

NEAL R. GROSS & CO., INC.

RPTS WOJACK

HIF179000

MARKUP OF: H.R. 3043, HYDROPOWER POLICY MODERNIZATION  
ACT OF 2017; H.R. 2786, TO AMEND THE FEDERAL  
POWER ACT WITH RESPECT TO THE CRITERIA AND  
PROCESS TO QUALIFY A QUALIFYING CONDUIT  
HYDROPOWER FACILITY; H.R. 3050, ENHANCING  
STATE ENERGY SECURITY PLANNING AND EMERGENCY  
PREPAREDNESS ACT OF 2017; H.R. 2883,  
PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE  
ACT; H.R. 2910, PROMOTING INTERAGENCY  
COORDINATION FOR REVIEW OF NATURAL GAS  
PIPELINES ACT; H.R. 3017, BROWNFIELDS  
ENHANCEMENT ECONOMIC REDEVELOPMENT AND  
REAUTHORIZATION ACT OF 2017; H.R. 3053,  
NUCLEAR WASTE POLICY AMENDMENTS ACT OF  
2017; AND H.R. 806, OZONE STANDARDS  
IMPLEMENTATION ACT OF 2017

WEDNESDAY, JUNE 28, 2017

House of Representatives

Committee on Energy and Commerce

Washington, D.C.

The Committee met, pursuant to call, at 10:00 a.m., in Room 2123 Rayburn House Office Building, Hon. Greg Walden [Chairman of the Committee] presiding.

Present: Representatives Walden, Barton, Upton, Shimkus, Murphy, Burgess, Blackburn, Latta, McMorris Rodgers, Harper, Lance, Guthrie, Olson, McKinley, Kinzinger, Griffith, Bilirakis, Johnson, Bucshon, Flores, Brooks, Mullin, Hudson, Collins, Cramer, Walberg, Walters, Costello, Carter, Pallone, Rush, Eshoo, Engel, Green, DeGette, Doyle, Schakowsky, Butterfield, Matsui, Castor, Sarbanes, McNerney, Welch, Lujan, Tonko, Clarke, Loeb sack, Schrader, Kennedy, Cardenas, Ruiz, Peters, and Dingell.

Staff present: Mike Bloomquist, Deputy Staff Director; Elena Brennan, Legislative Clerk, Energy/Environment; Karen Christian, General Counsel; Kelly Collins, Staff Assistant; Zachary Dareshori, Staff Assistant; Wyatt Ellertson, Research Associate, Energy/Environment; Blair Ellis, Digital Coordinator/Press Secretary; Adam Fromm, Director of Outreach and Coalitions; Giulia Giannangeli, Legislative Clerk,

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Digital Commerce and Consumer Protection/Environment; Jay Gulshen, Legislative Clerk, Health; Tom Hassenboehler, Chief Counsel, Energy/Environment; A. T. Johnston, Senior Policy Advisor/Professional Staff, Energy/Environment; Peter Kielty, Deputy General Counsel; Mary Martin, Deputy Chief Counsel, Energy and Environment; Drew McDowell, Executive Assistant; Katie McKeough, Press Assistant; Brandon Mooney, Deputy Chief Energy Advisor; Mark Ratner, Policy Coordinator; Tina Richards, Counsel, Environment; Annelise Rickert, Counsel, Energy; Dan Schneider, Press Secretary; Sam Spector, Policy Coordinator, Oversight and Investigations; Peter Spencer, Professional Staff Member, Energy; Jason Stanek, Senior Counsel, Energy; Evan Viau, Staff Assistant; Andy Zach, Professional Staff Member, Environment; Jeff Carroll, Minority Staff Director; Jacqueline Cohen, Minority Chief Environment Counsel; David Cwiertney, Minority Energy/Environment Fellow; Elizabeth Ertel, Minority Office Manager; Jean Fruci, Minority Energy and Environment Policy Advisor; Evan Gilbert, Minority Press Assistant; Caitlin Haberman, Minority Professional Staff Member; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; John Marshall, Minority Policy Coordinator; Dan Miller, Minority Policy Analyst; Alexander Ratner, Minority

**NEAL R. GROSS**

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

Policy Analyst; Matt Schumacher, Minority Deputy Press Secretary and Digital Director; Andrew Souvall, Minority Director of Communications, Outreach and Member Services; and Tuley Wright, Minority Energy and Environment Policy Advisor.

The Chairman. The Energy and Commerce Committee will come to order, please. Members take their seats. And I would recognize myself for 5 minutes, 3 minutes.

While a great deal of the news this year has been focused on healthcare, both the Subcommittee on Energy and Subcommittee on Environment have been quietly working on legislation that truly makes a difference for people all across America. We have examined barriers to modernizing the nation's energy infrastructure and looked at opportunities to modernize environmental laws with an eye on doing what is best for consumers, the environment, and businesses across the country. To date, the committee has held more than ten energy infrastructure hearings and roundtables and has heard from scores of witnesses.

All of this work has brought us here today and I am looking forward to working with my colleagues on both sides of the aisle to advance these eight bills to the full House for consideration on the floor. While these bills may not

**NEAL R. GROSS**

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

grab the headlines or the attention they really deserve, let's be real, folks. We are doing some pretty big things here today that will have tremendous impact on consumers, the environment, and the economy in the years ahead.

We have worked in a bipartisan manner on legislation to authorize and reauthorize the Brownfields Program for the first time since 2006, 11 years. We are moving forward on a bipartisan solution to finally have the federal government fulfill its obligations to manage spent nuclear fuel. We are modernizing our siting and permitting processes for natural gas pipelines and hydropower facilities.

We are taking important steps to ensure the reliability of our electric grid, while strengthening states' capabilities to secure the nation's energy infrastructure against both physical and cybersecurity threats, and we are also providing states the flexibility needed to implement important air quality standards on an efficient and realistic timeline.

In my home state of Oregon, these bills will help us unlock hydropower's potential, take steps toward cleaning up the Hanford nuclear waste site, and strengthen the Brownfields Program to redevelop contaminated sites. All that we do here we do for our constituents back home that

**NEAL R. GROSS**

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

sent us to Washington and entrusted us with the confidence and power to get these things done.

So I am proud of our committee's record when it comes to working with one another on a bipartisan manner and while today we may not agree on all of the bills before us, I know each one of us wants to do what is best for our consumers back home. If we put consumers first we will develop solid, sustainable public policy because that means we have created consumer-driven markets that work, expanded consumer choices, and supported a more vibrant, job-producing economy.

I believe the eight bills before us today fit that consumer-first, market-driven mentality. I stand ready to work with my colleagues to enact these reforms that build on our nation's energy abundance, modernize our nation's energy infrastructure and environmental laws, and promote domestic manufacturing and job growth.

With that I would yield to the ranking member of the full committee, Mr. Pallone, for opening comments.

Mr. Pallone. Thank you, Mr. Chairman. We have a number of bills before us today that came out of our Energy and Environment Subcommittees. Two of these bills, one dealing with state energy assurance plans and one on small conduit hydropower are broadly supported and easily agreed upon. The

**NEAL R. GROSS**

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

brownfields bill took a bit more work but we have arrived at a good place.

I authored the original brownfields law along with our late colleague, Representative Paul Gilmore of Ohio, and so reauthorizing this statute is very important to me. I will have more to say when the bill is called up, but I want to thank the Environment Subcommittee Chairman Shimkus and Ranking Member Tonko for working with me to come up with a product that we can all be proud of.

I also believe we have reached agreement on an update of our nation's nuclear waste policy that provides some hope that we can address the need to move spent nuclear fuel and other waste out of communities around the country and to secure storage facilities while we await a decision on a permanent repository. This was a delicate and difficult negotiation, but I believe we have arrived at a very good compromise.

On the subject of hydroelectric license reform, for the past few weeks staff on both sides have been negotiating in good faith. Our goal was to arrive at legislative language that could speed the licensing process without sacrificing environmental protections or state and tribal rights.

Unfortunately, despite staff working all weekend and through

**NEAL R. GROSS**

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

last night, we were not able to get there. So I continue to support hydropower as an important source of near carbon-free baseload power, but not at the expense of critical natural and cultural resources.

And then there is H.R. 2910, the natural gas pipeline permit streamlining bill which will further rob private landowners and local governments of their ability to contest the siting of these facilities. This is, in my opinion, a completely unnecessary and egregious giveaway to the industry at the expense of homeowners and the environment.

Similarly, H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act is another unnecessary piece of legislation that would establish a new lower standard for approving pipelines and transmission lines that cross our borders. Among its many unacceptable features is that the bill would circumvent NEPA and require that only a segment of a trans-boundary project obtain a presidential permit.

And finally, H.R. 806, Ozone Standards Implementation Act of 2017, would jeopardize the health of millions of Americans by undermining the successful health-based standards and protections found in the Clean Air Act, not just for ozone. In fact, H.R. 806 would impact all criteria pollutants -- carbon monoxide, particulate matter, nitrogen

**NEAL R. GROSS**

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



oxide, sulfur dioxides, and even lead.

Congressional Republicans seem to be focusing a great deal of their time this year on pushing legislation that in my opinion puts the public health and safety of the American people at risk and this is an agenda that I strongly oppose. I yield back, Mr. Chairman.

The Chairman. The gentleman yields back. The chair recognizes the gentleman from Texas, the vice chair of the full committee, Mr. Barton, for 1 minute.

Mr. Barton. Thank you, Mr. Chairman. I appreciate the full committee markup today of these bills. On H.R. 3050, Mr. McNerney and I will be offering a bipartisan amendment which I believe improves that particular bill. On the high level nuclear waste bill, H.R. 3053, I believe there is going to be a manager's amendment that incorporates an agreement between Ms. Matsui, myself, Mr. Shimkus, Mr. Tonko, you, and Mr. Pallone that makes it possible to actually cut the Gordian knot of high level nuclear waste disposal.

I will say that I offered to marry Ms. Matsui if she would agree to the amendment. She wisely rejected my proposal, but she did agree to the amendment change. So we should have a good discussion on that at the appropriate time.

**NEAL R. GROSS**

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

The Chairman. And the good news is your time has expired. Just kidding.

Mr. Barton. I think the proposal is expired too.

The Chairman. Yeah. The proposal expired, the time is expired. The gentleman yields back. We will go to Mr. Rush before I get into trouble. The chair now recognizes the gentleman from Illinois, Mr. Rush, for 1 minute.

Mr. Rush. Well, thank you, Mr. Chairman. Even the thought of that is kind of abhorrent to me.

Mr. Chairman, I want to thank you for holding today's full committee markup on these eight bills from the Energy and Environment Subcommittees. While I am pleased that we were able to come to bipartisan agreement on a majority of the bills we are marking up today, it appears that negotiations fell apart on H.R. 3043, the Hydropower Policy and Modernization Act. This is an issue that the minority side really would like to see us make progress on, and in the absence of a bipartisan bill today we will be offering an amendment in the nature of a substitute that outlines some of the provisions Democrats would like to see included in final legislation.

I would like to thank you, Mr. Chairman, for working with our side on H.R. 3050, the Enhancing State Energy

**NEAL R. GROSS**

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

Security Planning and Emergency Preparedness Act, specifically. I think this Upton-Rush bill will go a long way in helping states prepare for energy emergencies and I hope we will be able to get that bill, among many others we are marking up today, signed into law. With that Mr. Chairman, I yield back.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition? The chair recognizes the chairman of the Energy Subcommittee, the former chairman of the full committee, Mr. Upton, for 1 minute.

Mr. Upton. Thank you, Mr. Chairman. Good work. Good work to the staff and the members getting ready for this morning. Among the eight bills that we are considering, included are five important energy infrastructure-related bills forwarded from our subcommittee that deal with hydropower pipelines, electric transmissions, grid security.

I am particularly pleased that we are marking up H.R. 3050, our bill that helps states with emergency preparedness planning that Mr. Rush talked about. And as we also strive to do these bills have been drafted with bipartisan input in large part because we are picking up where we left off from last year's energy conference.

**NEAL R. GROSS**

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

Three bills that we are considering from the Environment Subcommittee all have a great impact on my district as well in southwest Michigan, the Brownfield grants as well as Yucca Mountain, long overdue in a bipartisan way. We need to get nuclear waste into a safe repository and off the shores of our Great Lakes and other environmentally sensitive areas. This bill does that.

Finally, the ozone bill is vitally important to the communities in my district who have achieved nonattainment status through no fault of their own thanks to the good folks across the lake in Wisconsin, Indiana, and Illinois. So I look forward to consideration of all these bills and yield back.

The Chairman. I thank the gentleman for his good work and comments. The chair recognizes the gentleman from Texas, Mr. Green, for 1 minute.

Mr. Green. Thank you, Mr. Chairman and the ranking member, for holding the hearing. Congress has a duty to regulate the commerce of the United States. Cross-border energy infrastructure projects fall well within that space. Past administrations starting with President Ulysses S. Grant, indeed, the current administration were forced to issue executive orders because Congress failed to act.

**NEAL R. GROSS**

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

Cross-border energy projects need to be approved through a predictable transparent process and not fall victim to election cycle politics. The Promoting Cross-Border Energy Infrastructure Act will provide such certainty and transparency. The Congressional Research Service found that this bipartisan bill will not limit a need for review for cross-border projects.

If a federal agency is authorized to approve a cross-border project, that agency's existing NEPA practices will continue to involve analysis of impacts associated with the approval of the facility and that physically crosses the border as well as new facilities constructed in the United States. This is a bill about the future and will meet the energy demands of our country for the 21st century.

I would also embrace the changes taking place in North America harmonizing our policies with those of our neighbors both to the south and the north. I am glad to see Democrats and Republicans come to an agreement on nuclear waste legislation. Congratulations to the chair of the committee. Congressman Shimkus has been working on that and I have been on the committee over the years.

It is not a compromise I would have written, but it is something I can support and again the compromise is important

**NEAL R. GROSS**

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

further steps for our safety, disposing of used nuclear fuel 35 years after Congress passed the Nuclear Waste Policy Act. And I yield back my time.

The Chairman. The gentleman yields back. The chair now recognizes the gentleman of the Environment Subcommittee who has put enormous work into this effort year after year after year and it is a pretty exciting day. The gentleman from Illinois, Mr. Shimkus, is recognized.

Mr. Shimkus. Thank you, Mr. Chairman. The Nuclear Waste Policy Amendments Act of 2017 amends our nation's 35-year Nuclear Waste Policy management policy. The legislation ensures permanent disposal remains a cornerstone of our national policy. However, for the first time, DOE will be authorized to move forward with a temporary storage program to contract with a private company for this purpose. I thank my colleague Ms. Matsui for that help.

H.R. 317, the Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act is also a bipartisan bill which reauthorizes and approves the EPA Brownfields Program and represents broad bipartisan compromise. We would like to stress to our colleagues in the Appropriations Committee the importance of fully funding this important and successful program.

**NEAL R. GROSS**

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

And finally, we will also consider the Ozone Standards and Implementation Act of 2017. Mr. Olson and also Mr. Flores have been very involved with this. I appreciate their help and their support. This bill updates certain Clean Air Act provisions so that the state and local authorities can more effectively implement air quality standards for the benefit of their communities. And I yield back my time.

The Chairman. The gentleman yields back the balance of his time. The chair now recognizes the gentleman from Pennsylvania, Mr. Doyle. Do you have an opening comment?

Ms. Schakowsky, did you have an opening statement?

Okay. Ms. Matsui, we will go to you. Yes.

Ms. Matsui. Thank you, Mr. Chairman. I am pleased that a number of the bills before us today are bipartisan. I am particularly supportive of the Brownfields Program reauthorization and the updated interim storage provisions in the nuclear waste bill.

Although this bill was initially partisan, I have been encouraged by the strong, constructive dialogue we had on spent fuel since the subcommittee markup two weeks ago. Members on both sides of the aisle worked hard to find an acceptable solution with the concerns of those of us across the country representing decommissioned nuclear plants.

**NEAL R. GROSS**

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

And despite the concerns I have about the hydropower licensing bill before us, I believe hydro relicensing remains an important issue and hydro must continue to be a part of our discussions going forward. I am a strong supporter of hydropower as a reliable source of clean energy that supplies up to 20 percent of electricity needs in my district, so I hope we continue the discussion. Thank you, Mr. Chairman, and I yield back.

The Chairman. The gentlelady yields back the balance of her time. The chair now recognizes the gentleman from Ohio, Mr. Latta, I believe is next.

Mr. Latta. Thank you, Mr. Chairman, and thank you for calling this markup today. I am pleased to lend my support to the bills before us today. I want to begin with mentioning Mr. Olson's H.R. 806, the Ozone Standards Implementation Act, which I worked with him on for several Congresses.

We all want clean air, but the 2015 National Ambient Air Quality Standards for ground level ozone was released before there was any chance of fully implementing the 2008 standard. Through this action the EPA moved the goalposts on our localities. H.R. 806 gives states the ability to pursue cost effective and practical paths to implementation of EPA's

**NEAL R. GROSS**

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



ozone standards.

