allow incomplete applications to be considered, will allow incomplete data from aerial surveys to be considered, and would minimize the input of States and agencies responsible for protecting the environment, sensitive lands, and other natural resources.

However, that said, one of the most egregious aspects of this bill is that it would actually make it easier for private pipeline companies to claim eminent domain and seize private property of hardworking American citizens.

Mr. Chair, as we have seen in the past and continue to witness today, the issue of constructing these major pipelines through aquifers, private property, cultural sites, and other sensitive lands is a topic that causes great public consternation and great public concern.

Congress should be taking into account the sensitive nature of this extremely divisive issue by listening to our own constituents, the American people, and giving them more of a voice in these very difficult decisions, rather than trying to limit their input.

Mr. Chair, to address this critical issue, both Ranking Member PALLONE, as well as my colleague, Congresswoman WATSON COLEMAN of New Jersey, and I offered amendments to deny private companies the right to claim eminent domain unless constructing a pipeline was found to be in the public interest, and not solely as a way for companies to turn a profit.

Mr. Chair, even though this amendment was brought up and voted down by my Republican colleagues in the Energy and Commerce Committee, it was ruled nongermane to today's discussion for some very odd, but also for some very obvious reason.

In other words, Mr. Chair, the majority party has determined that although they are pushing a bill that would make it easier for private companies to seize lands from private citizens for financial gain, Members of Congress are not allowed to take up an up-or-down vote on that issue on the floor here today.

This Congress is telling the American people: Hell, no, you won't have a voice in this. We are here operating solely in the interests of private companies for their private profit.

Mr. Chair, I can assure you that the American people will not agree with this decision to place the interests of private natural gas companies above the rights and interests of private landowners.

Congress should not make it easier for private companies to claim eminent domain and potentially negatively impact historical sites, reservoirs, farms, and other private properties while at the same time limiting the ability for States, Tribes, and local communities to provide input into the process.

Mr. Chair, why are we allowing these private companies to have eminent domain over the private property, over the land of American citizens, without any input from States on this particular matter?

Mr. Chair, for these reasons, I strongly oppose this bill, and I urge all my colleagues to oppose it as well.

Mr. UPTON. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there is a reason why the parliamentarians ruled that the amendments on eminent domain are not applicable here: because they are not germane. Eminent domain is not part of this bill. In fact, the underlying natural gas act requires that eminent domain proceedings, "shall conform as nearly as may be with the practice and procedure in similar action or proceedings in the courts of the State where the property is situated."

This doesn't change that, and that is why those eminent domain amendments were not made in order.

Mr. Chair, I yield 3 minutes to the gentleman from Texas (Mr. FLORES), the sponsor of the bill.

Mr. FLORES. Mr. Chairman, I thank Chairman UPTON for yielding me time in his effort to bring this bill to the floor today.

Mr. Chairman, I rise today to urge my colleagues to support H.R. 2910. Thanks to the shale revolution, America is a top global producer of natural gas, and in the past several years, natural gas has become the top fuel choice for generating electricity in our Nation.

My constituents in Texas have seen the dramatic benefits of the shale revolution and pay some of the lowest electricity costs in the Nation. For example, last April, the residential price for electricity was just over 11 cents per kilowatt-hour. However, the average price in Massachusetts was almost 21 cents per kilowatt-hour.

America's domestic energy outlook has completely flipped from scarcity to abundance, yet why do some parts of the country, primarily in the northeast, pay twice as much for electricity? There is one clear reason: some areas lack the needed pipeline infrastructure to bring natural gas to consumers.

The reason for this is that some State and Federal agencies are failing to make timely decisions on the necessary pipeline permits to deliver natural gas to consumers.

We can and we should modernize our pipeline infrastructure to match our abundant natural gas resources. Making the permitting process more efficient enables and encourages a more robust and reliable pipeline infrastructure system; that way, all parts of the country can realize the benefits of clean, affordable, and abundant natural gas.

My bill, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, builds on important permit reforms under the Energy Policy Act of 2005 by bringing greater accountability, predictability, and transparency to the process to approve interstate natural gas pipelines.

This bill requires early notification to all participating agencies, States, and Indian Tribes, and it reinforces FERC's status as the lead agency for coordination.

It further establishes a clear process for consultation and concurrent reviews among Federal and State agencies and Indian Tribes, and sets deadlines for final decisions.

Mr. Chairman, these are common-sense reforms that reduce interagency bureaucracy, and I think that we can all agree that permitting should be more transparent and more accountable.

H.R. 2910 enhances certainty for pipeline applicants, but it is important to note that this bill does not guarantee an outcome, it does not guarantee an approval on any application, and it does not change any existing environmental laws. So all the rhetoric we just heard over the last few minutes about it changing the environment is absolutely 100 percent false.

It does not change any eminent domain laws or adversely affect private property rights. So all that argument we heard a few minutes ago is false. So

we could conclude this debate pretty quickly if the other side will acknowledge the fact of what this bill really does do and what it doesn't do.

It does, however, ensure that involved agencies do their job and that they act on appropriate projects in a timely manner.

The CHAIR. The time of the gentleman has expired.

Mr. UPTON. Mr. Chair, I yield an additional 1 minute to the gentleman from Texas.

Mr. FLORES. Similar provisions have passed the House as stand-alone legislation and were also included in the comprehensive energy bill that passed the House last Congress. Additionally, H.R. 2910 passed out of the Energy and Commerce Committee on a bipartisan vote.

My bill enables more reliable infrastructure to deliver affordable, environmentally friendly natural gas to consumers.

This American energy resource serves as an important energy source for hardworking families and powers our economy.

Mr. Chair, I urge my colleagues to support H.R. 2910.

Ms. CASTOR of Florida. Mr. Chair, I think the point on eminent domain is the fact that this bill will trample on the rights of landowners, because my colleague is correct, current law gives natural gas pipeline companies access to Federal eminent domain authority, allowing these corporations to take private property to build their pipelines. But what the bill does, it would further narrow the already few opportunities that landowners and stakeholders have for review of safety and important environmental protections.

It also would allow surveying while circumventing local permitting and without property owner consent, and that is a very significant change, because it would allow Federal and State agencies to accept aerial survey data and provides that the agencies may grant conditional approvals based on that data, and that can be unwise and unsafe. So we wanted to highlight that as a very significant concern for those Members who are concerned about eminent domain and private property rights.