We have all worked with many stakeholders over the years to craft this legislation. The administration took a very positive step earlier this year by delaying the 2015 standards by 1 year. However, this legislation is still needed to provide certainty to states and to solve their implementation issues.

I would also like to mention my support for H.R. 3053, the Nuclear Waste Policy Amendments Act. This bill provides a meaningful step towards long-range storage of our nation's nuclear waste. We all have an obligation to store waste safely and after visiting Yucca Mountain I believe that we can safely and securely store waste there. This bill helps the DOE fulfill contractual obligations and gives certainty to nuclear operators to continue to produce safe, reliable, and clean energy here in the United States. And I thank the chairman and I yield back.

The Chairman. The gentleman yields back. Thank you for your good work. Are there other members seeking recognition for opening comments on the Democrat side? Mr. Tonko, you are recognized for 1 minute.

Mr. Tonko. Thank you, Mr. Chair. Today the committee will consider eight bills, some of which I intend on

**NEAL R. GROSS**

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

supporting, others that I feel are deeply flawed. But regardless of the substance of these bills, I do have some concerns with the process that got us here.

We have failed to receive testimony from the administration on many of our bills that we will be voting on today. The cases that we have heard from the administration I would suggest that it has not been sufficient. For example, many members requested additional hearings on hydropower in order to hear from resource agencies as well as state and tribal governments. We know there have been significant changes in the policy and budget priorities of the administration. Unfortunately, we are stuck trying to decipher tweets and dead on arrival budget proposals rather than hearing directly from the source.

This committee deserves to hear from those officials to understand the budgets and authorities they believe are necessary to fulfill their agencies' missions and to receive public feedback on legislation. Mr. Chair, I hope we will have Secretary Perry and Administrator Pruitt in to testify in the near future. With that said, I will proudly support the bills to reauthorize the Department of Energy's State Energy Program and EPA's Brownfields Program. These are both good bipartisan bills and I thank the chair and the majority

**NEAL R. GROSS**

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

for working on bringing the bill together. Thank you.

The Chairman. The chair will now recognize, I believe Mr. Olson is next on the Republican side, for 1 minute.

Mr. Olson. I thank the chair. Today we mark up a number of bills including my bill, H.R. 806, the Ozone Standards Implementation Act. This bipartisan bill will cut the red tape and help grow our economy. This bill has passed this full committee twice, the 113th and 114th Congresses. I urge my colleagues to support it in the 115th.

This bill is not about letting polluters off the hook, this bill is not about ignoring science. This bill is about setting a standard and giving our states the tools and the time to meet that standard. It is about making the process more achievable in making the air we breathe cleaner. Let's get this right. Vote for H.R. 806. I yield back.

The Chairman. Are there members on the Democratic side seeking recognition for opening comments? Mr. Cardenas? Nobody else on this one, we go to him, Mr. Cardenas for 1 minute.

Mr. Cardenas. We are down to the last one, we are almost done with opening comments. Thank you, Mr. Chairman.

The original version of the nuclear storage bill included a provision that would have undermined Nevada's

**NEAL R. GROSS**

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

water rights. As you know, water is an important and precious resource particularly to us in the western states. For that reason I introduced an amendment at the environmental subcommittee markup to strike this provision that took water rights from the states, Section 202.

Mr. Chairman, and also the chair of the subcommittee, Chairman Shimkus, I would like to thank you so much and I appreciate your willingness to work with us on this issue so that we could come to a bipartisan compromise that you are offering today. So I want to once again thank you and also thank all the members of this committee, and I yield back.

The Chairman. Appreciate the gentleman's comments. Enjoy working with you and we will continue to work forward on this and other legislation. I believe next up on the Republican, if there is no -- Mr. Bilirakis would be next for 1 minute for opening statement.

Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate it. Today's markup is an important step bringing us closer to the 21st century energy infrastructure and modern environmental laws and strong energy security. These critical issues make a difference for people in my district in Florida and across the country.

Most significant, these policies we are examining today

prioritize the voices coming straight from our local communities and states. We are getting rid of the top-down, centralized ways of the previous administration and putting authorities closest to the people back in control. These issues -- energy infrastructure and security and environmental laws -- have ripple effects on jobs and the economy. They impact real working people's lives and well-beings. We have done our homework here and the legislation we are considering today is good for workers and good for future generations.

Thank you, Mr. Chairman. I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition? The gentleman from New Mexico, Mr. Lujan, is recognized for 1 minute.

Mr. Lujan. Thank you, Mr. Chairman. I want to begin by quoting former New Mexico Senator Jeff Bingaman who I believe correctly said that -- I quote -- interim storage can play an important role in a comprehensive waste management program, but only as an integral part of the repository program and not as an alternative to or de facto substitute for permanent disposal.

Though I appreciate my colleagues' hard work on the issue, I worry about the bill and the manager's amendment

**NEAL R. GROSS**

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

before us today makes it more likely that a future interim storage site becomes a permanent home for this waste. As a result, I will be voting against this bill. However, I know that these are tough issues and I agree that we have a responsibility to address the waste issues that result from our country entering the atomic age, but I do not believe that addressing nuclear waste is our only responsibility.

70 years ago, rural New Mexico became ground zero for the detonation of the first nuclear bomb. We still have impacted citizens dying from nuclear exposure. We have uranium mine workers that have still not been made whole even though this Congress has begun that process. So whether it is uranium mine workers in New Mexico or the mine workers in West Virginia, we have a responsibility not to forget about the people who made sacrifices to have what we have today.

We have to work together to be able to help them, and I certainly hope that we can find a way to put some attention on their needs as well, Mr. Chairman. Thank you and I yield back.

The Chairman. The gentleman yields back. Mr. Johnson of Ohio is recognized for 1 minute.

Mr. Johnson. Thank you, Mr. Chairman. I too look forward to this markup today which begins the process of

**NEAL R. GROSS**

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

bringing our infrastructure and environmental laws into the 21st century. While there is still much work to be done and we know that, this markup represents a step in the right direction.

Collectively, these bills will help ensure our nation's infrastructure and manufacturing permitting processes continue while making improvements to air quality. They will also promote better coordination among the Federal Energy Regulatory Commission and other agencies involved in hydropower permitting, along with interstate natural gas pipelines.

Among other bills we are reauthorizing the EPA Brownfields Program, which is a job creator and driver of economic development, as well as getting our nuclear waste storage program back on track. Mr. Chairman, I look forward to considering these bipartisan bills today and I yield back.

The Chairman. I thank the gentleman from Ohio. Are there other members on the Democratic side seeking recognition and opening comment? I see none. Are there members on the Republican side? Mr. Flores, you are recognized for 1 minute.

Mr. Flores. Thank you, Mr. Chairman, and also thank you for holding today's important markup. Our laws and

**NEAL R. GROSS**

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

regulations should protect life and health and do it in such a way to keep the economy moving and these goals are not mutually exclusive. American leads the world in natural gas production, yet some areas of the country lack the infrastructure to get that resource to hardworking American families. My bill, H.R. 2910, increases predictability and fairness in the permitting process for interstate pipelines so that that energy can help those struggling communities.

I am also pleased to see that we are marking up H.R. 806 which modernizes ozone regulations to reflect actual implementation realities. I am also pleased that we are marking up a bill that provides a much needed solution for dealing with nuclear waste. I look forward to working with my colleagues on both sides of the aisle to advance these important bills today. Thank you. I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition? Seeing none -- yes. The gentlelady from California, Mrs. Walters, recognized for 1 minute.

Mrs. Walters. Thank you, Mr. Chairman. All of the bills we are marking up today are important because they will improve and strengthen our energy infrastructure. One in particular, the Nuclear Waste Policy Amendment Act, is

**NEAL R. GROSS**

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



especially important to my state. Just south of my district is the decommissioned San Onofre Nuclear Generating Station, it is known as SONGS. Eighteen hundred tons of spent nuclear fuels sits at SONGS.

The federal government owes it to Southern California residents and every other American living near a facility with spent fuel to fulfill its obligation and take ownership of that fuel. This bill is the first step towards that goal. It is important to get the process right so we can move forward currently on an interim storage program and a permanent repository.

I believe the bipartisan compromise that will be offered this morning strikes the right balance. For over 35 years, ratepayers have contributed more than \$40 billion to the Nuclear Waste Fund. California ratepayers alone have contributed over \$2 billion to that same fund which has supported to work to establish a permanent repository. The status quo isn't working. This bill recognizes that and puts forth solutions to address the need for interim and permanent storage. I yield back.

The Chairman. The gentlelady yields back. Other members seeking recognition, we will recognize the gentleman from Georgia, Mr. Carter, as our final opener.

**NEAL R. GROSS**

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

Mr. Carter. Thank you, Mr. Chairman. Today's markup is a positive step forward on energy and environment issues and policies for our country. In this markup we will be taking up eight bills to address hydropower, cross-border energy flows, interagency coordination, brownfields, clean up nuclear waste, ozone standards and more.

For the brownfields reauthorization, this will give us an opportunity to clean up and revitalize parts of our communities much like the Georgia Sea Turtle Center on Jekyll Island and the Ponce City Market in Atlanta. The ozone standards legislation will provide clarity so that duplicated and differing ozone standards will no longer be the norm and cause harm to industries such as the forest industry in Georgia.

For nuclear waste, this will provide an opportunity to finally move the nation's nuclear waste to a permanent repository at Yucca Mountain providing a safe and durable long-term storage option. I thank the committee and my colleagues for taking up these bills today and look forward to a productive markup and passage of them and I yield back.

The Chairman. The gentleman yields back, no other members seeking recognition.

Before we proceed I just want to underscore the fact of

**NEAL R. GROSS**

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

the productivity of our committee. If we could put the slide up, I want to announce the births of Arlo Pasquale Murphy to Tiffany and Matt on the left, and our own Jen Barblan on our side gave birth yesterday to Claire Doris Barblan, she and her husband Matt. So we have expanded the Energy and Commerce Committee on a bipartisan basis.

[Applause.]

The Chairman. All right. The chair now calls up H.R. 3017 and asks the clerk to report.

[The Bill H.R. 3017 follows:]

\*\*\*\*\*INSERT 1\*\*\*\*\*

The Clerk. H.R. 3017, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize and improve the Brownfields Program and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point. Are there any bipartisan amendments to the bill? Are there any amendments to the bill?

I recognize the gentleman from New Jersey to strike the last word.

Mr. Pallone. Thank you, Mr. Chairman. I want to thank you for working with me and my staff on this bill to improve and reauthorize the Brownfields Program. The program has always enjoyed bipartisan support and I appreciate your effort to move it forward in a bipartisan manner to enact this reauthorization into law.

The Brownfields Program has been an incredibly important tool for protecting public health and spurring economic growth in New Jersey and throughout the country. With financial help from the federal government, communities can clean up contaminated sites and prep them for development for parks, commerce, housing, or a number of other uses that can benefit a local community.

**NEAL R. GROSS**

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

And though these contaminated sites do not warrant listing on the National Priorities List like Superfund sites, they still have negative environmental and economic impacts. By almost any metric the Brownfields Program has been a remarkable success.

Removing public health hazards by cleaning up contaminated sites is incredibly important for the surrounding communities. Since the program's inception, more than 25,000 contaminated sites have been remediated allowing communities to create new developments. EPA has found that cleaning up underutilized or abandoned brownfields properties reduces health risks, decreases pollution, and reduces stormwater runoff.

But this is not just a program that provides environmental benefits. It is a job creator that primes the pump for local investment and development. All told, the Brownfields Program has leveraged over \$22 billion in investment surrounding these sites which is a stunning return on the federal government's modest investment in the program. Simply put, it provides tremendous value to the federal government and a boost to the economy in local communities.

However, as successful as the Brownfields Program has been, there is still much more important cleanup work to be

**NEAL R. GROSS**

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

done. At hearings last year and this year, the subcommittee has heard unanimous testimony calling for the reauthorization of the program. Stakeholders have also indicated a need for increased funding and flexibility to allow states and local communities to use their resources effectively to address the new challenges presented by these cleanups.

So this legislation we are going to vote on shortly is a compromise bill. The funding levels are lower than the levels of the bill I introduced, but reauthorizing this program even at current funding levels will send a signal to the appropriators to step up and fully fund this important program. So I support the bill and urge my colleagues to do the same.

Mr. Shimkus. Will the gentleman yield for one second?

Mr. Pallone. Yes, certainly.

Mr. Shimkus. On my -- over here.

Mr. Pallone. Sure.

Mr. Shimkus. I want to thank the ranking member for his work. I also wanted to thank him for mentioning Paul Gilmore in his opening statement. Paul served on this committee, greatly loved. This was part of his aspiration on the policy and I found that very touching and I appreciate it. I yield back.

**NEAL R. GROSS**

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

Mr. Pallone. I yield to the gentlewoman from Colorado.

Ms. DeGette. Thank you, Mr. Chairman. Thanks for yielding to me. I am really glad we are moving forward today with this legislation to improve and reauthorize the EPA's brownfields cleanup program. I have been working on brownfields issues since I was in the state legislature where I authored the Colorado State Voluntary Cleanup and Redevelopment Program which has now been used to clean up thousands, literally thousands of brownfields sites in Colorado.

As a member of this committee in 2002, I also worked on the original federal authorization of the Brownfields Program. We know the program has been a tremendous success helping to assess more than 25,000 contaminated sites. But we also know according to the EPA there are more than 450,000 brownfields sites across the country.

In districts like Denver, my district, we have really seen the importance of this program. We have had an economic revitalization in Denver that has caused former industrial properties in urban areas to become far more valuable whether for pursuit of additional green space or other redevelopment needs like, for example, our legal crop in Colorado where they need some industrial space.

**NEAL R. GROSS**

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

The Brownfields Program has played an important role in cleaning up the contaminated sites and revitalizing many of these areas. This bill strengthens the program by raising the cap for clean-up grants, increasing the flexibility of the program to work with nonprofits, local governments, and multipurpose grants, and making it easier for small communities to use the program.

I also hope our colleagues on the Appropriations Committee will take note of the bipartisan agreement in this committee on this authorization and that they will actually fund it to the level that we have authorized. Thanks for this bill, Mr. Chairman. Thanks for the bipartisan work and I yield back.

The Chairman. Thank the gentlelady for her comments. The gentleman yields back --

Mr. Pallone. I yield back, yes.

The Chairman. -- the balance of his time. The chair now recognizes the cosponsor of the bill, the gentleman from West Virginia, Mr. McKinley, and thanks him for his good work on this effort.

Mr. McKinley. Thank you, Mr. Chairman. Along with my colleagues, Chairman Walden, Chairman Shimkus, Ranking Member Pallone, and Ranking Member Tonko, we are honored to sponsor

**NEAL R. GROSS**

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



the Brownsfield Enhancement Economic Development and Reauthorization Act of 2017. This bill represents a broad bipartisan compromise, bipartisan compromise that will reauthorize the EPA program for the first time, as you heard, since 2006.

This Environmental Subcommittee has held numerous hearings recently about the importance of the EPA Brownfields Program. During our hearing, witnesses universally praised the program but stressed it is vital for this program to be fully funded. Therefore, we are encouraging the Appropriations Committee to ensure the EPA Brownfields Program is funded at the authorized level. In addition to the authorization, the bill makes several key improvements to the brownfields law that will result in more brownfields sites, like the 61 that are located in the 1st district of West Virginia, being cleaned up and put back into productive use.

This bipartisan bill makes several key points. One, it provides great clarification to liability at petroleum sites; two, expands eligibility to nonprofit organizations and certain eligible entities; three, increases the limits for remediation grants from 200,000 to \$500,000; creates multipurpose grants which will provide flexibility to

**NEAL R. GROSS**

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

communities; and last, makes it easier for small, rural, or disadvantaged communities that tries to participate in this program.

So therefore, the developing and repurposing of these sites will rejuvenate prime industrial sites all across America and enhance community image and thereby create the jobs that we are all, both sides of the aisle, are talking about. This is one of the best job creation pieces of legislation we can come up with.

So overall, the bottom line is this broadly bipartisan bill will help us make great strides towards achieving the goals of getting more contaminated sites cleaned up, promoting the development of infrastructure, and creating jobs. I urge all my colleagues to vote yes on this. I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition? The gentleman from New York, Mr. Tonko, is recognized for 5 minutes.

Mr. Tonko. Thank you, Mr. Chair. I move to strike the last word.

The Chairman. Without objection.

Mr. Tonko. Mr. Chair, I want to thank you and Chair Shimkus and Representative McKinley for working

collaboratively with us on this bill to reauthorize EPA's Brownfields Program. Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act would greatly improve an already successful EPA program. Because of EPA's support, since 2002, tens of thousands of acres of idle land have been made ready for productive use increasing nearby property values and helping to preserve green fields. These properties have been brought back onto the tax rolls and have helped support communities' economic development.

Due to the success of the EPA Brownfields Program, local governments are beginning to realize that we can turn a liability into an opportunity, but unfortunately there are many more sites yet to be assessed or remediated around the country. We have already cleaned up many of the easiest sites, so the more difficult ones will require more funding.

This bill makes a number of improvements to the program including increasing individual grants from \$200,000 to \$500,000 which would enable more complex sites to be remediated. The bill would create multipurpose grants, make it possible for nonprofit stakeholders to get more involved, and allow a small portion of grants to be used to cover administrative costs. These are important improvements to the EPA program. This reauthorization will give communities

**NEAL R. GROSS**

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

the resources, the capacity, and the flexibility to continue to turn liabilities into opportunities.

Mr. Chair, these are the types of bills that we can accomplish when we work together. I wish that was the case for all of the bills being marked up today. At the very least I want to urge members to support this bill and again thank you and Chairman Shimkus and Representative McKinley and our ranker Mr. Pallone for working successfully on this measure. With that I will yield any time anyone on my side wants. I will yield to the gentleman from Illinois.

Mr. Rush. I want to thank -- Mr. Chairman, I just want to say that this bill really represents to me the beauty of bipartisanship. I mean if you can imagine a brownfield being beautiful in this sense, and this, it really brought us together and it really kind of highlights what we can do when we work in a bipartisan manner.

I cut my teeth on issues similar to this when I was in the Chicago City Council and for my community and for the district that I represent I mean cleaning up these brownfields is of utmost importance. And I want to congratulate you, Mr. Chairman, Ranking Member Pallone, Mr. McKinley, and Mr. Tonko for your fine work, and all the staff. I yield back to the gentleman.

**NEAL R. GROSS**

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

Mr. Tonko. Anyone else from our side? If not, I yield back.

The Chairman. Thank you, Mr. Rush. We appreciate your generous comment and your able work on this matter. It matters a lot to all of us and so it is a good product we have before us. I think next up on our side is Mr. Lance for 5 minutes to strike the last word.

Mr. Lance. Thank you, Mr. Chairman. I move to strike the last word. I thank Chairman Walden and Chairman Shimkus as well as Ranking Member Pallone and Ranking Member Tonko and Congressman McKinley for their hard work on this bill, the Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act.

The EPA's Brownfields Program is working and we should reauthorize it so that states, communities, and other stakeholders can continue to work together to improve lands affected by the presence of hazardous substances, pollutants, and other contaminants. Thanks to the hard work of this committee, communities have been working together to the change the way contaminated properties are managed. There are currently seven brownfields in the district I serve. We should be doing all we can to assist in addressing environmental concerns and remediation.

**NEAL R. GROSS**

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

This is also as Congressman McKinley has so ably stated an issue that affects employment and job opportunities across the nation. I appreciate the committee's thorough examination of this important issue and I look forward to working in a bipartisan, bicameral basis focused on solutions to provide constituents across the nation the tools they need to revitalize our lands and make this nation a cleaner and a healthier place to live.

And is there anyone on our side who would like to speak on this issue?

Mr. Carter. Will the gentleman yield?

Mr. Lance. Certainly I would yield.

Mr. Carter. Mr. Chairman, this legislation represents an opportunity to really reinvigorate our communities around the country. Large or small, every state and district has seen contaminated properties that often sit in prime locations but cannot be redeveloped because of previous uses without a proper cleanup. That is why the Brownfields Program and its benefits to communities is so important.

In my district alone we have seen a number of successes. The site of the former Durango paper mill was cleaned up under this program to allow the city of St. Marys, a beautiful city and the gateway to Cumberland Island, a

**NEAL R. GROSS**

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

valuable opportunity to redevelop the property for beneficial purposes.

Not too far from there, the Brownfields Program once again served a crucial role in the cleanup of the site of the former Jekyll Island Power Plant. That site, which once powered the recreational clubs of America's most powerful families, was cleaned up and converted to the Georgia Sea Turtle Center. Not too long ago, I had the fortune of visiting that facility to see the important research they are doing on sea turtle species and to witness the great education programs that they can provide to all ages.

Further north, we have seen success in Ponce City Market, Atlantic Station, and the Atlanta BeltLine, one of the most innovative urban revitalization projects in the nation. The BeltLine has now singlehandedly helped to revitalize neighborhoods in areas that run along its path.

Mr. Chairman, this program whether it is through brownfields grants, remediation grants, or the ability to form partnerships between local, state, and federal authorities, this program has been incredibly useful and beneficial to all communities across America, and I urge my colleagues to support this underlying legislation and I yield back.

**NEAL R. GROSS**

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

Mr. Lance. Thank you, Mr. Carter. Is there anyone else on our side who would like to speak? Seeing none, thank you, Mr. Chairman.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition? If not, the question now occurs on favorably reporting H.R. 3017 to the House.

All those in favor, signify by saying aye.

Those opposed, no.

The ayes have it, and the bill is favorably reported.  
Good work, everyone.

The chair now calls up H.R. 3050 and asks the clerk to report.

[The Bill H.R. 3050 follows:]

\*\*\*\*\*INSERT 2\*\*\*\*\*



The Clerk. H.R. 3050, to amend the Energy Policy and Conservation Act to provide federal financial assistance to states to implement and review and revise state energy security plans and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with and the bill will be open for amendment at any point. Are there any bipartisan amendments to the bill?

Mr. Barton. Mr. Chairman.

The Chairman. The chair recognizes the gentleman from Texas, Mr. Barton.

Mr. Barton. I have a --

The Chairman. The gentleman has an amendment at the desk.

Mr. Barton. I have an amendment at the desk. It is Barton-McNerney.

[The Amendment offered by Mr. Barton follows:]

\*\*\*\*\*INSERT 3\*\*\*\*\*

The Clerk. Amendment to H.R. 3050 offered by Mr. Barton and Mr. McNerney.

The Chairman. Without objection, further reading of the amendment will be dispensed with. The clerks will distribute the amendment, and the chair recognizes the gentleman from Texas for 5 minutes to speak on his amendment.

Mr. Barton. I thank you, Mr. Chairman. I think this is a noncontroversial amendment. It would do three things. It would allow for consultation with owners and operators of energy infrastructure in the states. This would encourage states to draft their plans in consultation with people who actually run the infrastructure they were aiming to protect. It also would address not only threats but vulnerabilities. This would broaden the definition of what utilities should think of when considering how to train and prepare for cyber incidents.

And number three, Mr. Chairman, it would encourage mutual assistance when there actually is a cyber attack and a physical response is necessary. Many utilities already help each other in instances of natural disasters. The goal of this change would be to say that we like that there is this assistance and we want it to continue in the energy space as well as in the cyberspace. To my knowledge there is no

**NEAL R. GROSS**

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

opposition to the amendment, and I would hope we could accept it.

And I would either yield to anybody --

The Chairman. Do you want to yield to Mr. McNerney as a cosponsor?

Mr. Barton. I would be happy to yield to my good friend Mr. McNerney.

Mr. McNerney. I thank the chairman. Our nation's energy and electrical sectors are rapidly evolving. With those changes comes increased risk and a new way to examine how to prepare for and respond to energy and electrical infrastructure disruptions. We need to recognize regional implications of an attack and the importance of collaboration, building off existing public and private sector initiatives.

States can lack the expertise and funds necessary to plan for the scope of these threats. Authorization of state energy plans and state energy assurance plans can help in addressing those needs. We need to build on the existing resources such as our national laboratories, utilities, and other entities. A proliferation of connected devices, distributed generation, and other sources open the grid to brand new threats.

**NEAL R. GROSS**

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

Our amendment ensures that owners and operators of energy infrastructure are consulted and that we address cyber threats and vulnerabilities and that we build off the existing efforts that benefit physical and cyber response capabilities. I want to thank the gentleman from Texas, Mr. Barton, for his work on this effort. These are common sense changes that enhance the underlying bill. I urge the adoption of our amendment and I yield back.

Mr. Barton. And I yield to --

Mr. Upton. Will the gentleman yield?

Mr. Barton. Yield to Mr. Upton of Michigan, Chairman Upton of Michigan.

Mr. Upton. I want to thank all the members on the committee who helped to move this bill forward, and I certainly support this bipartisan amendment as well as the next one that I am going to be offering. We have to make sure that every tool is in the toolbox to prevent a catastrophic attack, what we are seeing almost on a daily basis not only with companies but with utilities.

You know, there is an old saying that our former colleague, the good Mike Rogers from Michigan, said. There is two things on cyber attack -- if you don't think you have been attacked you are wrong, you have been. We need to make

**NEAL R. GROSS**

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

sure that every protection is out there for our communities across the country.

This is a great amendment. It is a very good bill, and I would urge my colleagues to vote for this amendment and the next one that I am going to be offering on a bipartisan basis as well. I yield back to the gentleman from Texas.

Mr. Barton. And I yield back.

The Chairman. Are there other members seeking recognition? Seeing none, the question now occurs on the amendment.

Those in favor of the bipartisan amendment will signify by saying, aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it and the amendment is agreed to.

Are there other amendments? The chair recognizes the chairman of the Subcommittee on Energy, Mr. Upton.

Mr. Upton. I have a bipartisan amendment that I am offering with Mr. Rush.

[The Amendment offered by Mr. Upton follows:]

\*\*\*\*\*INSERT 4\*\*\*\*\*

The Chairman. The clerk will report the amendment.

The Clerk. Amendment to H.R. 3050 offered by Mr. Upton and Mr. Rush.

The Chairman. Without objection, the reading of the amendment is dispensed with and the gentleman is recognized for 5 minutes to speak in support of his amendment.

Mr. Upton. Thank you, Mr. Chairman. I won't use my 5 minutes. But this again is another obviously a bipartisan amendment that makes a few changes that we have noticed in the last couple weeks. It ensures that the appropriate state offices and leaders are collaborating together in the development of state energy security plans, and in order to create a comprehensive energy security plan it is so important for the right participants to be at the table and involved in the process.

This amendment will require that the governor of each state to coordinate with the state Public Utility Commission, the state energy office, and with any other entity who is responsible for maintaining fuel or electrical reliability. And I would urge my colleagues to support this amendment and I would yield to my good friend and coauthor of the bipartisan amendment, Mr. Rush.

Mr. Rush. I want to thank the gentleman for yielding.

**NEAL R. GROSS**

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

And Mr. Chairman, I want to thank you for all the work that you have done, your staff, for working with the minority side in drafting this bill amending the Energy Policy and Conservation Act in order to provide federal financial assistance to states to implement review and revise state energy security plans.

Mr. Chairman, I want to also thank Mr. Pallone and our staff on this side for all the work that they have done on this bill also, and I also want to voice my strong support for the Upton-Rush Amendment to the bill which simply adds tribes and stakeholders to the multi-state, original coordination planning and response, and also allows states to enter into public-private partnerships when developing their energy security plan.

Mr. Chairman, as you know, it is critical that we provide states with the resources that they so desperately need to address energy emergencies and the \$90 million authorized in this bill will go a long way in meeting that goal. These energy security plans, Mr. Chairman, play an instrumental role in improving the states' ability to identify potential energy disruptions, quantify the effects of energy disruptions, establish response plans, and limit the risk of future disturbances.

**NEAL R. GROSS**

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

These security plans take into account multiple factors such as statewide energy needs, current energy assets, workforce issues, and access to renewables and energy efficiency initiatives. Mr. Chairman, having states draft these emergency plans help them identify the legal authorities and responsibilities spelled out between federal, state, and local agencies in case of emergencies.

These plans also help to coordinate emergency response between state and local governments, as well as industry and various emergency agencies. Initially, Mr. Chairman, the grants from this bill can be used to conduct state and regional enhanced training exercises in order to help mitigate the risk of having energy disruptions and respond to these emergencies in a timely fashion if and when they do occur.

These state emergency security plans can play vital and pivotal roles in protecting lives and livelihoods as well as state and regional economies against potential energy disasters whether they be physical or cyber, natural or manmade. This is a strong bipartisan bill, Mr. Chairman, and I would urge all my colleagues to vote to approve this amendment. I yield back.

The Chairman. The gentleman yields back. Is there

**NEAL R. GROSS**

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



further discussion on the amendment? Seeing none, the vote now occurs on approving the amendment.

All those in favor, say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it and the amendment is agreed to.

Are there any other members seeking recognition to offer amendments on this legislation? Seeing none, the question now occurs on favorably reporting H.R. 3050, as amended, to the House.

All those in favor, will signify by saying aye.

Those opposed, no.

The ayes have it, and the bill is favorably reported.

The chair now calls up H.R. 3053 and asks the clerk to report.

[The Bill H.R. 3053 follows:]

\*\*\*\*\*INSERT 5\*\*\*\*\*

The Clerk. H.R. 3053, to amend the Nuclear Waste Policy Act of 1982 and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point. Are there bipartisan amendments to this bill?

Mr. Shimkus. Mr. Chairman.

The Chairman. For what purpose does the gentleman from Illinois seek recognition?

Mr. Shimkus. I move to strike the last word, and I have amendment number 1, and it is a bipartisan amendment.

[The Amendment offered by Mr. Shimkus follows:]

\*\*\*\*\*INSERT 6\*\*\*\*\*

The Chairman. The clerk will report the Shimkus Number 1 bipartisan amendment.

The Clerk. Amendment to H.R. 3053 offered by Mr. Shimkus.

The Chairman. Without objection, further reading of the amendment is dispensed with. The chair recognizes the gentleman from Illinois, the chairman of our Environment Subcommittee who has done incredible work on this measure, for 5 minutes to speak on his bipartisan amendment.

Mr. Shimkus. Thank you, Mr. Chairman. This amendment is a result of a bipartisan compromise to find the right path to ensure interim storage activities move forward concurrently with the tangible progress on the pending construction authorization for the Yucca Mountain repository. It additionally provides clarity for state and regional transportation groups that will be critical partners when the Department of Energy ultimately transports nuclear material to the repository or interim storage facility.

As introduced, H.R. 3053 removes DOE's prohibition on storing nuclear waste at a private facility. It explicitly provides DOE the authority to avoid potential legal issues, and it requires DOE to initiate a program to integrate interim storage into a used fuel program.

**NEAL R. GROSS**

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

The bipartisan compromise offered as part of the manager's amendment extends these interim storage provisions further. It provides for a base authorization of at least 150 million for the first private interim storage agreement with additional funding available as work on the NRC's review of the Yucca Mountain license proceeds. This gives those private storage initiatives financial surety while moving through the required regulatory process.

If the private interim facility is successful in receiving an NRC license and has the support of the host state, local community, and affected Indian tribes, the Department of Energy may enter into an agreement while progress on the repository program continues. Lastly, if the secretary has the capability to transport material, a capability that DOE itself has said won't be available for at least 5 years, the Secretary may store spent nuclear fuel at that site as long as NRC's decision on the Yucca license is imminent.

Let me be clear. This amendment does not remove the federal government's obligation to fulfill its responsibility to ratepayers and get an answer from an independent safety regulator whether Yucca Mountain meets all the requirements to serve as a permanent repository.

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

The compromise also emphasizes the importance of DOE removing spent nuclear fuel from sites that no longer are home to an operating reactor. These communities like the one in Ms. Matsui's district have been serving as interim storage sites without local consent because of the gridlock on the nuclear waste program.

The manager's amendment also addresses an important issue raised by state and regional transportation stakeholders. As DOE prepares to transport spent nuclear fuel and high level radioactive waste, the folks on the ground that are critical to a successful transportation campaign must have adequate funding. This manager's amendment would do so.

I sincerely thank my colleague from California, Ms. Matsui, for her partnership in coming together to find an agreement on the manager's amendment. I urge you to support this amendment. And with no one asking for time, I would yield to -- I would recognize Mr. Barton.

Mr. Barton. I was going to get my own time, but since you have a couple of minutes I will just speak on your time.

I want to commend you, John, for this. This issue has bedeviled the country for over 30 years. And for many years, many people resisted the idea of interim storage because they

**NEAL R. GROSS**

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

felt like we had to put all of our eggs in the permanent storage basket. Given the status in Nevada of the political leadership's opposition to the Yucca site, that has proved to be a difficult proposition to say the least.

By being open to interim storage and ultimately coming to the compromise that is in the manager's amendment, I think this really does solve, long term, the high level nuclear waste issue. It has not been an easy path and it has not been an easy resolution, but I honestly believe that what we are about to vote on will work and we will get interim storage but we will also get a permanent repository.

So I want to thank you personally for your efforts here. I want to thank Mr. Pallone and Ms. Matsui, Mr. Tonko, for their efforts on the minority side, and Mr. Walden for your willingness to let the negotiations and the compromise go forward. This is the Energy and Commerce Committee at its finest and I am very, very proud of this. With that I yield back.

Mr. Shimkus. Without, I yield back my time. Thank you, Mr. Chairman.

The Chairman. Thank you. And thanks to all for their great work. I will recognize the gentleman from New Jersey, the ranking member Mr. Pallone, now, for 5 minutes.

**NEAL R. GROSS**

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

Mr. Pallone. Thank you, Mr. Chairman. It has been 30 years since Congress significantly revised the Nuclear Waste Policy Act. Unfortunately, during that period, little has been accomplished to address the disposition of the spent nuclear fuel that is a byproduct of electricity generation at nuclear power plants.

At the same time, ratepayers have seen their contributions to the Nuclear Waste Fund used more for debt reduction than storage or disposal while taxpayers have had to foot the bill for damages stemming from the Department of Energy's failure to take title to waste.