Mr. Chair, I yield 5 minutes to the gentlewoman from New Jersey (Mrs. WATSON COLEMAN).

Mrs. WATSON COLEMAN. Mr. Chair, I would like to take this opportunity to thank my colleague from Florida for yielding me some time to speak on what I consider to be a very important issue.

Mr. Chair, I rise to strongly oppose H.R. 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act.

□ 1445

This industry-backed bill provides FERC with unnecessary authorities that put the interest of companies over that of the people and the environment.

The current process that FERC uses to approve pipelines is inherently flawed, genuinely threatens our green spaces, water resources, and public and private lands.

By allowing this bill to pass, we are permitting FERC to exclude the input of those who would be directly impacted in exchange for benefiting the fossil fuel industry. We need to have a more comprehensive process that considers the effects these pipelines will have on local communities, which is why I introduced H.R. 2649, the Safer Pipelines Act of 2017.

My legislation is about inclusiveness, ensuring that the voice of communities impacted by a proposed pipeline are heard loud and clear.

I have seen this problem up close.

One project before FERC is a proposed PennEast pipeline, which would run through my congressional district. The PennEast plan has been fraught by community concerns on issues ranging from potential contamination of drinking water and destruction of environmentally sensitive areas.

Despite these issues, FERC's final environmental impact statement erroneously concluded that the project would have minimal impact.

Just last month, the New Jersey Department of Environmental Protection rejected the construction permits due to PennEast's continuous refusal to provide simple environmental surveys and information requested by the State.

Not only does this bill severely threaten clean water in environmentally sensitive areas, it also tramples on the rights of private property owners and communities.

Jacqueline Evans of New Jersey has shared this story with us:

The farm I built with my children would be completely destroyed by the 36-inch pipe built to the weakest standards allowable.

The pipeline route is less than 200 feet from my children's bedrooms, putting them in a designated "incineration zone."

Our well, that provides water for our family and our livestock, is threatened.

PennEast has threatened me by insisting I sign a "deal" of less than 4 percent of the value of our home, or lose it through eminent domain.

PennEast's intimidation tactics include telling us that FERC will approve the pipeline with or without surveys and environmental studies that are required.

Mr. Chairman, this is unacceptable.

I offered two amendments to this bill that the Rules Committee refused to allow on the floor. One would have limited the use of eminent domain for gas pipeline projects, and the other would have limited the use of area remote surveys.

We cannot prioritize the wishes of private pipeline companies at the expense of clean drinking water, our environment and natural resources, and the rights of private owners.

So I stand here today begging my colleagues to vote for the people and to reject this bill by voting against it.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ten-

nessee (Mrs. BLACKBURN), a member of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Chairman, I thank Chairman UPTON and Mr. FLORES for the work that they have done on this piece of legislation. Mr. FLORES spoke of the need to do this and why it is so important for us to begin to simplify and clean up the rules and the regulation process so that we do provide certainty not only for our constituents, but also for industry.

In addition to that, Mr. Chairman, what we do is to provide hope to millions of workers who work in the energy sector.

I want to read from a letter of support. This is from the International Union of Operating Engineers. They sent a letter in support of Mr. FLORES' bill, and it gets right to the heart of the issue.

"Domestic energy production provides good-paying jobs for members of the IUOE and other construction craftworkers and continues to employ thousands of our members. Uncertainty and delay during environmental reviews, however, hinder the growth of jobs related to the Nation's energy infrastructure. Congress should give FERC additional tools to keep Federal agencies accountable and maximum coordination in the permitting process."

Mr. Chairman, this is from individuals who work in this energy sector, who understand the vital importance of having a secure, safe, and stable energy supply. They are individuals who want to see growth in this industry. They also want to make certain that we do this in the appropriate way—as we have done, as H.R. 2910 does—to respect individual and private property works.

The CHAIR. The time of the gentleman has expired.

Mr. UPTON. Mr. Chairman, I yield an additional 1 minute to the gentlewoman.

Mrs. BLACKBURN. Giving FERC the authority that they need to go in and consolidate and simplify this environmental process for these interstate gas projects is the right thing to do.

Many times, what slows these projects down and causes the situation that the International Union of Operating Engineers speaks to is the fact that you have multiple permits that are required, and they are from multiple agencies and multiple levels of government. Any time you are going through that, there are more opportunities for mistakes and it is going to be more costly.

So I congratulate my colleague for a job well done, and I encourage my colleagues to vote for and support H.R. 2910.

Ms. CASTOR of Florida. Mr. Chairman, I want to make it clear: I heard the comments of my colleague from Tennessee, and the Democrats do support natural gas pipelines, a very important part of our energy infrastructure.

And, as a reminder, the Federal Energy Regulatory Commission approves

almost 90 percent of all pipeline applications within 1 year. And if there is any holdup recently, it is because the Republican-led Senate has not confirmed an additional FERC appointee. That is holding up the process of approving more natural gas pipelines.

What we don't approve of, however, is a spill that attempts to short-circuit very important safety and environmental review processes and take private property rights away from landowners.

Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I thank the gentlewoman from Florida for yielding.

I rise in opposition to H.R. 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act.

This bill is a solution in search of a problem.

We heard from FERC that 88 percent of projects are certified within 1 year following a completed application. It is clear that, under the existing process, these projects are moving forward without significant delays.

We have not seen good evidence that we need to further tilt the process in favor of pipeline companies, which is what the bill before us today would do.

While I am concerned about a number of provisions in this bill, I specifically want to highlight the section that would require Federal and State agencies to accept aerial survey data, such as data collected by drones, and allow these agencies to grant conditional approvals based on that data.

Aerial data have limitations and can be insufficient. These data may not account for historic sites, endangered species, or wetlands. But, under this bill, agencies would be required to consider the project.

Granting conditional permits based on inadequate data will ultimately not speed up the process, but what it does instead is circumvent the rights of landowners.

We also should be more thoughtful about changing this process, given the implications that will impact private landowners' rights.

Under the law, pipeline companies are able to use eminent domain authority, allowing these corporations to take private property to build their pipelines. This bill would further restrict the already limited opportunities that private landowners and concerned citizens have to weigh in on proposed projects.

Streamlining is fine, but we are considering expediting a process that can result in the use of eminent domain. The bar for seizing private property should be high, and lowering that bar is to the detriment of private landowners.

Historically, when considering the use of eminent domain, the question has been: Is it in the public's interest?

But this bill is forcing the question to shift to: Is it in the company's interest?

That is not acceptable to me, and it certainly isn't acceptable to the general public.

If we continue to expedite and rubber stamp these projects, consumers will be on the hook for unviable and, eventually, stranded assets.

We need to look at our energy infrastructure based on holistic, regional needs that take into account how many projects are under consideration and how it would impact existing infrastructure.

Mr. Chairman, I ask my colleagues to oppose this bill.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 2910, legislation sponsored by my friend and Western Caucus member, BILL FLORES.

One area of wide bipartisan agreement is the need to support critical infrastructure in the United States. This bill presents an important opportunity to deliver on our commitment to modernize infrastructure, grow the economy, and support safe, reliable American-made energy.

By improving agency and industry coordination, we can provide more certainty regarding the timeframe and procedures of the pipeline review process. By making these improvements, we will ensure that the energy we produce right here in America can be transported in the safest possible manner.

If my colleagues are truly serious about protecting the environment, we should be promoting American-made energy, where we know it will be produced in adherence to the highest environmental and safety standards.

This bill does exactly that by making the improvements necessary to modernize our pipeline approval process. These improvements are necessary to match the advancements in shale gas technology and increased demand for safe, reliable, and domestically-sourced energy.

While roads and bridges often get the most attention when we talk about the need for updated infrastructure, modern pipelines and other energy infrastructure are sorely needed to support our economy and power our homes and businesses.

Promoting efficient and comprehensive cooperation within our regulatory process is an effort that is not only bipartisan, but plain common sense.

Mr. Chairman, I thank the gentleman from Texas for sponsoring this much-needed legislation, and I urge my colleagues to vote in support of this commonsense bill.

Ms. CASTOR of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when we had a hearing earlier in the year in the Energy and Commerce Committee, I assumed there was a major backlog of unreviewed applications that spurred my colleagues on the other side of the

aisle to draft this bill. But then we heard from experts from the Federal Energy Regulatory Commission about this, and they testified that nearly 90 percent of these major infrastructure projects are approved in less than a year.

Many companies working to have other interstate energy projects approved can only dream of a Federal review occurring in less than a year. So this is already a very efficient process.

I would say this bill is unnecessary, it is duplicative, and it is wasteful. And I know many in the Congress here are looking for ways to eliminate government waste and duplication.

The Congress has already taken action to streamline the Federal environmental permitting review process for major infrastructure projects. Sometimes our memories are short, but it was just last Congress where Congress adopted the major Transportation and Infrastructure bill, the FAST Act. It passed in a bipartisan manner and was signed into law.

The FAST Act authorized the Federal Permitting Improvement Steering Council, or FPISC, to improve the timeliness, predictability, and transparency of Federal environmental review processes for these major infrastructure projects.

Now, FPISC is already getting underway. It has set up this enhanced coordination and transparency by establishing a lead agency for the project, recommends performance schedules, and public project timetables. Many of the provisions in this bill, however, seem to be largely duplicative of the activities of FPISC and what they are already doing.

FPISC is already overseeing and coordinating permitting processes for 32 major infrastructure projects, including seven interstate natural gas pipelines—just to highlight that this is an unnecessary power grab that really is short-circuiting very important safety and environmental review processes.

□ 1500

There is no problem across this country right now with getting your natural gas pipeline approved unless there is a real problem in the details of the application.

Now, I used to practice environmental law in a previous lifetime, and what I learned is, when you provide for these short-circuited processes that keep the public out, that keep other stakeholders out, what you are going to do on the back end, you are going to cause more lawsuits, more delays, rather than just adhering to the proper process, answering questions as you go along, pressing ahead, altering the route when it needs to be rerouted.

So this is a very important issue. The details really matter here.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield myself 30 seconds.

I include in the RECORD three letters in support. The National Electrical

Contractors Association has a letter of support. The National Taxpayers Union has a letter of support, as well as the National Association of Manufacturers.

NATIONAL ELECTRICAL
CONTRACTORS ASSOCIATION,
Bethesda, MD, July 18, 2017.

Hon. PAUL RYAN,
House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: On behalf of the National Electrical Contractors Association (NECA), I am writing in strong support of H.R. 2883, Promoting Cross-Border Energy Infrastructure Act which would establish a more uniform and transparent approval process for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities for the import or export of oil, natural gas, or electricity. NECA also supports H.R. 2910, Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, which would help address the need to modernize the nation's natural gas pipeline infrastructure by promoting more timely and efficient reviews by the Federal Energy Regulatory Commission (FERC). NECA believes these critical pieces of legislation will facilitate construction projects along the United States' borders and encourage energy independence.

NECA is the nationally recognized voice of the \$130 billion electrical construction industry that brings power, light, and communication technology to buildings and communities across the U.S. NECA's national office and its 119 local chapters are dedicated to enhancing the industry through continuing education, labor relations, safety codes, standards development, and government relations. NECA is committed to advocating for a comprehensive energy policy that addresses all available opportunities for energy exploration and independence.

By establishing a more concrete process for the approval of construction projects to import oil, natural gas, and electricity, this legislation would create more jobs in the construction industry while working towards America's energy independence. Construction along the U.S. border to import oil, natural gas, and electricity will greatly enhance our nation's energy security and promote energy independence. It is clear Congress plays a critical role in streamlining the approval process and enacting policies that support approval and construction of energy infrastructure projects. The benefits of these projects are clear: job creation, energy security, energy independence, and economic growth; such construction is in the national interest. NECA strongly endorses H.R. 2883 and H.R. 2910 and believes that these bills will deliver many benefits to our nation.

Sincerely,

MARCO A. GIAMBERARDINO, MPA,
Executive Director, Government Affairs.

NATIONAL TAXPAYERS UNION,
Washington, DC, July 18, 2017.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU urges all Representatives to vote "YES" on the following bills that would reduce regulatory burdens and promote economic growth.