I believe we must find a long-term solution to the issue of nuclear waste. With more and more nuclear power reactors scheduled to shut down in the coming years including the Oyster Creek Nuclear Generating Station in New Jersey, communities are increasingly facing the reality that the nuclear waste currently sitting in dry casks in spent fuel pools at these sites will be stored there indefinitely when the plant closes absent a workable national solution. These factors, coupled with the increase in plant retirements, underscore the need for interim storage solutions to bridge the gap until a permanent repository is licensed and constructed, wherever that may be.

**NEAL R. GROSS**

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

Mr. Chairman, I appreciate your willingness to engage with Democrats on the committee to address some of the concerns that we raised with draft legislation when the Environment Subcommittee marked it up two weeks ago. Two amendments have been filed this morning to address a number of these concerns. If both of these amendments are adopted I intend to support final passage of the bill.

The manager's amendment before us allows the Secretary of Energy to enter into an agreement to establish an interim storage pilot project to store waste from shut down reactors across the country. This provision is based on an amendment offered at subcommittee by Ms. Matsui, and I commend my colleague for her hard work to address this important issue.

The manager's amendment also includes a requirement for EPA to report to Congress on the plan for cleanup at the West Lake Landfill Superfund Site in Bridgeton, Missouri. This is an important issue to our colleagues in Missouri, particularly Mr. Lacy Clay, and I am pleased to support the inclusion of this language.

So I urge my colleagues to support the amendment. I don't know if anybody wants my time or -- I will yield to the gentleman from California.

Mr. Peters. I thank the gentleman from New Jersey. I



just wanted to echo what Mr. Barton said. The original draft of this bill linked progress for interim storage of spent nuclear fuel to final approval of the Yucca Mountain project in a way that could have impeded efforts to remove spent nuclear fuel from places like the decommissioned San Onofre Nuclear Generating Station in San Diego.

During the subcommittee markup, I actually offered an amendment to remove that linkage and withdrew the amendment on the representation that we would work together to find a solution to this. And I just thought it was worth noting, I thought it was important to say that everyone has followed through on that promise and today because of the work of Chairman Shimkus, Ms. Matsui, Mr. Barton, and the staff, we have come to that agreement. So I wanted to acknowledge that and say that is a pleasure to be part of a process that is bipartisan and it ends up in a good answer that will certainly help my district and the country and I yield back.

Mr. Pallone. I still have -- yield to the gentleman from Texas.

The Chairman. I don't believe your mike is on, Gene.

Mr. Green. This manager's amendment will help move the ball forward and finally, safely, storing the nation's spent nuclear fuel. This amendment will allow a pilot interim

**NEAL R. GROSS**

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

storage to be licensed without direct link to Yucca Mountain.

While I am on the record supporting Yucca Mountain as the best location for our permanent repository, the opening of Yucca has been delayed for many years and I expect it to take several more years until all the outstanding issues are finally resolved. Our nation must move forward on safely storing used nuclear fuel as soon as feasibly possible. We cannot wait another 20 years for a permanent repository to open.

This amendment makes this possible by allowing the opening of a pilot interim storage facility such as the one that is proposed by WCS in Andrews, Texas. This amendment would allow that project to move forward without delay from Congress. And again I want to thank Chairman Shimkus for his leadership over the years and also our Ranking Member Pallone for their work on this amendment and I yield back to my colleague. Thank you.

Mr. Pallone. And Mr. Chairman, I will yield back.

The Chairman. The gentleman yields back. I would recognize myself to strike the last word. This amendment is the result of carefully crafted compromise that will ensure that any interim storage initiative does not supplant the need for a permanent repository or divert resources away from

finishing the NRC's review of the pending Yucca Mountain license, as we have heard.

Moving forward with the Yucca Mountain program remains the most expeditious path to start removing nuclear waste from DOE sites like the Hanford reservation, which is just across the river from my district, in Washington State. And let me just tell you, this is a horrible national mess at Hanford. This was the site where they produced plutonium for World War II. We have liquid waste stored there, solid waste stored there. There is all kinds of waste that it will cost a hundred billion to clean up the highly toxic radioactive and chemical waste on the 580 square mile facility.

This was the facility where they produced up to 70 percent of the plutonium that we used in World War II. They need to take 50 years to clean this up. Yucca is the repository. That is the future for this waste. This is why this has been a huge initiative for me and others on this committee I know, but especially for people I represent in Oregon to get this waste cleaned up.

Just last month in May, one of the tunnels that has rail cars underneath it collapsed -- it is a 1950s tunnel -- and debris came down on top of these rail cars that had been used to haul radioactive waste in. There was another issue dating

**NEAL R. GROSS**

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

to a facility that dates back to the 1940s on the plutonium plant sent 350 workers scurrying away because there was a radiation leak. This is really toxic. This is really deadly. It is very dangerous. It sits very near the Columbia River, the mighty Columbia River, and it needs to get cleaned up in a timely manner and it is our obligation to move forward as a Congress on this legislation.

And I commend all of those on both sides of the aisle who have been active participants in helping thread this needle through a very narrow eye to get us to this point. Mr. Shimkus has been enormously involved in this as has Mr. Upton and Barton and others on both sides of the aisle. I have spoken with Mr. Issa, who has been very involved in this as well, and I just commend everybody for their work on this and look forward to moving it forward.

I would yield to the gentleman from Michigan who looks like he would like to talk.

Mr. Upton. Well, thank you, Mr. Chairman. I just want to say I have a real, real thanks to Mr. Shimkus who maybe wasn't quite as hard as balancing basketballs on each other, but this has been a really tough issue for the last couple decades.

I actually worked for President Reagan at the White

House when the Nuclear Policy Act was first signed and I worked with our good friend Eddie Towns, so it was the Upton-Towns bill back in the early '90s to move this forward, and as I recall we were just a vote or two short of having the two thirds majority in the House and the Senate to get it done. And what Mr. Shimkus has done along with Mr. Barton, the compromise that is here is so important for me.

I happen to live equal distance between two nuclear plants. Both of those plants were licensed in the late '60s to start construction and have been producing electricity since the early to mid '70s, and they are both out of space. The pools have been re-racked. They are out of space, they have the dry casks. We have got another facility in northern, the Lower Peninsula up here called the Big Rock facility. It has been closed for a couple decades and that waste is still there.

Isn't it better to have one safe place rather than having a hundred or so around the country? That is what this bill really sets to do, and the compromise that was worked out particularly with Doris on this and the interim site, the Texas folks. As you look at your closed site in California - - and Mr. Shimkus and I met with Diane Feinstein a couple years ago to begin work on this, but to see this now get

**NEAL R. GROSS**

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

through the full committee what is likely to be a pretty solid bipartisan vote is something that we really need to get done. So I appreciate the hard work, the staff and others. This is a priority and it is something that Ronald Reagan would be smiling at from up above saying, finally, you guys got it done. Thank you, I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition? The chair recognizes the gentlelady from California, Ms. Matsui, and thanks her for her very good work on this and other issues.

Ms. Matsui. Thank you, Mr. Chairman. I move to strike the last word. Thank you, Chairman Walden and Ranking Member Pallone, for remaining committed to ensuring this bill includes a real path for decommissioned plants to move their waste into a consolidated interim storage facility.

As I explained 2 weeks ago at our subcommittee markup, my local public utility, the Sacramento Municipal Utility District, operated the Rancho Seco Nuclear Power Plant until 1989 when it was shut down. Since then it has been completely decommissioned. Rancho Seco houses spent nuclear fuel onsite as do approximately 20 other shut down plants across the country. As we all know, this often hinders development in surrounding communities.

**NEAL R. GROSS**

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

During subcommittee markup I offered an amendment that would have authorized a pilot storage facility for priority nuclear waste from decommissioned nuclear reactors. Since then, I have worked with Mr. Barton and Mr. Shimkus on a framework that would authorize a viable, consolidated interim facility. That framework was the result of our cooperation and the hard work of our chairmen and ranking members.

The manager's amendment now explicitly authorize the Department of Energy to enter into an interim storage agreement with a private facility which can be built whether or not there has been a final decision on a repository. Importantly, the language also provides a pathway for the Secretary of Energy to move nuclear waste to that interim facility while giving priority to spent fuel from decommissioned plants.

Although I think all of us think the language isn't perfect, I am pleased that it provides a light at the end of the tunnel for facilities like Rancho Seco that have stored waste onsite for decades. The approximately 20 similarly situated decommissioned plants across the country like those in Colorado, Michigan, Illinois, Vermont, and Oregon will all be in a better position disposed of their spent fuel.

As I repeatedly emphasize, the Department of Energy

estimates that it could pay out more than \$30 billion because the agency is not fulfilling its statutory responsibility to take commercial spent fuel. The path through interim storage that we are discussing authorizing today points us towards a sustainable nuclear waste policy that reduces litigation and settlement costs for the federal government.

Again I want to thank Mr. Barton, Ranking Member Pallone, Chairmen Walden and Shimkus, for your commitment to working on this issue. This has truly been a bipartisan effort and I do appreciate it very much. I urge my colleagues on the committee to support our consolidate interim storage provision.

And Mr. Chairman, I have some time in case somebody on my side would like it. I don't see any and I yield back.

The Chairman. The gentlelady yields back and again thank her for her work on this. I now recognize the gentlelady from I think we are going down to Washington State, Mrs. McMorris Rodgers for her leadership on this issue as well.

Mrs. McMorris Rodgers. Thank you, Mr. Chairman. I want to join in expressing appreciation to Chairman Shimkus and all the members that were involved for their hard work, their leadership in moving this bill forward. 28 years after the

**NEAL R. GROSS**

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



Department of Energy began its mission I am pleased to see this committee continuing our support for the responsible environmental cleanup at the Hanford Nuclear Site in Washington State as the chairman so ably communicated.

Still today, more than 2,000 tons of spent nuclear waste and millions of gallons of high level waste awaits disposal at the Hanford site. Hanford's waste treatment plant is being designed and built to produce glass logs that would meet the very strict Yucca specific acceptance criteria. Failure to move forward with the Yucca Mountain repository would likely add additional complexity and could ultimately delay vitrification at Hanford's defense waste. Washington State taxpayers have already invested 872 million in developing the Yucca Mountain site to ensure its success in properly and safely storing nuclear waste.

Yucca Mountain is the most efficient and effective way to dispose of this waste. Taking a different approach at this point would increase cost and would leave this waste dispersed across the country for even longer. I am grateful for the work on this, urge support, and yield back.

The Chairman. Are there other members seeking recognition on the Democratic side? Mr. Lujan is recognized for 5 minutes to strike the last word.

Mr. Lujan. Mr. Chairman, thank you very much. And earlier in my opening remarks I shared a quote from Senator Bingaman, our former U.S. senator, former chairman of the Energy and Resources Committee on the Senate side. This is a quote from one of our current U.S. senators, Tom Udall. No matter where it is built I will not support an interim disposal site without a plan for a permanent disposal, whether the site is in southeastern New Mexico or anywhere else in the country, because that nuclear waste could be orphaned there indefinitely.

When WIPP opened, New Mexicans understood that we were making our contribution to helping solve the storage problem. Senator Udall went on to say that he was among the people fighting to ensure the law authorizing WIPP prohibited high level waste there, so any future nuclear waste mission in New Mexico would need broad support throughout the state before he would consider supporting it.

Senator Heinrich, our other U.S. senator, "Southeastern New Mexico should be commended for its leadership in the nuclear industry, including being home to LES and WIPP, the nation's only deep geologic repository for transuranic nuclear waste as well." He goes on to say that "But we can't put the cart before the horse." Senator Heinrich said he

**NEAL R. GROSS**

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

cannot support establishing an interim storage facility until we are sure there will be a path forward to permanent disposal. There must be an open and transparent process that allows for input on what is best for our states.

While I commend our colleagues and Mr. Shimkus for the work that he did, the work of Doris Matsui -- I think the staff and everyone worked together and I appreciate that -- I hope that there is more opportunity for conversations about what this means and especially if this debate takes place in the U.S. Senate. Because while we are here talking about interim facilities, this still doesn't move that conversation with assuring us that there would be a permanent facility.

So I just wanted to bring that up and then, Mr. Chairman, if we could put an image on the screen that I asked to be placed.

[Chart.]

Mr. Lujan. While I know that this hearing is around interim storage, what I wanted to share with our colleagues here today was a little bit about what I covered in my opening statement as well.

From 1945 to 1962, the United States conducted nearly 200 atmospheric nuclear weapons tests while building the arsenal that became the cornerstone of our nation's Cold War

security strategy. The mining and processing of uranium ore was essential to the development of nuclear weapons and was conducted by tens of thousands of workers across the nation until the mid 1970s.

In the years after the federal government ceased testing nuclear weapons and intensive mining of uranium ore, many individuals who worked in the uranium industry or lived near a mining opening became sick or died because of exposure to unsafe levels of radiation from uranium. The Navajo, the Hopi, the Yavapai, Apache Indian reservations were particularly affected. Many of you remember the stories that were told about the yellow dirt where there was an area in New Mexico in the Navajo nation that contained these uranium tailings in a liquid form, if you will, that broke and went down and contaminated all of the people that were downstream of that flow in addition to the uranium mine workers.

To meet its responsibility to those workers who sacrificed so much to our nation, Congress passed the Radiation Exposure Compensation Act on October 5th, 1990. It was also something that Senator Stewart Udall began back in 1971.

The reason that I bring this up today is when you look at this map those yellow colored states -- Texas, South

**NEAL R. GROSS**

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

Dakota, North Dakota, Colorado, Wyoming, Arizona, Utah, Idaho, Oregon, Washington State, and New Mexico -- are all uranium worker states. The blue overlap and that green overlap show where there was some downwind impact. What we have since found out since then is that there many workers that were not included in this classification.

So the legislation that I have authored and I have been trying to get cosponsors for, Mr. Chairman, it impacts each and every one of our states. We have had elder Navajo women that have trekked to Washington, D.C. to share testimony on this initiative and they have asked Congress one simple question. Are you people in Washington waiting for us all to die so that the problem goes away?

And as we talk about the waste that is in containers across America that need some interim storage and a permanent solution, the waste that is in people's organs, in their lungs, in their kidneys, in their hearts, and in their bodies, needs a permanent solution as well. So when we talk about the impact on these workers in these states in the same way that we fought together in a bipartisan way to make sure that the benefits and the health care was going to be there for our mine workers in so many parts of America, we can do this together.

**NEAL R. GROSS**

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

So Mr. Chairman, I just, every way that I can I try to bring this to our attention. I hope that maybe there is some cosponsors out there that are willing to talk about this, but that we also put attention on people that need our help across America that are dying today and their families. Thank you, Mr. Chairman.

The Chairman. I appreciate the gentleman's concerns and raising them once again with us. The gentleman's time has expired. Are there other members seeking recognition? The chair recognizes the gentlelady from California who has worked so hard on this. Mimi Walters, we appreciate your work on this legislation and you are recognized for 5 minutes.

Mrs. Walters. Thank you, Mr. Chairman, and I move to strike the last word. Thank you to Mr. Shimkus for all of his hard work he has done on this bill.

And as I mentioned in my opening statement, this legislation puts forth solutions to address the need for interim and permanent storage. We all agree that the spent fuel needs to be moved out of our communities. The bipartisan compromise being offered today accomplishes that by authorizing interim storage. Again, without that authorization interim storage options cannot move forward.

**NEAL R. GROSS**

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

The federal government owes it to ratepayers to fulfill its obligation and take ownership of and safely store that spent fuel. This bill acknowledges that responsibility and offers solution for interim and permanent storage. Protecting ratepayers and finding a storage answer for spent fuel is critical. This legislation is a viable solution that addresses both of those needs. I again urge my colleagues to support this bill and I yield back the balance of my time.

The Chairman. The gentlelady yields back the balance of her time. Any other members seeking recognition on the Democratic side? Seeing none, the chair recognizes the gentleman from Georgia, Mr. Carter, to strike the last word.

Mr. Carter. Mr. Chairman, I move to strike the last word. Mr. Chairman, as we consider the Nuclear Waste Policy Amendments Act of 2017, I want to point out that this is a prime opportunity for us to address a longstanding issue that affects millions of people. This legislation takes critical steps in updating the Department of Energy's existing nuclear waste management program and to institute a solution that will ensure the safety of our citizens and for our lands for thousands of years.

Currently, spent fuel waste is stored onsite at nuclear plants around the country. What was once thought to be a

**NEAL R. GROSS**

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

temporary plan until the federal government followed through with their commitment has been drawn out. The studies for a permanent repository started over 30 years ago. Those studies showed that a permanent repository is possible at Yucca Mountain and can be done safely and securely.

Currently, we have nearly 100 nuclear power plants around the country providing stable and carbon-free power to millions of Americans. By taking this step forward, we can ensure that families across the country as well as future generations will have the opportunity to live their lives knowing that nuclear waste in the U.S. is being stored in a contained facility far from the ability of bad actors to possibly access it.