H.R. 806, "Ozone Standards Implementation Act of 2017": This legislation would extend the timeframe for compliance with the 2008 and 2015 ozone standards and put in place process reforms going forward. The bungled 2008/2015 revisions have created an implementation headache for many states, now tasked with simultaneously working to enact dual standards. The costs are high for states and localities—regardless of whether

they achieve attainment. Nonattainment means lost funds for highways and other essential infrastructure projects. On the other hand, reaching attainment could require limits on new construction and manufacturing production, expensive retrofitting, and oppressive new rules. Either way, jobs and investment will go elsewhere without the more feasible, predictable reforms in H.R. 806.

H.R. 2883, "Promoting Cross-Border Energy Infrastructure Act": This legislation would streamline the archaic cross-border permitting process for energy facilities that stretch across the borders we share with Mexico and Canada. The current Presidential Permit regime is far from clear and can leave projects in regulatory limbo for years on end. Creating a consolidated and standardized approval process would increase the Congressional accountability provided for in Article 1, Section 8 of the Constitution, granting Congress the authority to "regulate Commerce with foreign Nations," while eliminating costly regulatory hurdles that stand between consumers and low-cost energy options.

H.R. 2910, "Promoting Interagency Coordination for Review of Natural Gas Pipelines Act": This legislation would facilitate the timely review of natural gas pipeline permitting by clearly designating the Federal Energy Regulatory Commission as the lead agency responsible for interstate natural gas pipeline site permitting. This, along with other measures to increase efficiency such as providing for concurrent reviews and commonsense timetables, would help avoid duplication and other unnecessary delays. In addition, H.R. 2910 would increase transparency in the permitting process through more public disclosure, as well as create new opportunities for public input.

In general, markets crave certainty in order to anticipate where resources should be allocated. This is doubly true for the giant infrastructure and manufacturing projects these bills address. Planning, personnel, and capital all depend on a transparent, predictable, consistent regulatory process. Together, these reforms would result in increased investment in our energy infrastructure, spurring job-growth in an essential and lucrative sector of our economy, and enhancing low-cost energy options for consumers.

Roll call votes on H.R. 806, H.R. 2883, and H.R. 2910 will be included in our annual Rating of Congress and a "YES" vote will be considered the pro-taxpayer position.

If you have any questions, please contact NTU Federal Affairs Manager.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
July 19, 2017.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, urges you to support H.R. 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, introduced by Rep. Bill Flores (R-TX).

Domestic natural gas has transformed the U.S. economy, made our companies more competitive, created jobs and put money back in the pockets of working Americans. Manufacturers use natural gas as a fuel for direct process uses, such as drying, melting, process cooling, machine drive and refrigeration; as a fuel for direct non-process uses in manufacturing establishments, such as heating, ventilation, HVAC and lighting; as a fuel for indirect purposes, such as boilers used to produce electricity and steam; and as a feedstock in refining, chemicals and pri-

mary metals sectors. Over the next decade, total demand for natural gas is projected to increase by 40 percent. Domestic manufacturing is poised to be a key driver of this growth. Consequently, major investments in new pipeline infrastructure are required to ensure manufacturers have a steady, reliable stream of natural gas.

Unfortunately, permitting these infrastructure projects remains a lengthy process. Permitting should follow a comprehensive process that ensures timely and predictable decision-making, but federal and state permitting agencies can create roadblocks and delays when coordination is inadequate. Strengthening the Federal Energy Regulatory Commission's (FERC's) coordination of interagency processes is critical to the permitting of natural gas infrastructure and ensuring manufacturers have access to this affordable resource.

H.R. 2910 would reinforce FERC's role as the lead agency for siting interstate natural gas pipelines by directing FERC to identify and invite all agencies considering an aspect of an application to establish a schedule for concurrent reviews, and to impose deadlines for final decisions. H.R. 2910 would ensure projects undergo a robust agency review while completing that review in a timely and predictable manner.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 2910, including procedural motions, may be considered for designation as Key Manufacturing Votes in the 115th Congress.

Thank you for your consideration.

Sincerely,

ARIC NEWHOUSE,
Senior Vice President,
Policy and Government Relations.

Mr. UPTON. Mr. Chairman, might I inquire if the gentlewoman has any further speakers.

Ms. CASTOR of Florida. Mr. Chairman, I have one additional speaker and some submissions for the RECORD.

Mr. UPTON. Mr. Chairman, I have no more speakers at this point, so I reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Chairman, I yield myself such time as I may consume.

I include in the RECORD some information on pipeline incidents from the U.S. Government, just to highlight the fact that it is vitally important that these pipelines undergo safety and environmental reviews. These are the pipeline incident reports from 1997–2016 for all States. I will just read a few of these statistics here.

In 2016, you had 16 fatalities from natural gas pipeline incidents, 83 injuries, total cost of property damage, over \$300 million. In 2015, 10 fatalities, 49 injuries, over 328 incidents. There is a 3-year average from 2014–2016 of 312 incidents. The 5-year average across the country is 299 incidents; 10-year average, 286 incidents.

For fatalities, the 3-year average, 15 fatalities; the 5-year average, 13; the 10-year average, 13; the 20-year average, 16.

And for injuries, the 3-year average, 75 injuries; the 5-year average, 64 injuries; the 10-year average, 64 injuries; the 20-year average, 65 injuries. And the property damage report, just the 3-year average is about \$315 million.

PHMSA PIPELINE INCIDENTS: MULTI-YEAR AVERAGES (1997-2016)

Incident Type: Significant, System Type: All, State: All.

Incident count:

3 Year Average, (2014-2016), 312; 5 Year Average, (2012-2016), 299; 10 Year Average, (2007-2016), 286; 20 Year Average, (1997-2016), 284.

Fatalities:

3 Year Average, 15; 5 Year Average, 13; 10 Year Average, 13; 20 Year Average, 16.

Injuries:

3 Year Average, 75; 5 Year Average, 64; 10 Year Average, 64; 20 Year Average, 65.

Total cost:

3 Year Average, \$315,138,727; 5 Year Average, \$306,888,604; 10 Year Average, \$475,607,772; 20 Year Average, \$389,601,666.

2017 Year-to-date:

Incidents, 118; Fatalities, 1; Injuries, 16; Total Cost, \$49,385,394.

Calendar year, Number, Fatalities, Injuries, Total cost current year dollars:

1997, 267, 10, 77, \$110,377,793; 1998, 295, 21, 81, \$174,516,797; 1999, 275, 22, 108, \$178,313,209; 2000, 290, 38, 81, \$257,659,464; 2001, 233, 7, 61, \$79,086,596; 2002, 258, 12, 49, \$124,067,949; 2003, 297, 12, 71, \$163,459,897; 2004, 309, 23, 56, \$314,362,210; 2005, 336, 16, 46, \$1,476,994,582; 2006, 257, 19, 34, \$157,117,098; 2007, 265, 15, 46, \$147,800,810; 2008, 278, 8, 54, \$592,290,867; 2009, 275, 13, 62, \$180,360,208; 2010, 264, 19, 103, \$1,854,123,037; 2011, 287, 12, 51, \$447,059,777; 2012, 254, 10, 54, \$233,813,285; 2013, 304, 8, 42, \$355,213,552; 2014, 301, 19, 94, \$305,253,746; 2015, 328, 10, 49, \$338,297,940; 2016, 308, 16, 83, \$301,864,494; Grand Total, 5,681, 310, 1,302, \$7,792,033,312.

Ms. CASTOR of Florida. Mr. Chairman, I would just say that it is inappropriate to short-circuit the very important safety and environmental review processes for our interstate natural gas pipelines. This is a solution in search of a problem.

We know that FERC approves these gas pipeline applications at about 90 percent. The only reason a little delay has fallen off recently is because the Senate has not approved the new FERC appointee over a matter of 5 months. If they would do that, I think they could get back on track as well.

The ones that are not approved are undergoing very significant review. Even in the case for the major projects now, we have a new system, a coordinated effort through the FPISC, the new council that is overseeing interstate natural gas pipeline, so it is duplicative as well.

It is inappropriate for a process that already grants eminent domain rights through pipeline companies to go through private property now to short-circuit the environmental and safety reviews. That is just really going too far for corporations and their profits, where landowners and other stakeholders have to have the ability to weigh in. Otherwise, you are going to cause more lawsuits and more delays at the very end of the process and, I think, do exactly the opposite of what the author of the legislation intends to do.

So at this point, based upon all of the evidence that has been presented, I urge my colleagues to vote "no" on this bill. Don't elevate corporate profits over the interests of the public.

I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

I would urge my colleagues to support this legislation. Again, this streamlines the process. There are still no shortcuts that are here. We require that the agencies work concurrently with each other. At the end of the day, we know that pipelines are literally the safest way to transport whatever it is, oil, gas, to the consumers, and at a lower cost. It is safer and, obviously, helps the most vulnerable with lower costs.

We have literally millions of miles of pipelines. And I would note that we passed major, major bipartisan legislation in several Congresses—it was bipartisan—it was overwhelmingly bipartisan—that President Obama signed into law increasing the safety standards and fines for any new pipelines that are built. Those laws, obviously, stay on the books.

Again, I would urge my colleagues to vote for the bill. I look forward to the debate on a couple of the amendments.

I yield back the balance of my time. The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-28. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Interagency Coordination for Review of Natural Gas Pipelines Act".

SEC. 2. FERC PROCESS COORDINATION FOR NATURAL GAS PIPELINE PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) FEDERAL AUTHORIZATION.—The term "Federal authorization" has the meaning given that term in section 15(a) of the Natural Gas Act (15 U.S.C. 717n(a)).

(3) NEPA REVIEW.—The term "NEPA review" means the process of reviewing a proposed Federal action under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(4) PROJECT-RELATED NEPA REVIEW.—The term "project-related NEPA review" means any NEPA review required to be conducted with respect to the issuance of an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act.

(b) COMMISSION NEPA REVIEW RESPONSIBILITIES.—In acting as the lead agency under section 15(b)(1) of the Natural Gas Act for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to 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 Commission shall, in accordance with this section and other applicable Federal law—

(1) be the only lead agency;

(2) coordinate as early as practicable with each agency designated as a participating agency under subsection (d)(3) to ensure that the Commission develops information in conducting its project-related NEPA review that is usable by the participating agency in considering an aspect of an application for a Federal authorization for which the agency is responsible; and

(3) take such actions as are necessary and proper to facilitate the expeditious resolution of its project-related NEPA review.

(c) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization required with respect to an 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, each agency shall give deference, to the maximum extent authorized by law, to the scope of the project-related NEPA review that the Commission determines to be appropriate.

(d) PARTICIPATING AGENCIES.—

(1) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by a person applying 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, 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 the Commission in conjunction with the issuance of a Federal authorization required for such authorization or certificate.

(2) INVITATION.—

(A) IN GENERAL.—The Commission shall invite any agency identified under paragraph (1) to participate in the review process for the applicable Federal authorization.

(B) DEADLINE.—An invitation issued under subparagraph (A) shall establish a deadline by which a response to the invitation shall be submitted to the Commission, which may be extended by the Commission for good cause.

(3) DESIGNATION AS PARTICIPATING AGENCIES.—The Commission shall designate an agency identified under paragraph (1) as a participating agency with respect to an 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 unless the agency informs the Commission, in writing, by the deadline established pursuant to paragraph (2)(B), that the agency—

(A) has no jurisdiction or authority with respect to the applicable Federal authorization;

(B) has no special expertise or information relevant to any project-related NEPA review; or

(C) does not intend to submit comments for the record for the project-related NEPA review conducted by the Commission.

(4) EFFECT OF NON-DESIGNATION.—

(A) EFFECT ON AGENCY.—Any agency that is not designated as a participating agency under paragraph (3) with respect to 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 may not request or conduct a NEPA review that is supplemental to the project-related NEPA review conducted by the Commission, unless the agency—

(i) demonstrates that such review is legally necessary for the agency to carry out responsibilities in considering an aspect of an application for a Federal authorization; and

(ii) requires information that could not have been obtained during the project-related NEPA review conducted by the Commission.

(B) COMMENTS; RECORD.—The Commission shall not, with respect to an agency that is not designated as a participating agency under paragraph (3) with respect to 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—

(i) consider any comments or other information submitted by such agency for the project-related NEPA review conducted by the Commission; or

(ii) include any such comments or other information in the record for such project-related NEPA review.

(e) SCHEDULE.—

(1) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A deadline for a Federal authorization required with respect to an 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 set by the Commission under section 15(c)(1) of such Act shall be not later than 90 days after the Commission completes its project-related NEPA review, unless an applicable schedule is otherwise established by Federal law.