Last week, I authored an op-ed with my friend and colleague Joe Wilson from South Carolina in which we discussed the benefits of this bill, a permanent repository, and why it was important to get to the finish line. In Georgia and South Carolina alone, ratepayers have already paid nearly \$5 billion into the Nuclear Waste Fund. Now is our opportunity to ensure that those dollars don't go to waste. Now is our opportunity to protect future generations. I want to thank all of my colleagues for their work on this bill and I yield back.

**NEAL R. GROSS**

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



The Chairman. The gentleman yields back the balance of his time. Are there any other members seeking recognition to speak on the amendment? Seeing none, the question now comes on the approval of the amendment.

Those in favor, will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Are there other amendments? The Chair recognizes the gentleman from Illinois for what purpose?

Mr. Shimkus. Mr. Chairman, I have another bipartisan amendment at the desk.

[The Amendment offered by Mr. Shimkus follows:]

\*\*\*\*\*INSERT 7\*\*\*\*\*

The Chairman. The clerk will report the amendment.

The Clerk. Amendment to H.R. 3053 offered by Mr. Shimkus.

The Chairman. Without objection, further reading of the amendment is dispensed with. The chair now recognizes the gentleman from Illinois, the chairman of the Environment Subcommittee, to speak on his amendment.

Mr. Shimkus. Thank you, Mr. Chairman. I offer this with the Ranking Member Mr. Pallone. This amendment would address some of the concerns raised by the state of Nevada. We have consistently asked for constructive input from the state and this amendment is responsive to items noted in the press regarding this legislation.

The amendment strikes Section 202 of the bill regarding access to water, removes Section 201(h) regarding air permitting requirements, extends the length of time for the NRC to make a final decision on the pending construction authorization for the Yucca Mountain repository, and reinstates the statutory cap on the quantity of spent fuel to placed in the repository, but lifts the existing cap from 70,000 metric tons to 110,000 metric tons.

At the subcommittee markup, Mr. Cardenas offered an amendment to strike the provision that would assure DOE has

**NEAL R. GROSS**

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

access to sufficient quantities of water and he spoke about that earlier. It is my hope that while striking this section to acknowledge the precedent of state water permitting authority, Nevada will constructively engage with DOE to discuss how much water might be required to fulfill the federally mandated project.

The amendment also would amend the section of the bill that removes the statutory cap of 70,000 metric tons of spent fuel for the site until a second repository is in operation. This provision was originally enacted in 1987 as an assurance to Nevada that a second repository would be necessary and alleviate concerns Yucca Mountain would be the sole disposal repository. Had the repository proceeded on time and if it were operational, the Yucca site would hold the entire amount of the country's spent nuclear fuel generated from the first commercial reactor through 2015.

By lifting the cap to 110,000 metric tons, the bill would provide for adequate time to get the disposal program back on track and initiate a second repository program once Yucca is operational. And can't we wait for that baby? That will be a great fight. The amendment also strikes Section 202(h) which preempts state authority to issue air permits within the Yucca Mountain site.

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Lastly, the amendment extends the statutory deadline for NRC to complete its review of the pending Yucca Mountain construction authorization. The current law required NRC to make a decision within 3 years with the opportunity to extend this deadline by 1 year if a detailed report is submitted to Congress to explain the reason for the delay. Unfortunately, due to the last administration's attempt to kill the project, this statutory deadline has come and gone and must be revisited.

As introduced, the bill provided for a deadline of 18 months from the date of enactments to complete the review with an additional year if requested by the NRC. Nevada expressed a concern that this deadline would not provide the state an adequate amount of time to be a full participant in the licensing proceedings. Extending the deadline to 30 months or 2-1/2 years will address that concern while still requiring that the license is adjudicated in a timely fashion.

Thank you, Mr. Chairman. And I will either yield or -- I will yield back my time.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition? The gentleman from New Jersey, the ranking member, is recognized

**NEAL R. GROSS**

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

to strike the last word.

Mr. Pallone. Thank you, Mr. Chairman. When we held a legislative hearing on this bill we were fortunate to receive testimony from a number of colleagues who represent the state of Nevada. They raised some important issues with the draft and this amendment is an effort to address a number of those concerns. In our subcommittee markup, I raised a specific concern with Section 202 of the discussion draft which undercuts the basis used by the state of Nevada to deny DOE's water rights application for the Yucca Mountain site. I am pleased that this amendment removes that unnecessary provision.

The amendment also removes the Clean Air Act provision from the bill that I found to be problematic. Now I understand that even with this amendment my colleagues from Nevada will not be pleased with this legislation, but I hope they see that we made a sincere effort to remove some of the more contentious provisions from the draft. And I thank the chairman and encourage my colleagues to support the amendment.

I don't know that anybody else wants the time. Oh, I will yield to the gentleman, our ranking member from New York.

Mr. Tonko. Thank you, Mr. Pallone, for yielding. I move to strike the last word. And Mr. Chair, during the subcommittee markup, members from our side raised a number of concerns with the discussion draft. With these last two amendments the bill is improved and I appreciate you and Chair Shimkus and Representative Pallone for working with us to resolve at least some of these issues, specifically authorizing interim storage and Nevada's water rights.

As I indicated in earlier meetings, this bill is not the right vehicle to override the state of Nevada's objection over its water rights. We can't allow the application process to restart before determining whether such a drastic step is necessary. Regarding interim, there are members on both sides of the aisle interested in facilitating an interim storage option while we continue to resolve issues on a long-term repository.

Originally, this bill strengthened the linkage between Yucca Mountain and consolidated interim storage which would have hurt the development of a viable interim option. I understand the arguments for this linkage, but at some point we have to say enough is enough and begin to look for alternative solutions that can start to consolidate this waste.

**NEAL R. GROSS**

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

We have heard concerns that in the discussion draft we would create additional uncertainty for interim and would have dissuaded potential private entities from pursuing interim as a business model. This runs counter to many of our shared desires to start limiting taxpayers' liability through the Judgment Fund in solving our nation's nuclear waste challenges.

While it may not have gone as far as I would have liked, allowing a pilot project to begin before the final determination on the Yucca license is a good compromise. This proposed pilot project could provide relief and security to host communities that have already gone through decommissioning. I appreciate Chair Shimkus' concern and commitment to this issue and I share his concerns about the burden on host communities and jeopardy faced by taxpayers with the Judgment Fund and I appreciate the majority for negotiating in good faith to address these concerns.

I want to be clear. This is not the bill I would have written. I still believe the best path forward is to allow the administration to work through the Yucca contentions. If you trust this administration, much of this issue can be resolved without congressional action. However, we do have the opportunity to advance a bill that could allow us to

**NEAL R. GROSS**

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

continue this conversation should the Senate act on a waste bill.

I do believe supporters of nuclear energy have a responsibility to help work on a solution for our nation's nuclear waste challenges, so today I intend to support this compromise in hopes that we can continue to work on this issue after we see what actions are taken by our counterparts in the Senate. And with that I yield back to the gentleman from New Jersey.

Mr. Pallone. Thank you. I don't know if anyone else wants the time on my side. If not, Mr. Chairman, I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition on the amendment? Seeing none, the question now arises on approval of the amendment.

Those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it and the amendment is adopted.

Are there other amendments? The chairman recognizes the gentlelady from Michigan, Mrs. Dingell, for what purpose?

Mrs. Dingell. Mr. Chairman, I have an amendment at the desk.

**NEAL R. GROSS**

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



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker**

81

[The Amendment offered by Mrs. Dingell follows:]

\*\*\*\*\*INSERT 8\*\*\*\*\*

The Clerk. Amendment to H.R. 3053 offered by Mrs. Dingell and Mr. Upton.

The Chairman. Without objection, further reading of the amendment is dispensed with and the gentlelady from Michigan is recognized for 5 minutes to talk about her amendment.

Mrs. Dingell. Thank you, Mr. Chairman, and thank you for all of the good work that has been done here today.

My amendment which I am very pleased to offer with my good friend from the great state of Michigan, Mr. Upton, is simple. It expresses the sense of Congress that the governments of the United States and Canada should not allow permanent or long-term storage of spent nuclear fuel or any other radioactive waste near the Great Lakes.

In Michigan and all the other states in the Great Lakes Basin enjoying the outdoors is a way of life. I grew up on the St. Clair River and floating down the water in an inner tube is one of the best memories that I have. I would like to be there now maybe, not in here. Yet the lakes are not only important because of their natural beauty and recreation opportunities, but they also account for 20 percent of the world's fresh water supply and are a critical source of drinking water for millions of Americans.

All of this would be jeopardized if there was a nuclear

**NEAL R. GROSS**

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

spill near the Great Lakes. It is simply a risk we cannot afford to take. This amendment is so important because our friends and neighbors to the north in Canada are, unfortunately, pursuing a misguided idea to construct a deep geologic repository for nuclear waste less than one mile from Lake Huron in Kincardine, Ontario. When Canadian Prime Minister Justin Trudeau came to Washington last year, I told him face to face that it is unacceptable to store nuclear waste near the lakes and that the Great Lakes Delegation has been consistent in echoing this message.

Last month, I led a letter with Mr. Upton of 32 Members of Congress, including many members of this committee, to Secretary of State Rex Tillerson urging him to do everything in his power to protect the Great Lakes and convince the Canadian Government to select an alternative site. I would ask unanimous consent to insert this letter into the record.

Adopting this amendment will send a strong powerful signal to Canada and to our own citizens that we are taking this issue very seriously by sending a message that Congress is united against storing nuclear waste in the Great Lakes. We cannot endanger more than 20 percent of the world's freshwater. With that I would yield back the balance of time to any --

**NEAL R. GROSS**

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

Mr. Upton. Would the gentlelady yield?

Mrs. Dingell. Most definitively.

Mr. Upton. [Presiding.] Without objection, the letter will be made a part of the record.

[The information follows:]

\*\*\*\*\*COMMITTEE INSERT 9\*\*\*\*\*

Mr. Upton. I just want to say I am pleased to join with you in offering this bipartisan amendment. It makes a lot of sense for those of us that grew up in a Great Lakes state, and it underlines the very reason for this legislation that we need to find one safe place.

And coupled with what Mr. Shimkus has done with the interim site and knowing that we were decades beyond where President Reagan was when he initially signed this major underlying legislation back in 1982, this is a good amendment. It sends the proper signal, but it also keeps our feet to the fire to find one safe place for it and I would urge my colleagues to vote for this bipartisan amendment when it comes up for a vote. And I yield back to the gentlelady from the great state of Michigan.

Mr. Walberg. Would the gentlelady yield?

Mrs. Dingell. Most definitively.

Mr. Walberg. I thank the gentlelady as well. As a delegation member of Michigan with a Great Lakes as part of my district as well I applaud this effort and stand firmly. We certainly appreciate our neighbors to the north. We are good friends. We are good neighbors. Don't understand this at all understanding the danger that it could be produced to 20 percent of the world's freshwater with an unnecessary

**NEAL R. GROSS**

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

spill. I applaud this and stand firmly behind it. Thank you. I yield back.

Mrs. Dingell. I thank both of my Michigan colleagues. Does anybody else want time? Jan, Ms. Schakowsky?

Ms. Schakowsky. I just want to join my Great Lakes colleagues in support of the Dingell-Upton Amendment. I also cosponsored the resolution this spring and cosigned the letter to Secretary Tillerson expressing opposition to construction of a nuclear waste repository in Ontario, and as you pointed out less than one mile from Lake Huron. So I appreciate working with my colleagues. This is water that serves millions of Americans aside from the wonderful treasure that we have, 20 percent of the surface freshwater in the world. I yield back.

Mr. Upton. The gentlelady's time has expired. Are there other members wishing to speak on the amendment? Seeing none, the vote occurs on the amendment offered by Mrs. Dingell and Mr. Upton.

Those in favor will say aye.

Those opposed, say no.

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

Are there further amendments to the bill? Mr. Pallone

has an amendment at the desk?

Mr. Pallone. My amendment is titled Sub-Seabed Disposal  
01.

[The Amendment offered by Mr. Pallone follows:]

\*\*\*\*\*INSERT 10\*\*\*\*\*

Mr. Upton. And the clerk will report the amendment.

The Clerk. Amendment to H.R. 3053 offered by Mr. Pallone.

Mr. Upton. And without objection, the amendment is considered read and the gentleman from New Jersey is recognized for 5 minutes in support of the amendment.

Mr. Pallone. Thank you. Mr. Chairman, this amendment which I am introducing with Mr. Upton would prohibit ocean disposal of spent nuclear fuel or high level radioactive waste. It would also prevent any funds from being obligated for such disposal.

This amendment addresses an outdated vestige of the Nuclear Waste Policy Act of 1982 which allowed for the exploration of ocean disposal for nuclear waste. Today we know this option is impractical and simply doesn't make sense. This amendment would prevent ocean disposal from being considered going forward.

Being from a coastal district, I have long opposed industrial uses of the ocean for things like offshore drilling or dumping of industrial waste and prioritized efforts that protect coastal communities and sensitive coastal ecosystems, so I am proud to introduce this bipartisan amendment and I urge my colleagues for their

**NEAL R. GROSS**

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



support.

Mr. Upton. Would the gentleman yield?

Mr. Pallone. Yes, I yield to the chairman.

Mr. Upton. No, sitting temporarily in the chair, this is an amendment that we certainly can accept, the Pallone-Upton Amendment, and again for the same argument that the Dingell-Upton Amendment was adopted, we should adopt this amendment as well. We have no objection to this amendment as part of the bill and I would urge my colleagues to support it with or without Mr. Walden who will be here shortly. I yield back to the gentleman from New Jersey.

Mr. Pallone. Thank you, Mr. Chairman. I don't think anyone else wants to talk about it, so I appreciate your support and yield back.

Mr. Upton. The gentleman yields back. Are there other members wishing to speak on the amendment? Seeing none, the vote occurs on the amendment offered by Mr. Pallone and Mr. Upton.

Those in favor will say aye.

Those opposed, say no.

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

Are there further amendments to the bill? Seeing none,

the vote occurs on H.R. 3053, as amended.

Those in favor will say aye.

Those opposed, say no.

Mr. Lujan. I would like to request a recorded vote, Mr. Chairman.

Mr. Upton. A recorded vote is requested. Those in favor will respond by voting aye. The clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. Aye.

The Clerk. Mr. Barton votes aye.

Mr. Shimkus?

Mr. Shimkus. Aye.

The Clerk. Mr. Shimkus votes aye.

Mr. Murphy?

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mr. Burgess?

Mrs. Blackburn?

Mrs. Blackburn. Aye.

The Clerk. Mrs. Blackburn votes aye.

Mr. Scalise?

Mr. Latta?

Mr. Latta. Aye.

The Clerk. Mr. Latta vote aye.

Mrs. McMorris Rodgers?

Mr. Harper?

Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Lance?

Mr. Lance. Aye.

The Clerk. Mr. Lance votes aye.

Mr. Guthrie?

Mr. Guthrie. Aye.

The Clerk. Mr. Guthrie votes aye.

Mr. Olson?

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. McKinley?

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Kinzinger?

Mr. Kinzinger. Aye.

The Clerk. Mr. Kinzinger votes aye.

Mr. Griffith?

Mr. Griffith. Aye.

The Clerk. Mr. Griffith votes aye.

Mr. Bilirakis?

Mr. Bilirakis. Aye.

The Clerk. Mr. Bilirakis votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

Mr. Flores?

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mrs. Brooks?

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

Mr. Mullin?

Mr. Mullin. Aye.

The Clerk. Mr. Mullin votes aye.

Mr. Hudson?

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

**NEAL R. GROSS**

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

Mr. Collins?

Mr. Collins. Aye.

The Clerk. Mr. Collins votes aye.

Mr. Cramer?

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

Mr. Walberg?

Mr. Walberg. Aye.

The Clerk. Mr. Walberg votes aye.

Mrs. Walters?

Mrs. Walters. Aye.

The Clerk. Mrs. Walters votes aye.

Mr. Costello?

Mr. Costello. Aye.

The Clerk. Mr. Costello votes aye.

Mr. Carter?

Mr. Carter. Aye.

The Clerk. Mr. Carter votes aye.

Mr. Pallone?

Mr. Pallone. aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. No.

The Clerk. Ms. Schakowsky votes no.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. No.

The Clerk. Mr. Lujan votes no.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. No.

The Clerk. Mr. Loeb sack votes no.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Mr. Upton?

Mr. Upton. Aye.

The Clerk. Mr. Upton votes aye.

Mr. Upton. Are there members wishing to change a vote or cast a vote? Mr. Burgess?

Mr. Burgess. Aye.



The Clerk. Mr. Burgess votes aye.

Mr. Upton. Cathy McMorris Rodgers?

Mrs. McMorris Rodgers. Aye.

The Clerk. Mrs. McMorris Rodgers votes aye.

Mr. Upton. Mr. Engel?

Mr. Engel. No.

The Clerk. Mr. Engel votes no.

Mr. Upton. Mr. Walden?

The Chairman. Votes aye.

The Clerk. Mr. Walden votes aye.

Mr. Upton. Other members wishing to cast a vote, change their vote? If not, the clerk will report the tally.

Excuse me. Has Mr. Cardenas recorded?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Upton. The clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 49 ayes and 4 noes.

Mr. Upton. 49 ayes and 4 noes, the bill, as amended, is agreed to. Congratulations.

The Chairman. Okay, the Chair now calls up H.R. 2786 as favorably reported by the Subcommittee on Energy on June 22nd, 2017 and asks the clerk to report.

[The Bill H.R. 2786 follows:]

\*\*\*\*\*INSERT 11\*\*\*\*\*

THE CLERK: H.R. 2786, to amend the Federal Power Act with respect to the criteria and process to qualify as a qualifying conduit hydropower facility.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point. Are there any bipartisan amendments to the bill?

Mr. Hudson. Mr. Chairman.

The Chairman. For what purpose does the gentleman from North Carolina seek recognition?

Mr. Hudson. I would like to strike the last word.

The Chairman. Do you have an amendment at the desk? No, you just want to strike the last word. The gentleman is recognized for 5 minutes to strike the last word.

Mr. Hudson. Thank you, Mr. Chairman, and I won't take 5 minutes. But I did want to thank you and Ranking Member Pallone for holding this important markup and including the consideration of this very common sense and bipartisan piece of legislation that Representative DeGette and I have introduced that will tap the nation's immense conduit hydropower potential and promote affordable sources of clean energy and electricity.

Hydropower remains one of the most efficient and

affordable sources of electricity as well as one of the largest sources of renewable electricity in America. In my home state of North Carolina alone it generates enough electric power to power 350,000 homes each year. However, when compared to other renewable electricity sources, hydropower's growth has been fairly stagnant over the last few years due in large part to unnecessary regulatory burdens.

One key example of this regulatory burden is the overly complicated licensing process for conduit hydropower. This innovative class of hydropower harnesses the power from water flowing through manmade systems such as pipes and municipal water systems or irrigation canals. It produces emissions-free clean energy, improves energy diversity, lowers power bills, and creates jobs all by making use of energy that would have otherwise been wasted. For this reason, conduit hydropower has also being described as energy recovery hydropower.

This is an untapped opportunity that is tremendous. There are over 1.2 million miles of water supply mains in the United States, creating literally thousands of energy recovery hydropower generation opportunities, but Congress needs to act to remove some of the regulatory roadblocks that

**NEAL R. GROSS**

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

have stopped the growth.

So I would like to thank Representative DeGette for her collaboration on this bipartisan bill that will reduce the total review process time for small-scale hydropower. It will also remove the capacity cap and allow more qualifying conduit projects to use the streamlined process. And so I, with that Mr. Chairman --

Ms. DeGette. Would the gentleman yield?

Mr. Hudson. I would be happy to yield to my colleague Ms. DeGette.

Ms. DeGette. Thanks. I want to thank Representative Hudson for working with me on this bill. And Mr. Chairman, I want to thank you and Ranking Member Pallone for your support. It is another example of what we can accomplish when we put partisanship aside and work together to address our country's needs. We are getting kind of good at it this morning and I hope it continues.

Hydropower is a clean domestic energy source. Over the last 2 years it has provided almost six percent of U.S. electricity and almost half of all renewable electricity. It also supports hundreds of thousands of good jobs around the country. As a Westerner, I know how important water is to our environment and to our communities and I am committed to

**NEAL R. GROSS**

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

advancing hydropower in a way that respects existing water rights and minimizes environmental disruption.

Hydropower is often associated with large-scale projects like dams, but I have been working for some years on smaller scales projects attached to existing infrastructure including irrigation canals and municipal water supply systems. In 2013, our colleague Cathy McMorris Rodgers and I passed the Hydropower Regulatory Efficiency Act. It became law and established a process for conducting conduit hydropower facilities to move forward without requiring a license from FERC.

And a lot of people in Western Colorado told me this was one of the important bills that they had ever seen come out of Congress. Even though it might not seem important at the time, 83 projects have been successfully promoted using the new process including 23 projects in Colorado. That progress is good but we can even do better. The state of Colorado estimates that existing agricultural irrigation conduits in our state could support an additional 30 megawatts of hydropower, hydroelectric power, and municipal power water supply systems could support a number, 20 to 25 megawatts.

But to realize that potential we need to listen to the advice this committee has heard on how to make the process as

**NEAL R. GROSS**

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

simple and flexible as we can. First, the existing comment period is rarely used for comments that have a bearing on determining whether the project qualifies under the statute, and so in response the bill today would shorten the comment period from 45 to 30 days to avoid unnecessary delays.

Second, FERC suggested lifting the megawatt cap on qualifying conduit projects. The bill would not change the requirement in existing law that the project be built on a conduit that is primarily intended for non-power generating uses, further limiting the potential for any environmental impact.

So I think these changes would really help improve the efficiency with which we do hydropower projects without compromising important environmental regulations. That is what is really key. I urge my colleagues to support this bill. Let's get going on even more hydropower development. And I yield back to the gentleman, thank you.

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

The Chairman. The gentleman yields back. And I want to commend my colleagues for their work on this important legislation as well and concur with my colleague and friend from Colorado in her comments regarding the importance of small-scale hydro. I have seen it play out in my district

**NEAL R. GROSS**

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

and elsewhere. These are the things that really matter when you go home that really make a difference in real people's lives that probably never make a headline here, but make a difference to the environment and make a difference for renewable energy.

Are there other members seeking recognition on this legislation? Seeing none, the question now arises on favorably reporting H.R. 2786, as amended, to the House.

All those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it and H.R. 2786 is favorably reported to the full House.

The Chair calls up H.R. 3043 and asks the clerk to report.

[The Bill H.R. 3043 follows:]

\*\*\*\*\*INSERT 12\*\*\*\*\*



The Clerk. H.R. 3043, to modernize hydropower policy and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point. Are there bipartisan amendments to this bill? Are there amendments to the bill? The chair recognizes the gentlelady from Washington State.

Mrs. McMorris Rodgers. Thank you, Mr. Chairman. I urge the committee --

The Chairman. Do you have an amendment at the desk?

Mrs. McMorris Rodgers. Yes.

The Chairman. The clerk will report the McMorris Rodgers Amendment.

[The Amendment offered by Mrs. McMorris Rodgers follows:]

\*\*\*\*\*INSERT 13\*\*\*\*\*

Mrs. McMorris Rodgers. The McMorris Rodgers Amendment would be great.

The Clerk. Amendment to H.R. 3043 offered by Mrs. McMorris Rodgers.

The Chairman. Without objection, further reading of the amendment is dispensed with and the chair now recognizes the gentlelady from Washington State for her comments on her amendment.

Mrs. McMorris Rodgers. Thank you, Mr. Chairman, members of the committee, asking for strong support of the language that is before the committee. Hydropower serves as the nation's largest source of clean, renewable, reliable, and affordable energy. In my home state it is over 70 percent of energy power comes from hydropower and there is still room for tremendous potential to increase the production of this renewable energy resource.

We could double hydropower in America without building a new dam. Only three percent of the dams actually produce electricity. It is estimated it would create over 700,000 new jobs by simply updating the technology in existing infrastructure and streamlining the relicensing process. The only problem, on average it takes 18 months to authorize or relicense a new natural gas facility in America, and it

**NEAL R. GROSS**

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

regularly takes over 10 years or longer to license a new hydropower project or reauthorize an existing facility.

It is time to fix this arbitrary, out of date approval process and make hydropower production easier and less costly and that is exactly what the Hydropower Regulatory Modernization Act of 2017 will do. Specifically, this language designates FERC as the lead agency for the purpose of coordinating all federal authorizations and establishes coordinated procedures for the licensing of hydropower projects.

By designating FERC as the lead when coordinating with agencies, states, and tribes, there will be added transparency and collaboration. This added certainty in the relicensing process will diminish the burden on the resource agencies and help avoid unnecessary delays. This language also incentivizes capital-intensive projects like updating turbines or improving fish ladders. Right now these upgrades are only included in the life span of a dam's license during the relicensing window. Just as a side note, with updated turbines and fish ladders we are seeing record salmon returns in the Pacific Northwest.

Included in this legislation is an early action provision requiring FERC to include all protection mitigation

**NEAL R. GROSS**

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

and enhancement measures during the relicensing process. In addition, this legislation allows the timely and efficient completion of license proceedings by minimizing duplicative studies establishing a program to compile a comprehensive collection of studies and data on regional or basin-wide scale. At the same time, industry has the option to help pay for studies and staff resources to speed up the relicensing process.

I serve as the co-chair of the Northwest Energy Caucus and recognize the tremendous potential hydropower brings to our region, Eastern Washington, but the entire country. By utilizing currently untapped resources and unleashing American ingenuity, hydropower production will lower energy costs and help create jobs.

I just would bring to the committee's attention that this has been a very bipartisan effort through the years. This language has been before the committee for several months. In fact, this is language that passed the Senate with 85 votes last Congress. We have made some amendments that I want to bring to your attention in keeping with the promise to listen to the concerns expressed by members of the committee and across the aisle to deliver a bipartisan solution.

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

The amendment responds to the concerns expressed by FERC to loosen some of the process reforms for licensing amendments and exemptions which are a class of permits that are generally handled by FERC in a timely fashion. The amendment revises our language to allow for the secretary of the resource agency to delegate certain authorities to qualified persons within their respective department. It also includes bipartisan language that clarifies our intent that hydro reforms will have no effect on the Clean Water Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, Rivers and Harbors Act, National Historic Preservation Act, and it also includes bipartisan language on watershed-wide plans in qualified project updates. I am hopeful that we can get the committee's support of this language and I yield back.

The Chairman. The gentlelady yields back the balance of her time. I appreciate your amendment. I now recognize the gentleman from New Jersey for 5 minutes to strike the last word on the amendment.

Mr. Pallone. Mr. Chairman, I am truly sorry that we were not able to find common ground on this legislation. As I indicated during the subcommittee markup, I support hydropower and I believe all our members do, but I can't

**NEAL R. GROSS**

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

support H.R. 3043 in its current form.

Congress enacted amendments to the Electric Consumers Protection Act in 1986 to ensure that natural and cultural resources received equal consideration to concerns for hydropower development in the evaluation of a hydropower license. This bill undermines the policy created in 1986 and it undermines a number of our other environmental laws.

H.R. 3043 in my opinion is a gift to the industry. It is more about regulatory relief than about improving the hydropower licensing process, because improving the licensing process includes finding ways to improve the overall environmental performance of hydropower facilities.

As you look at the bill and weigh it against the list of stakeholders with interests in the operation of hydropower facilities and in the rivers and watersheds they occupy, I see a bill that is unbalanced. There is nothing in this bill for Indian tribes. There is nothing in this bill for the environmental community, nothing for the recreation industry. The bill takes us back to pre-1986 days where the only important consideration was power production, and I don't want to go there and that is why I can't support the bill.

I do not believe the process mandated for considering a license under this bill will improve the licensing process.

**NEAL R. GROSS**

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

FERC testified that one of the causes of delay in the licensing process was the failure of the applicant to provide a complete application, yet this bill does nothing to ensure that an applicant provides all necessary information to support decisions on the license by FERC, other federal agencies, Indian tribes, or states. In the name of better coordination other federal agencies, state governments, and Indian tribes are treated as second class citizens in this process.

We need more collaboration in the license process not more conflict and litigation, and I see a lot of litigation ahead if this bill becomes law. The bill mandates deadlines for actions needed to ensure that a license application is reviewed and enacted on in accordance with a defined schedule, but there is no requirement that an application be complete before the clock starts to run, and all of the discipline on the schedule is applied to government agencies, none to the applicant.

Any licensee that wants to avoid conditions that will require investments or alter operating conditions can certainly do so because they are well aware that FERC will continue to grant them an annual license renewal for as many years as they need. While operating an annual license is not

**NEAL R. GROSS**

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

as desirable as having a 30- to 50-year license, it guarantees the status quo with respect to facility operations and continued revenues.

The process in this bill will encourage a licensee to take this path rather than settle the issues related to fisheries, water quality, recreation, and watershed management that are inevitably raised in the license process.

Hydropower facilities are using our most precious resource, water. There is no substitute for water and every living thing, every household, every business needs it every day. I don't think it is too much to ask that these facilities that are awarded long-term licenses and free fuel share the river with others. Power is not the only important resource that relies on the river. We need healthy communities and healthy fisheries and wildlife populations too. Communities need drinking water, flood control, and water to support other economic activities and H.R. 3043 is a hydropower-first bill and that is not feasible, especially in areas out West that have experienced severe extended drought conditions in many of their watersheds.

Again I regret that we could not reach agreement and perhaps we will in the future, but I think reporting a bill that is more controversial than it needs to be is not what we

**NEAL R. GROSS**

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



should be doing today. I don't know if anybody else wants my time. If not, I will yield back, Mr. Chairman.

The Chairman. The gentleman yields back and the chair recognizes himself for 5 minutes to strike the last word.

This amendment makes several, or several amendments to H.R. 3043 in keeping with our promise to listen to the concerns expressed by our friends across the aisle and deliver a bipartisan solution. The amendment responds to the concerns expressed by FERC to loosen some of the process reforms for licensing amendments and exemptions which are a class of permits that are generally handled by FERC in a timely fashion.

The amendment revises our language to allow the secretary of the resource agency to delegate certain authorities to qualified persons within their respective departments. It also includes bipartisan language that clarifies our intent that the hydro reforms will have no effect, no effect on the Clean Water Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, Rivers and Harbors Act, and National Historic Preservation Act. It also includes bipartisan language on watershed-wide plans and qualified project upgrades.

As we mentioned in the openings, staffs had made really

good faith efforts to work on this legislation and this is a good faith, bipartisan effort that is continued and is a down payment, I would say, on continuing to work together. If the gentleman would consider accepting this amendment by voice and allowing us to work together between now and the floor by voicing the hydropower draft, we would certainly commit to continue these good faith negotiations.

While we recognize we may not come to agreement and obviously you would reserve the right to vote no on the floor, I think our staffs have done a lot of incredible work as have the members to get us to this point. And as we have on these other bills, we have been able to find that common ground and I think we just sort of ran out of time on this one.

So we would like to give it our best try and good faith effort, recognizing again we are not there yet, but we have an opportunity over the next few weeks before this would come to the floor. If we were to accept the gentlelady's amendment on voice and then proceed with the bill, I think we should give our teams a chance to get together.

Mr. Pallone. I think that is fair, Mr. Chairman, and so I would recommend that we accept the amendment on a voice vote.

The Chairman. All right. And the chair recognizes the gentleman. I will yield to the gentleman from California, if that is okay, Mr. Ruiz.

Mr. Ruiz. Yeah, thank you. Thank you, Mr. Chairman.

I support hydropower as a renewable energy source and I recognize and commend the input and the improvements that have been made. However, I need to express my concerns that this bill may undermine the federal government's treaty-trust obligations to protect tribes, their tribal fisheries that are critical to their culture, subsistence, and economic opportunity.

The committee received several letters from different tribes including the Confederated Tribes and Bands of the Yakama Nation, the Suquamish Indian Tribe, and the Snoqualmie Indian Tribe, highlighting their serious concerns with the changes proposed by this bill. I appreciate the majority's willingness to negotiate on this bill and I appreciate the recognition that the negotiations are still incomplete. As such, I do not believe we should be moving forward with this until we have another version of the bill to better understand the travel concerns and incorporate more of their concerns. I also encourage more discussions with the tribes themselves and the stakeholders and identify solutions that

**NEAL R. GROSS**

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

can be supported by all parties involved.

So in closing, I think we are not there yet, and I want to just emphasize to the committee that we do have a trust responsibility to protect those resources and cultural preservations of our tribal nations and we need to take that responsibility seriously and trust that those conversations will happen with the tribal nations, and with that I yield back the balance of my time.

The Chairman. The gentleman yields back to me. Are there any members on our side wishing to use the last minute and 10 of my time? If not, I would yield back. Are there other members seeking recognition? Seeing none, the question now arises on the gentlelady from Washington's amendment.

Those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it. The amended is adopted.

For what purpose does the gentleman from New Jersey seek recognition?

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

[The Amendment offered by Mr. Pallone follows:]

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker**

117

\*\*\*\*\*INSERT 14\*\*\*\*\*

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

The Chairman. The gentleman's amendment, the clerk will report the gentleman's amendment.

The Clerk. Amendment in the nature of a substitute to H.R. 3043 offered by Mr. Pallone.

The Chairman. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for 5 minutes to speak on his amendment.

Mr. Pallone. Thank you, Mr. Chairman. As I said, I regret that we were unable to come together to agree on compromise language on this bill and I am still hopeful that we will before it goes to the floor. But H.R. 3043 as currently put together offers little improvement in hydropower licensing. We need a more balanced approach that addresses all the sources of delay in licensing.

The substitute amendment I am offering today contains provisions that were in the hydropower package that we agreed to in December of last year. It has several additional provisions to improve the license process and offer incentives to the hydropower industry. The substitute includes the requirement to set up a new licensing process, but unlike H.R. 3043 it maintains the provisions in the Federal Power Act that ensure the federal resource agencies, states, and Indian tribes retain their authorities to impose

**NEAL R. GROSS**

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

conditions that will ensure hydropower facilities will operate in accordance with modern environmental laws.