(2) CONCURRENT REVIEWS.—Each Federal and State agency—

(A) that may consider an application for a Federal authorization required with respect to an 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 shall formulate and implement a plan for administrative, policy, and procedural mechanisms to enable the agency to ensure completion of Federal authorizations in compliance with schedules established by the Commission under section 15(c)(1) of such Act; and

(B) in considering an aspect of an application for a Federal authorization required with respect to an 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, shall—

(i) formulate and implement a plan to enable the agency to comply with the schedule established by the Commission under section 15(c)(1) of such Act;

(ii) carry out the obligations of that agency under applicable law concurrently, and in conjunction with, the project-related NEPA review conducted by the Commission, and in compliance with the schedule established by the Commission under section 15(c)(1) of such Act, unless the agency notifies the Commission in writing that doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out such obligations;

(iii) transmit to the Commission a statement—

(I) acknowledging receipt of the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act; and

(II) setting forth the plan formulated under clause (i) of this subparagraph;

(iv) not later than 30 days after the agency receives such application for a Federal authorization, transmit to the applicant a notice—

(I) indicating whether such application is ready for processing; and

(II) if such application is not ready for processing, that includes a comprehensive description of the information needed for the agency to determine that the application is ready for processing;

(v) determine that such application for a Federal authorization is ready for processing for purposes of clause (iv) if such application is sufficiently complete for the purposes of commencing consideration, regardless of whether supplemental information is necessary to enable the agency to complete the consideration required by law with respect to such application; and

(vi) not less often than once every 90 days, transmit to the Commission a report describing the progress made in considering such application for a Federal authorization.

(3) FAILURE TO MEET DEADLINE.—If a Federal or State agency, including the Commission, fails to meet a deadline for a Federal authorization set forth in the schedule established by the Commission under section 15(c)(1) of the Natural

Gas Act, not later than 5 days after such deadline, the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the action to which such deadline applied.

(f) CONSIDERATION OF APPLICATIONS FOR FEDERAL AUTHORIZATION.—

(1) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for a Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of an issue of concern that is a failure by a State agency, the Federal agency overseeing the delegated authority, if applicable) for resolution.

(2) REMOTE SURVEYS.—If a Federal or State agency considering an aspect of an application for a Federal authorization requires the person applying for such authorization to submit data, the agency shall consider any such data gathered by aerial or other remote means that the person submits. 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.

(3) APPLICATION PROCESSING.—The Commission, and Federal and State agencies, may allow a person applying for a Federal authorization to fund a third-party contractor to assist in reviewing the application for such authorization.

(g) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—For 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 that requires multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of the application, shall track and make available to the public on the Commission's website information related to the actions required to complete the Federal authorizations. Such information shall include the following:

(1) The schedule established by the Commission under section 15(c)(1) of the Natural Gas Act.

(2) A list of all the actions required by each applicable agency to complete permitting, reviews, and other actions necessary to obtain a final decision on the application.

(3) The expected completion date for each such action.

(4) A point of contact at the agency responsible for each such action.

(5) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 115–235. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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.

AMENDMENT NO. 1 OFFERED BY MS. TSONGAS

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115–235.

Ms. TSONGAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 454, the gentlewoman from Massachusetts (Ms. TSONGAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Massachusetts.

Ms. TSONGAS. Mr. Chairman, my amendment protects a robust public review process for any proposed pipeline that seeks to cross protected conservation and recreation lands. The legislation before us today, with its short-circuited environmental reviews, puts treasured public lands at risk.

My home State of Massachusetts, like many areas around the country, faces real energy challenges. We need careful and strategic long-term planning in order to lower energy prices and maintain reliability and resiliency. Over the past several years, we have seen proposals for new natural gas pipelines that would stretch hundreds of miles and cross many different communities.

We must work to identify ways to lower energy prices for our homes and businesses, and increasing the supply of lower cost natural gas may be one way to achieve that objective while we transition to cleaner, more affordable, and sustainable alternatives. However, we cannot, in the long run, afford to be careless about our other environmental interests as we make that transition.

These major infrastructure proposals in New England and elsewhere around the country deserve close and careful scrutiny given the potential environmental impacts and the costs borne by ratepayers.

Regrettably, this legislation moves us in the wrong direction. This bill would force FERC to rush decision-making, including environmental reviews necessary to determine if pipelines will have negative impacts on State forests, parks, wildlife management areas, and wetlands, lands expressly put aside as a result of a public decision to protect them.

Our Nation has a longstanding history of preserving natural habitats and protecting open spaces for the public benefit, and we have invested enormous public resources toward these goals. These lands and the decisions behind them deserve to be honored.

In my district, we recently went through the public review process for a

proposed natural gas pipeline. Hundreds of my constituents expressed their concerns about the project. Construction of the pipeline could have jeopardized local wildlife and impacted both State and federally designated conservation land, as well as Massachusetts' scarce farmland.

Thanks to a robust review process, the public had numerous opportunities to question the project and express these legitimate concerns, and their views were able to be fully considered.

While I believe we must protect that review process for all infrastructure projects, my amendment focuses on pipelines that cross protected conservation and recreation lands.

I urge my colleagues to support my amendment and protect investments by Federal taxpayers, States, and local communities in preserving their natural and historic resources.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, I would just note that all current reviews that we do now for pipeline siting, they all remain in place. None of it goes away. Those same reviews take place.

The gentlewoman's amendment, in our view, is unnecessary because nothing in this legislation would limit environmental protections or affect laws that govern the multiple use of our public lands.

Pipelines, we know, as I said earlier, are the safest, most efficient way to transport energy supplies. The overwhelming majority of Americans strongly support modernizing our infrastructure, including pipelines, to ensure stable, affordable supplies. And I would note, we have millions of miles of pipelines across the country.

So what is the alternative if you don't have a pipeline?

Well, it is going to be more expensive and, frankly, the accident record is not perfect either. It includes rail or truck, often at a higher cost, which then is passed along to those consumers, impacting the most vulnerable the most.

Infrastructure modernization and job growth go hand in hand with environmental and natural resource protection. Investing in our infrastructure is a smart investment for energy security, job growth, manufacturing, and creating the jobs that we want.

Maintaining and expanding these economywide benefits is dependent on a transparent and a predictable regulatory approval of infrastructure projects. That is what the underlying bill does.

This amendment, however, we would view as a step backward. I would urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I would like to say, first, that energy infrastructure is critical to our economy; yet we cannot simply give the fossil

fuel industry carte blanche to build pipelines without robust public reviews.

I yield 1½ minutes to the gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Mr. Chairman, I am proud to co-lead this amendment with my colleagues, Ms. TSONGAS and Mr. MCGOVERN.

FERC, as it is currently structured, is not adequately protecting our most valued public lands designed for recreation and conservation, and this bill will only make this particular mismanagement worse. We are witnessing this firsthand in my Virginia.

At stake is one of our Nation's treasured landscapes, the Appalachian National Scenic Trail, the A.T., and the surrounding national parkland and national forestlands. The A.T. was congressionally dedicated as a national scenic trail nearly 50 years ago, and it is one of the most significant land features in the Eastern United States. It is famous around the world.

Its cultural heritage, its recreational options, its natural resources all serve crucial roles in the lives and communities of the Appalachian region, but it is at risk.

The proposed Mountain Valley Pipeline route impacts 19 prominent views over nearly 100 miles of the Appalachian Trail. Tinker Cliffs, the Dragon's Tooth, even the totally iconic McAfee Knob all will be corrupted by this pipeline.

I am not anti-pipeline. I am not anti-energy. I am an avid Appalachian Trail hiker. I have crossed almost all of the 60 pipeline crossings that exist on the trail. But the Mountain Valley's proposal route doesn't take the least impactful route. It doesn't cross the trail. It runs alongside it for almost 100 miles.

□ 1515

You will be able to see the impact day after day after day. It doesn't sound like the developers thought about minimizing their impact on this important cultural icon.

It has also become clear that the proposed route would require an amendment to the Jefferson National Forest management plan, which was carefully constructed and well balanced.

Mr. Chair, I urge my colleagues to support this amendment and protect one of America's most treasured natural places.

Ms. TSONGAS. Mr. Chair, I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I again remind my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Massachusetts (Ms. TSONGAS).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. TSONGAS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. LYNCH

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 115-235.

Mr. LYNCH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 454, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, I would like to thank Chairman UPTON and Ms. CASTOR, the ranking member from Florida, for their articulate debate this afternoon on this important issue.

I would also like to thank Chairman SESSIONS, Ranking Member SLAUGHTER, and all of the members of the Rules Committee for making this amendment in order.

This commonsense amendment will simply ensure that the Transportation Security Administration, the Federal agency with the primary jurisdiction over pipeline security on behalf of the American people, will retain a meaningful seat at the table when it comes to determinations made by the Federal Energy Regulatory Commission, FERC, on whether to approve a pipeline construction permit.

In particular, this amendment provides that, in considering a pipeline permit application, FERC must simply consult with TSA administrators as to whether a pipeline developer is compliant with existing TSA guidelines and best practice recommendations governing pipeline security. That includes an examination of facility security, cybersecurity, and other critical measures that are designed to safeguard the American people against the threat of terrorists and cyber attacks perpetrated on the U.S. pipeline system.

While H.R. 2910 seeks to expedite the FERC review process for pipeline construction projects in the name of efficiency, we also know that recent terrorist and cyber attacks launched against pipeline facilities nationwide

have more than demonstrated that we cannot place expediency above national security and public safety.

In 2015, a domestic terrorist received a maximum 20-year sentence after pleading guilty to Federal charges relating to his use of a highly volatile explosive device to damage a natural pipeline in Texas. Four years earlier than that, a similar attack was perpetrated in Oklahoma by an individual armed with a homemade improvised explosive device.

In addition, the 2017 series on “Pipelines in Peril,” published by Energy and Environment News, reported that advanced cyber threats targeting U.S. pipelines have only increased and evolved over the past 5 years, following a so-called pipeline hacking spree undertaken by members of the Chinese military. The theft of sensitive data from at least 23 separate U.S. pipeline companies in 2011 and 2012 constitute the sort of cyber breach that the Congressional Research Service has described as allowing hackers the ability to “disrupt pipeline service and cause spills, explosions, and fires all from remote locations.”

I would also like to express my concern regarding an issue that was the subject of an amendment of mine which was not ruled in order, and that is the issuance of pipeline construction permits by FERC in areas where a project site and its surrounding community is already experiencing pre-existing unsafe levels of air pollutants.

In my own congressional district in Massachusetts, FERC recently approved a proposal for a natural gas compressor station in the beautiful town of Weymouth, Massachusetts, and as evidenced by the certificate of independent and quality testing conducted by Dr. Curt Nordgaard and other community stakeholders, the air quality in Weymouth is already at toxic levels of so-called criteria air pollutants such as benzene.

My amendment would have suspended the certificate issued by FERC for the Weymouth compressor station and other projects that the commission approves for construction and communities that have unsafe air quality levels.

In addition to my concerns around air quality, I have to highlight the public safety issues surrounding the route of a natural gas pipeline that FERC approved in West Roxbury, a local neighborhood in the heart of my district. The pipeline runs through a densely populated neighborhood. It runs right through an active blasting area in a quarry that is located next to a residential area, and I don't know how that happens if public safety and national security are considerations.

Whether a pipeline is blown up because of stupidity because FERC has located it in a blasting zone or it is because of a nefarious attempt of outside actors, the bottom line is that FERC should sit down and talk with TSA when they are looking at these siting

decisions. The bottom line is, what this amendment will accomplish, it will require that to happen, that consultation to happen between TSA and FERC.

Mr. Chair, I ask Members to vote in support of this amendment, and I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, I would like to start out by saying that we are prepared to accept the amendment. I know that all of us here take pipeline safety very seriously, and certainly since my chairmanship of the Energy and Commerce Committee, we put safety at the forefront of our efforts to modernize our pipeline infrastructure. We passed two major bills that President Obama signed, and I think there may have been maybe a single Member that opposed that legislation over the years, but we care a lot about that.

In the last Congress, we passed the PIPES Act and the FAST Act. Again, major bipartisan initiatives that Mr. PALLONE and I worked out that got to President Obama's desk. Each of these two bills took important steps to update our laws to protect against emerging physical attacks as well as cyber attacks, threats to the grid, in our energy delivery systems, including pipelines.