My substitute amendment amends the definition of renewable energy from Section 203 of the Energy Policy Act of 2005 to include all hydropower just as H.R. 3043 does, but we expand the goals for federal purchase of renewable power beyond the 15 percent included in H.R. 3043. It is a goal not a mandate, and with all the improvements in renewable technologies we should be able to rely much more on renewable power.

The substitute contains a reward for early action provision that authorizes FERC to take into account a licensee's investment made over the course of their license to improve the efficiency or environmental performance of their hydropower facility when setting the term of their new license. Until recently, the big complaint we have heard about the license process is that it is too long and unpredictable. This is very likely due to the fact that we are now seeing projects that were first licensed prior to the enactment of modern environmental laws encounter the new requirements to give equal consideration to fish and wildlife resource, cultural resources, and the impacts of hydropower facilities on federal and Indian tribal reservations.

**NEAL R. GROSS**

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

Since the existing processes are not acceptable at least to the industry, we think all the stakeholders should try again. This substitute directs FERC and the other federal resource agencies to convene and negotiate a rulemaking with all stakeholders to develop a process in which a completed license application will be evaluated and issued or denied within a period of not more than 3 years. The committee forum will have to define a complete application and set schedules for completing all the necessary federal, state, and tribal requirements necessary to get the license through the process.

FERC and other witnesses testified that a big cause of delay is ensuring that the license application is complete and contains all the information necessary to make decisions on the license. FERC cannot and should not set schedules that are inconsistent with the duties and responsibilities of federal and state agencies and Indian tribes with what will be too restrictive to allow them to complete their work. It doesn't help the process. Like it or not, other federal, state, and tribal laws apply to these facilities and those laws have timetables and obligations associated with them.

The process defined in H.R. 3043 is designed to provoke conflicts. It will generate a lot of legal work, but it

**NEAL R. GROSS**

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



won't get a better license process and it certainly won't get us better licenses. We included a provision that authorizes FERC to establish a program to expedite the consideration of applications for license amendments and upgrades that meet specific criteria. This provision has a similar goal to the one in H.R. 3043, but it provides FERC with more flexibility in designing the program. We also included a reauthorization in the incentives for hydropower production and efficiency improvements that were first authorized in the 2005 energy bill. The authorization is extended until 2026.

One of the problems we heard about during the hearings is the low cost of power. Low electricity costs are certainly good for consumers, but they put pressure on utilities' bottom lines. We see this with all types of generation and I think we need to examine this issue more closely. In the meantime, keeping incentive programs like this one alive is important especially for smaller facilities.

The only federal agency that has come before this committee, FERC, recommended that we either eliminate trial-type hearings altogether or that we stick with the provisions in current law, and the substitute retains the trial-type hearings provisions in the existing law.

The industry requested this dispute resolution mechanism in 2005, H.R. 3043 alters the rules in the forum for these proceedings by moving the hearings from the resource agency to FERC. We should not be allowing the industry to pick the venue and set the rules for these hearings. These hearings are best left within the agencies that have expertise with resource issues.

The substitute also includes the provision on ex parte communications. We heard from states, Indian tribes, and other stakeholders that FERC's ex parte rules deter some of the parties to a license proceeding from participating early in the license process. This provision will help to facilitate productive early communications to identify and resolve issues among the agencies and stakeholders.

And this substitute provides a reasonable and balanced package of tools that would improve the hydropower licensing process. It will not erode important states' rights, tribal rights, and environmental protections that are necessary to ensure improved environmental performance from the hydropower industry, an industry that survives on our most essential shared resource and that is water.

So we all want the hydropower industry and the facilities they operate to continue to thrive, but not at the

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

cost of other important economic, social, environmental, and cultural resources, and not by eroding the authorities of federal resource agencies, states, or Indian tribes. And if I could just add to what Mr. Ruiz said, one of our biggest concerns here, Mr. Ruiz, as you pointed out is the impact on Indian tribes that we want to protect and make sure that their sovereignty is respected.

So I hope my colleagues will join me in support of this amendment, and I yield back, Mr. Chairman.

The Chairman. Were you going to withdraw your amendment?

Mr. Pallone. Well, based on what you said previously, Mr. Chairman, I think it is quite clear that you want to continue to work with us --

The Chairman. Correct.

Mr. Pallone. -- as we move to the floor. And with that understanding I will withdraw the amendment at this time.

The Chairman. I appreciate the gentleman. The gentleman withdraws his amendment. Are there other amendments? Seeing none, the question now arises on passage, as amended, of H.R. 3043.

Those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it and the bill is approved, as amended, with a commitment that we will continue to work together to find common ground on this if at all possible, recognizing we may not get there but our goal is to get there. So we will continue down that path. I thank the gentleman.

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

[The Bill H.R. 2883 follows:]

\*\*\*\*\*INSERT 15\*\*\*\*\*

The Clerk. 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 important export of oil and natural gases and the transmission of electricity.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point. Are there bipartisan amendments to this bill? Are there amendments, any members seeking recognition for amendment?

For what purpose does the gentleman from New Jersey seek recognition? For what purpose does the gentleman from Illinois seek recognition?

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

[The Amendment offered by Mr. Rush follows:]

\*\*\*\*\*INSERT 16\*\*\*\*\*

The Chairman. The gentleman has an amendment at the desk. The clerk will report the Rush amendment.

The Clerk. Amendment to H.R. 2883 offered by Mr. Rush.

The Chairman. Without objection, further reading of the amendment is dispensed with and the my friend, the gentleman from Illinois, is now recognized for 5 minutes to speak on his amendment.

Mr. Rush. Well, thank you, Mr. Chairman. Mr. Chairman, my amendment would simply retain the current requirement that the permitting agency must find that a project is in the public interest before the project is approved.

Mr. Chairman, despite the intended objective of H.R. 2883, by narrowing the scope of NEPA, limiting public participation, and shifting the burden of determining public interest, this bill may actually make the permitting process worse -- less transparent, less inclusive, and ultimately less effective.

Mr. Chairman, the existing process requires an agency to affirmatively find that a project is in the public interest before approving an application. However, this bill shifts the burden of proof to opponents of the project to demonstrate otherwise. In fact, H.R. 2883 will allow a project that was found not to be in the public interest under

**NEAL R. GROSS**

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

the current permitting process to reapply under the new weaker process.

Mr. Chairman, H.R. 2883 will eliminate NEPA applicability, exempt projects from the requirement for presidential permit, and also change the permitting criteria for these massive projects. Mr. Chairman, changing the requirement that a project be in the public interest with a requirement that the project automatically be approved unless it is not in the national security interest would drastically narrow what can be considered in evaluating these projects.

That provision alone with the 120-day time limit for agency action basically requires the permitting agencies to act as a rubber stamp for all trans-border projects. This bill could unintentionally create a potentially dangerous void in oversight of very complex pipeline projects especially in cases where states simply don't have the resources and authority to evaluate all the concerns that are currently considered as part of the public interest determination.

Additionally, Mr. Chairman, limiting public participation while also eliminating consideration of project alternatives and mitigation of opportunity as this bill does, may very well lead to greater controversy, additional state

**NEAL R. GROSS**

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

legislative action, increased litigation, and longer delays. Mr. Chairman, my amendment retaining the current public interest requirement will not fix all the problems with this bill, but it would at least ensure that the permitting agency will consider issues that are most important to the American public for these large consequential energy projects.

Mr. Chairman, instead of requiring permitting agencies to act as a rubber stamp, we owe it to the American people to allow agencies to conduct serious examinations of the real impact of these cross-border projects and approve only those that are truly in the public interest. Mr. Chairman, I urge all of my colleagues to support my amendment and with that I yield back the balance of my time.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition to speak on the amendment?

The Chairman. The chair recognizes the gentleman from Oklahoma, Mr. Mullin, for 5 minutes.

Mr. Mullin. Move to strike the last word. H.R. 2883 would establish a more uniform, transparent, and modern process to authorize the construction of pipelines and electric transmission facilities at the border. Canada and Mexico are two of our most trusted allies and trading

**NEAL R. GROSS**

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



partners. Unless there is a good reason to believe that the trade with these countries is for some reason not in the national interest, border crossing facilities should be approved.

This amendment would delay or even kill job-creating energy projects and thus reducing the benefits of a recently passed energy workforce bill. What is the point of programs to train people for energy industry jobs if the federal government is going to step in and block these jobs? This amendment guts the bill and is bad for trade, bad for America workers, and bad for our economy. I urge a no vote on this amendment and I yield back.

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

Mr. Mullin. Yes, Mr. Green, to my good colleague Mr. Green and partner on this.

Mr. Green. Thank you. Save me from getting time on my own from my colleague. Mr. Chairman, I oppose this amendment which is counterproductive to the numerous free trade agreements between our neighbors and ourselves. I did not vote for NAFTA in 1993, but the agreement has created many successes between Canada and Mexico and the United States when it comes to the energy sector.

Cross-border projects within the U.S. will always be

**NEAL R. GROSS**

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

between our close allies and neighbors and therefore in the public interest. The presumption of approval in the bill is based on this fact. We have a free trade agreement with these folks. Development of the cross-border pipelines and electric transmission lines for infrastructure are just as important as the development of roads when it comes to trade. Improving and streamlining the broken permitting process for cross-border facilities is in the public's interest. And I thank my colleague from Oklahoma for yielding time and I yield back to him.

Mr. Mullin. I would like to thank my colleague, Mr. Green from Texas, for all his work and bipartisan support on this bill too. Mr. Chairman, I yield back.

The Chairman. The gentleman yields back. The chair recognizes the gentleman from New Jersey for 5 minutes to speak on the amendment.

Mr. Pallone. Thank you, Mr. Chairman. I obviously support the Rush amendment. H.R. 2883 establishes a new permitting process that appears to have one goal, ensuring rapid approval of cross-border energy projects. The bill makes it very difficult for federal agencies to do anything other than approve the proposed projects for two reasons. First, the new permitting process narrows the federal

**NEAL R. GROSS**

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

approval and environmental review to just the cross-border portion of the proposed project and thus eliminates consideration of the concerns that stem from the project as a whole.

Second, the bill establishes a rebuttable presumption of approval, meaning that the federal agency must approve the project unless it finds that the cross-border segment of the project is not in the public interest. And that is a subtle but significant change that makes it much more likely that these projects will be approved even if the record is incomplete. To put it another way, this bill effectively says that all oil and natural gas pipelines and electricity transmission lines that cross the U.S. border are always in the public interest and to prove otherwise federal agencies can only consider the impacts of these projects at the narrow segment that actually crosses the border.

This is an extremely high bar to meet and for what, to guarantee that every project gets the green light regardless of the merits. We should keep in mind that the purpose of the current presidential permit requirement is to ensure that when a private company plans to build a massive infrastructure project across the U.S. border the executive branch has a chance to evaluate the project. The purpose is

**NEAL R. GROSS**

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

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

By shifting the burden of proof to require a showing that the project is contrary to the public interest and sharply narrowing the focus of that inquiry, this bill makes it extremely difficult for an agency ever to deny a permit. And despite claims to the contrary, the rebuttable presumption in this bill is not like provisions in other statutes. Further, their example of the treatment of free trade agreement countries under the Natural Gas Act is also not analogous. In that scenario, DOE is approving the movement of the commodity, the actual natural gas, not the construction of a massive pipeline project.

While the language does appear elsewhere in law, it is incorrect to say that these situations are the same. And this is not something I can support so I am glad Mr. Rush is offering this amendment today and I urge a yes vote. And I don't think anybody else wants my time so I yield back.

**NEAL R. GROSS**

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

The Chairman. The gentleman yields back the balance of his time. Are there members on the Republican side seeking recognition? Seeing none, the chair recognizes the gentlelady from California, Ms. Eshoo, for 5 minutes.

Ms. Eshoo. Thank you, Mr. Chairman. I move to strike the last word. I want to say something. Is it appropriate to say something about the underlying bill now rather than the amendment? I have some serious problems with the underlying bill because it would eliminate the current permitting process for projects to transport oil, gas, or electricity across our borders with Canada and Mexico and would create a new 120-day process that would really stack the deck in favor of approving nearly every project.

Now under current law, the relevant federal agency has to determine if a cross-border project is in the national interest following an environmental review and consideration of factors such as safety, reliability, and domestic energy prices. This bill, 2883, would require, it would require a permit to be issued unless the agency finds that the project is not in the public interest. So it flips it completely over. It flips the pancake over, and I think that that is really menacing.

The bill will limit NEPA review just to the small

segment of the pipeline that crosses the border regardless of the overall size or scope of the project. Oil and gas pipelines can travel hundreds of miles, several states, and dozens of watersheds. Limiting environmental review to only the tiny segment that crosses the border, I think, is really preposterous. This would eliminate meaningful public participation in these decisions and it would require almost any project to be approved, require them to be approved.

This is not the first time we have considered this legislation. In previous Congresses, a lot of focus surrounding this bill has been on the Keystone XL and other proposed tar sands risks, tar sands pipelines from Canada. Considering the climate impacts and substantial risks posed by a potential spill of tar sands oil, one of the heaviest and dirtiest of oils, the minimal environmental review proposed by this bill should be rejected out of hand. The bill doesn't just apply to pipelines. It would also apply to high voltage transmission lines that bring hydroelectricity from Canada into the United States.

I mean, in general, I support these projects because they allow states and localities to meet their renewable energy goals. But even though I am a supporter of these and other renewable energy projects, it doesn't mean I think they

**NEAL R. GROSS**

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

should be exempted from all environmental review and approved as a matter of right. On the contrary, several of these projects have been approved in Vermont, Minnesota, and elsewhere because they were found to be in the national interest of our country.

This national interest determination, I think, plays an important role and I believe it should be retained along with environmental review. This bill does away with both of these criteria, both of these criteria and that is why I am opposing it and I urge other members to do so as well. I yield back the balance of my time.

The Chairman. The gentlelady yields back the balance of her time. Are there other members seeking recognition? The gentleman from North Dakota is recognized for 5 minutes to speak on the amendment.

Mr. Cramer. Thank you, Mr. Chairman. And I am compelled to respond to some of the recent comments related to the environmental side of this, leaving for a moment the specific issue of, you know, the national interest.

I sited the original Keystone pipeline. I carried the pipeline portfolio on the North Dakota Public Service Commission, sited it through 600 landowners' land, complete greenfield, I am very familiar with both the federal and the

**NEAL R. GROSS**

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

state and other nexus of pipeline development as well as transmission, electric transmission line development. There is no shortage, no shortage of regulations, oversight, federal nexus, state nexus, and most of all local landowner interest in the process of siting of energy infrastructure. To add yet another layer to this would just further complicate the issue not simplify it.

And I understand the concern. I too would be concerned if I thought that somehow passing this bill simply made it automatic that everything would be approved. It doesn't do that. There are layers of rigor that are required in the building of energy infrastructure across this country. It is getting more complicated not less, and I don't think we should add to that complication. With that I would yield back.

The Chairman. I thank the gentleman for his comments, he yields back. Are there other members seeking recognition? Seeing none, the question arises on approval of the amendment. The clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Upton? Mr. Upton?

The Chairman. Mr. Upton, I think you are a no on the amendment?



Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger.

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

**NEAL R. GROSS**

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

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Green?

Mr. Green. No.

**NEAL R. GROSS**

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

The Clerk. Mr. Green votes no.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Yes.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

**NEAL R. GROSS**

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

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. No.

The Clerk. Mr. Schrader votes no.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. Walden votes no.

The Clerk. Mr. Walden votes no.

The Chairman. Are there other members wishing to be recorded? The gentleman from Texas?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

The Chairman. Good. The gentleman from Texas, Dr. Burgess?

Mr. Burgess. Votes no.

The Clerk. Mr. Burgess votes no.

The Chairman. I know Mr. Butterfield is on his way I am told, so we will -- Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

The Chairman. Are there other members wishing to be recorded? I am told they say Mr. Butterfield is on his way.

We will have votes. I just alert members that next period we will have recorded votes so don't stray too far away. And we do anticipate votes on the House floor, I think, around 1:15, just so you know.

Okay, clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 19 ayes and 31 noes.

The Chairman. The amendment is not agreed to. Are there other amendments to be considered? The chair recognizes the gentleman from New Jersey, Mr. Pallone, for what purpose?

Mr. Pallone. I have an amendment with regard to NEPA. I guess it is D01?

[The Amendment offered by Mr. Pallone follows:]

\*\*\*\*\*INSERT 17\*\*\*\*\*



The Chairman. The clerk will report Mr. Pallone's amendment, D01.

The Clerk. Amendment to H.R. 2883 offered by Mr. Pallone.

The Chairman. Without objection, further reading of the amendment is dispensed with and the gentleman from New Jersey is recognized for 5 minutes to discuss his amendment.