We know that multiple Federal and State agencies have a role to play and an opportunity to lead with that expertise. While the Department of Energy is the lead sector-specific agency for cybersecurity and for the energy sector, the Pipeline and Hazardous Materials Safety Administration, PHMSA, is responsible for administering minimum pipeline safety standards, and the TSA, the Transportation Security Administration, does monitor threats to our transportation sector. I think that is where the gentleman from Massachusetts is coming from with this amendment.

The amendment, I have got to say, appears to be consistent with current law, while a rigid consultation requirement could end up resulting in delays if the TSA is not able to consult in a timely manner, but, again, the language is “consult.” I would hope that that would happen.

The amendment also appears to address pipeline facilities, but it is not clear whether it includes LNG as an example. Given the overlapping nature of Federal and State jurisdiction over pipeline safety, we want to make sure that we are doing it right and that we have got all the tools in the toolbox to make sure that that happens and we don't wonder what would have happened without this amendment.

Mr. Chair, I appreciate the gentleman's amendment. We are ready to work with him, but certainly, at this point, ready to accept the amendment.

Mr. LYNCH. Will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chair, first of all, I thank the gentleman very much for accepting the amendment. I agree, there may be some other areas that are not particularly addressed, such as the LNG situation. Obviously, we want to increase the level of safety with respect to LNG as well, but I understand those questions can be answered during our debate with the Senate as well and in conference.

But the bottom line is I thank him for accepting the amendment.

Mr. UPTON. Mr. Chair, reclaiming my time, it is my understanding, I believe, that a GAO report has been requested by some of our friends on both sides of the aisle, and we welcome the completion of that report and are anxious to see the result.

Mr. Chairman, again, I am prepared to accept the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. BEYER

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 115-235.

Mr. BEYER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 454, the gentleman from Virginia (Mr. BEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, it is a great honor to come after this bipartisan discussion between Mr. LYNCH and Mr. UPTON. I hope a precedent has been set, Mr. Chairman.

I offered this amendment to improve the Federal Energy Regulatory Commission's public comment period and transparency process.

This amendment would require FERC to issue a supplemental environmental impact statement if there is critical new information relevant to a pipeline proposal, and to require mitigation plans for adverse impacts if not already provided.

The case of the Mountain Valley Pipeline demonstrated how the current FERC process has failed us and why this amendment is necessary.

I recently wrote a letter to FERC on this very issue, asking that they initiate a supplemental environmental impact statement before moving forward with the issuance of a Certificate of Public Convenience and Necessity.

Quite simply, the process was flawed.

In response to a September 2016 draft environmental impact statement, Mountain Valley Pipeline, LLC, had to present more information and an updated route for the pipeline proposal to FERC. Originally, Mr. Chairman, they offered 1,000 pages of updates for public comment, but then their updates extended beyond the public comment period, which ended in December 2016, and included thousands of additional pages of crucially important information—20,000 pages of crucially important information. Think about how long it would take to read 20,000 pages.

What is most egregious is that, because this document dump came after the public comment period had ended, affected stakeholders weren't able to offer their comments for FERC consideration. They had already closed the public comment period, but the pipeline company was still submitting thousands of pages.

Even more ridiculous, the developers have continued to add more documents, even after FERC issued the final environmental impact statement. So apparently it wasn't final in the eyes of the developers.

For many, FERC's recent decision to issue this final statement for the proposed Mountain Valley Pipeline is patently alarming.

The appropriate course would be to issue a supplemental environmental impact statement and allow for public comment on those 20,000 pages.

Let's fix this woefully incompetent process.

Local communities affected most by proposed energy infrastructure projects naturally have concerns regarding the projects near them.

On my extensive visits to southwest Virginia last summer, there were two kinds of signs everywhere, Mr. Chairman. There were "Make America Great Again, Donald Trump for President," and there were "No Mountain Valley Pipeline."

They deserve the opportunity to express their views fully and to participate in a robust public engagement process, especially for projects which will use eminent domain to seize their private land from homeowners and farmers.

If there are major changes offered after the public comment period is

open, let's make sure the public has the ability to weigh in with their proposals.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, FERC is the lead agency for siting interstate natural gas pipelines. We all know that. But there are a number of other Federal and State agencies that also have to issue associated permits for large-scale projects.

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Through the FERC prefile process, sponsors engage with landowners, local communities, and government agencies to educate stakeholders and collect the information about the best location for siting that pipeline.

The underlying bill, H.R. 2910, brings much-needed certainty and transparency to the process by encouraging the stakeholders to participate in good faith early in the process. Unfortunately, this amendment, the way that we read it, would create more uncertainty and create more opportunities for delays.

The overwhelming majority of Americans strongly support expanding the infrastructure. Creating the jobs, the pipelines, ensures stable and affordable supplies. Flexibility, affordable, and reliable energy is important for American families and businesses to thrive.

I would note, at this point we still don't have a quorum with FERC, and we want that to change. That will be an issue that goes through the confirmation process in the Senate, but consumers really only benefit from domestic energy if we can get it to them.

Investing in infrastructure is a smart investment, so I would urge my colleagues to vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BEYER. Mr. Chairman, I yield myself such time as I may consume.

I very much agree with the lead sponsor of the bill, Mr. UPTON, that we don't want any more uncertainty, and we certainly don't want more delays.

In fact, this amendment was originally in a bipartisan bill sponsored by my Republican friend from Virginia, MORGAN GRIFFITH. I literally lifted it word for word.

What we want to do is make sure that all of the information is on the table at the beginning. It is just not fair to the people who are affected by a pipeline that an environmental impact statement is issued and they wouldn't have a chance to comment on it.

So let's make sure that the developers are putting all of the information out first. And if they put it out and the public comment period closes and then they give you the rest of the information, then, clearly, FERC has made the

decision without all that, and the public has been cheated out of the ability to comment on what is going to happen to their land and to their homes. It is just not fair.

Mr. Chair, I encourage my colleagues on both sides of the aisle to support this good, bipartisan amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. BEYER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BEYER. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. UPTON. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLORES) having assumed the chair, Mr. DUNCAN of Tennessee, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE ACT

GENERAL LEAVE

Mr. UPTON. Mr. Chair, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 2883.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution H.R. 2883 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2883.

The Chair appoints the gentleman from Tennessee (Mr. DUNCAN) to preside over the Committee of the Whole.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the 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, with Mr. DUNCAN of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.