Mr. Pallone. Thank you, Mr. Chairman. I discussed this amendment in subcommittee, but it is an important issue and worth bringing up again. My amendment ensures that the complete length of cross-border projects would be subject to full environmental review under NEPA. NEPA was created to provide transparency so people know what the impact of a project will be on their communities. However, the provisions of H.R. 2883 would circumvent that transparency and that is why I have introduced this amendment to include the entirety of a trans-boundary project in the definition of border crossing facility.

By ensuring a federal NEPA review is conducted for the entire length of these projects we can make certain that the necessary steps are taken to protect the public interest and preserve our tremendous natural resources. My amendment is necessary since the bill redefines and significantly narrows

**NEAL R. GROSS**

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

the scope of NEPA's environmental review.

While traditional NEPA review looks at the impacts of an entire project, this bill restricts the NEPA review to only that portion of a project that physically crosses the border. This restriction is problematic. These massive projects are more than just a border crossing. When we approve a trans-boundary pipeline or transmission line we are approving multibillion-dollar infrastructure that may stretch hundreds of miles and will last for decades.

These projects pass through private property and sensitive lands. They transport hazardous substances that if spilled or ignited can cause serious damage. Before making decisions about whether to approve such projects, we need to carefully consider the potential impacts on the environment and on communities along their routes. Simply put, we should be looking the effects of projects as a whole, but that is not what this bill does. Instead, it redefines the scope of NEPA's inquiry to only encompass the step across the border.

When Congress passed NEPA it never intended this law to provide such a narrow review. Congress intended NEPA to provide policy makers with critical tools to understand a project's full environmental impacts and consider lower impact alternatives. NEPA doesn't dictate the outcome or

**NEAL R. GROSS**

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

compose any constraint on projects, it simply requires the federal government to make some effort to understand the environmental impacts of major federal actions and to inform the public of those impacts.

Fundamentally, NEPA requires us to look before we leap which is just common sense. We should not be carelessly narrowing or creating loopholes in this law. When the federal government makes a decision about a major project it should understand what it is doing. Large energy projects often raise safety issues, economic implications, and environmental concerns both for the local and global environments.

These projects affect communities all along their routes and ignoring the impacts will not make them disappear. It is simply common sense that we should understand the broad scope of these impacts before deciding to approve a project. And that is why I urge all of my colleagues to support this important amendment that ensures that the complete length of cross-border projects would be subject to a full NEPA review.

Unless someone else wants my time I yield my time back, Mr. Chairman.

The Chairman. The gentleman yields back his time. Are there --

**NEAL R. GROSS**

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

Mr. Upton. Mr. Chairman.

The Chairman. The chair recognizes the gentleman from Michigan to strike the last word.

Mr. Upton. Strike the last word. So what does H.R. 2883 do? It actually provides the permitting process for energy infrastructure by improving the coordination, increasing the transparency, and clarifies the stakeholder process. Nothing in the legislation repeals environmental protections already applicable to pipelines or hinders the ability of federal agencies or states to carry out their statutory responsibilities.

The legislation, the underlying legislation defines the border crossing facility to mean the portion of the pipeline that is located at the boundary itself. And H.R. 2883 prevents the cross-border nature of these projects from being used as an excuse for an additional layer of red tape or delay unrelated to the border crossing, so this amendment would try to expand the definition of a border crossing facility to include the entire length of the pipeline which would infringe on states' rights to review and decide on the impacts of other portions of the pipeline.

So what we have done, what we have tried to do is carefully craft the legislation to get bipartisan support as

**NEAL R. GROSS**

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

we saw in subcommittee to be protective of both the public safety as well as the environment. It is our understanding that this amendment would, in fact, upset that careful balance and, in essence, gut the bill, so I would urge my colleagues to vote no on the amendment and I yield back my time.

The Chairman. Would the gentleman yield?

Mr. Upton. Excuse me, I yield to the gentleman from Texas, Mr. Green.

Mr. Green. Thank you, Mr. Chairman. I oppose this amendment as the bill already retains an agency's ability for a full NEPA review for the entire length of the pipeline project. Before a federal agency can make a final decision on a proposed federal action, the NEPA requires the agency to identify the potential effects on quality of human environment. To determine if a project's effects are significant, direct effects, indirect effects, and cumulative effects are considered.

Under the existing NEPA process, which this bill does not alter, federal agencies look at the cumulative and indirect effects of a cross-border facility and take into consideration the building and operating of the entire structure within the United States and not just the cross-

**NEAL R. GROSS**

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

border section.

The Congressional Research Service after reviewing the proposed legislation confirmed -- quote -- if a federal agency is authorized to approve a cross-border project that agency existing NEPA practices would likely continue to involve analysis of impacts associated with the approval of the facility that physically crosses the border as well as any new facilities constructed in the United States.

This amendment is unnecessary and redundant and I would urge my colleagues to vote no, and thank my colleague for yielding.

Mr. Upton. Thank you. I yield back my time.

The Chairman. The gentleman yields back his time. Are there other members seeking recognition? The chair recognizes the gentleman from Illinois, Mr. Rush, for 5 minutes.

Mr. Rush. I want to thank you, Mr. Chairman. I move to strike the last word. Mr. Chairman, I rise in support of Mr. Pallone's amendment. H.R. 2883 would eliminate meaningful review of the environmental impacts of proposed cross-border energy projects. The bill dramatically narrows the scope of environmental review to only the cross-border segment of the energy project, the tiny portion that physically crosses the

**NEAL R. GROSS**

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

national boundary. That defies common sense.

We are talking about major infrastructure projects that span hundreds of miles. They cross through private property, water bodies, farms, and other sensitive areas. They carry substances that can catch fire or spill or pollute the environment, and they have profound implications for climate change.

To understand the potential environmental impact of an energy project, we need to look at the project as a whole. To ignore the potential environmental or safety risk of every part of the project except the tiny sliver of land at a national boundary is illogical and foolhardy.

Imagine, Mr. Chairman, going to a doctor if you are feeling ill and the doctor gives you a clean bill of health after only looking at your elbow. That is what this bill does. It lets these projects go forward without any full environmental review, and no meaningful review means no opportunity to mitigate the potential harm to public health, public safety, or the environment.

Mr. Chairman, that is just reckless. Mr. Pallone's amendment would ensure that these cross-border energy projects receive a thorough environmental review before they can receive a permit. I urge my colleagues to support the

**NEAL R. GROSS**

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

Pallone amendment. I yield back.

Mr. Pallone. Would the gentleman yield?

Mr. Rush. I yield to Mr. Pallone.

Mr. Pallone. Thank you. I listened to Mr. Green and some of the others' comments that are opposed to my amendment, but I just want to make it clear in my view I know that some of the opponents of the amendment still feel that NEPA, a full NEPA review for the entire length of the project is possible, but I don't read the language that way. I think it is very unlikely. I think if it did occur it wouldn't occur very often.

And my point in this amendment is that this full NEPA review for the length of the project should occur every time and that is what the amendment seeks to guarantee. So I just wanted to make that clear. It is, you know, I think there is a disagreement in that some members feel that this may still happen, but I think it is highly unlikely to happen unless we adopt this amendment. I yield back to the gentleman.

Mr. Rush. I yield back.

The Chairman. And the gentleman yields back the balance of his time. Are there other members seeking recognition?

The chair recognizes the gentlelady from Illinois, Ms.

Schakowsky, for 5 minutes to strike the last word.

**NEAL R. GROSS**

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



Ms. Schakowsky. Thank you. I move to strike the last word in favor of the Pallone amendment. I am concerned that H.R. 2883 would weaken environmental and safety review of cross-border pipelines including expansion of existing pipelines. Weakening environmental review now could have implications long into the future.

Look at the Great Lakes. The Enbridge Pipeline runs under the Mackinac Straits connecting Lake Michigan and Lake Huron. The Enbridge Pipeline has had 29 leaks, spilling over one million gallons of oil and gas into the Great Lakes between 1968 and 2015. Just this spring, Enbridge admitted that casing around the pipeline had fallen off in 18 places. So we should be looking at whether pipelines like Enbridge can operate safely.

Last year, it is true that this committee approved a bipartisan pipeline safety bill that required annual inspections of the Enbridge Pipeline. I appreciate that step, but it does not negate the need for thorough front-end review of pipeline projects. In this legislation as has been mentioned before would narrow the scope of environmental review for pipelines. Under the bill, the permitting process would look only at this tiny cross-border portion of the pipeline instead of the whole project. I hope that we will

**NEAL R. GROSS**

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

look beyond that, but I think we can assure that by passing this amendment.

Clean water is a precious resource. We all know that and the permits issued today will have consequences far into the future. People living around the Great Lakes are increasingly fearful that an incident on the Enbridge Pipeline could have major consequences for our water and our local ecosystem.

Environmental review is a vital part of the permitting process and review of cross-border projects should look at the entire project not just the actual border crossing. We don't need more Americans living without clean water to drink. I urge my colleagues to oppose the legislation but to support the very important amendment by Mr. Pallone and I yield back.

The Chairman. The gentlelady yields back the balance of her time. Are there other members seeking recognition on this amendment? Seeing none, the question now arises on passage of the Pallone amendment.

Those in favor will vote aye.

Those opposed, no.

The clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Upton?

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. No.

The Clerk. Mr. Green votes no.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Doyle?

Mr. Doyle. Yes.

The Clerk. Mr. Doyle votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

**NEAL R. GROSS**

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

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. No.

The Clerk. Mr. Schrader votes no.

Mr. Kennedy?

Mr. Kennedy. Aye.



The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. Votes no.

The Clerk. Chairman Walden votes no.

The Chairman. The gentleman from Michigan, Mr. Upton?

Mr. Upton. Votes no.

The Clerk. Mr. Upton votes no.

The Chairman. The gentleman from Mr. Pennsylvania?

Mr. Murphy. No.

The Chairman. Mr. Murphy votes no.

The Clerk. Mr. Murphy votes no.

The Chairman. The gentleman from Texas, Mr. Barton, how do you vote?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

The Chairman. Are there other members wishing to be recorded? The clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there are 21 ayes and 31 noes.

The Chairman. 21 ayes, 31 noes. The amendment is not agreed to.

The Chair recognizes himself to offer an amendment to H.R. 2883.

[The Amendment offered by The Chairman follows:]

\*\*\*\*\*INSERT 18\*\*\*\*\*

The Chairman. This is a technical amendment to fix a drafting error which I believe both sides have acknowledged. The clerk will report the amendment.

The Clerk. Amendment to H.R. 2883 offered by Mr. Walden.

The Chairman. Without objection, further reading of the amendment will be dispensed with. Is there any discussion on the amendment? Seeing none, all those in favor of the amendment will say aye.

Those opposed, nay.

The ayes have it. The amendment is agreed to.

Any other amendments on this? Seeing none, the question now arises on final passage of H.R. 2883, as amended.

Those in favor will vote aye. Those opposed, no. And the clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Upton?

Mr. Upton. Aye.

The Clerk. Mr. Upton votes aye.

Mr. Shimkus?

Mr. Shimkus. Aye.

The Clerk. Mr. Shimkus votes aye.

Mr. Murphy?

Mr. Burgess?

Mr. Burgess. Aye.

The Clerk. Mr. Burgess votes aye.

Mrs. Blackburn?

Mrs. Blackburn. Aye.

The Clerk. Mrs. Blackburn votes aye.

Mr. Scalise?

Mr. Latta?

Mr. Latta. Aye.

The Clerk. Mr. Latta votes aye.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. Aye.

The Clerk. Mrs. McMorris Rodgers votes aye.

Mr. Harper?

Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Lance?

Mr. Lance. Aye.

The Clerk. Mr. Lance votes aye.

Mr. Guthrie?

Mr. Guthrie. Aye.

The Clerk. Mr. Guthrie votes aye.

Mr. Olson?

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. McKinley?

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Kinzinger?

Mr. Kinzinger. Aye.

The Clerk. Mr. Kinzinger votes aye.

Mr. Griffith?

Mr. Griffith. Aye.

The Clerk. Mr. Griffith votes aye.

Mr. Bilirakis?

Mr. Bilirakis. Aye.

The Clerk. Mr. Bilirakis votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

Mr. Flores?

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mrs. Brooks?

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

Mr. Mullin?

Mr. Mullin. Aye.

The Clerk. Mr. Mullin votes aye.

Mr. Hudson?

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

Mr. Collins?

Mr. Collins. Aye.

The Clerk. Mr. Collins votes aye.

Mr. Cramer?

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

Mr. Walberg?

Mr. Walberg. Aye.

The Clerk. Mr. Walberg votes aye.

Mrs. Walters?

Mrs. Walters. Aye.

The Clerk. Mrs. Walters votes aye.

Mr. Costello?

Mr. Costello. Aye.

The Clerk. Mr. Costello votes aye.

Mr. Carter?

Mr. Carter. Yes.

The Clerk. Mr. Carter votes aye.

Mr. Pallone?

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Mr. Rush?

Mr. Rush. No.

The Clerk. Mr. Rush votes no.

Ms. Eshoo?

Ms. Eshoo. No.

The Clerk. Ms. Eshoo votes no.

Mr. Engel?

Mr. Engel. No.

The Clerk. Mr. Engel votes no.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. No.

The Clerk. Ms. DeGette votes no.

**NEAL R. GROSS**

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

Mr. Doyle?

Ms. Schakowsky?

Ms. Schakowsky. No.

The Clerk. Ms. Schakowsky votes no.

Mr. Butterfield?

Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.

Ms. Matsui?

Ms. Matsui. No.

The Clerk. Ms. Matsui votes no.

Ms. Castor?

Ms. Castor. No.

The Clerk. Ms. Castor votes no.

Mr. Sarbanes?

Mr. Sarbanes. No.

The Clerk. Mr. Sarbanes votes no.

Mr. McNerney?

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

Mr. Welch?

Mr. Welch. No.

The Clerk. Mr. Welch votes no.

Mr. Lujan?



Mr. Lujan. No.

The Clerk. Mr. Lujan votes no.

Mr. Tonko?

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Ms. Clarke?

Mr. Loeb sack?

Mr. Loeb sack. No.

The Clerk. Mr. Loeb sack votes no.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. No.

The Clerk. Mr. Kennedy votes no.

Mr. Cardenas?

Mr. Ruiz?

Mr. Ruiz. No.

The Clerk. Mr. Ruiz votes no.

Mr. Peters?

Mr. Peters. No.

The Clerk. Mr. Peters votes no.

Mrs. Dingell?

Mrs. Dingell. No.

The Clerk. Mrs. Dingell votes no.

Chairman Walden?

The Chairman. Aye.

The Clerk. Chairman Walden votes aye.

Mr. Doyle?

Mr. Doyle. No.

The Clerk. Mr. Doyle votes no.

The Chairman. Are there other members wishing to be recorded? Mr. Barton?

Mr. Barton. Aye.

The Clerk. Mr. Barton votes aye.

The Chairman. Mr. Murphy?

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

The Chairman. Other members not recorded wishing to be recorded? All right, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 31 ayes and 20 noes.

The Chairman. 31 ayes, 20 noes. The bill, as amended, is reported.

The chair now calls up H.R. 806 and asks the clerk to report.

**NEAL R. GROSS**

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

[The Bill H.R. 806 follows:]

\*\*\*\*\*INSERT 19\*\*\*\*\*

The Clerk. H.R. 806, to facilitate efficient state implementations of ground level ozone standards and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point. Are there bipartisan amendments to the bill? Are there amendments to the bill? For what purpose does the gentleman from Illinois seek recognition?

Mr. Shimkus. Thank you, Mr. Chairman. I have an amendment at the desk.

[The Amendment offered by Mr. Shimkus follows:]

\*\*\*\*\*INSERT 20\*\*\*\*\*

The Chairman. The clerk will report the amendment.

The Clerk. Amendment to H.R. 806 offered by Mr. Shimkus.

The Chairman. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for 5 minutes to speak on his amendment.

Mr. Shimkus. Thank you, Mr. Chairman. H.R. 806 reforms reflect practical improvements suggested to the committee by state and local regulators who for more than 25 years have confronted the growing challenges of implementing multiple air quality standards under multiple implementation plans and under tight statutory guidelines. As the challenges have increased it has become more difficult for many areas to enable their economic expansion needed for their communities. This amendment addresses one of those challenges.

This amendment updates the Clean Air Act with an option for states to ensure certain areas are not penalized with sanctions if they show they are doing everything they can to reduce emissions within their regulatory control. This amendment addresses a problem identified by state regulators. It concerns mandatory sanctions and penalty provisions enacted in 1990 that no longer reflect actual conditions in some areas of the country.

**NEAL R. GROSS**

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

The amendment is limited to areas designated as severe or extreme nonattainment for ozone or in serious nonattainment for particulate matter. It is further limited to those areas that are implementing and will have to continue to implement all the applicable emission controls required under the Clean Air Act.

Because these areas, which at present are primarily in California, have imposed the most stringent emission control measures within their authority, sanctions and penalties intended to force additional controls no longer make sense. All the emission controls are already in place and a growing portion of emissions is outside the control of the state regulatory agencies such as emissions from mobile sources that are subject to federal standards.

As a result, some of these areas may be unable to show that they can reach attainment of ozone or particulate matter standards because of these emissions, but they remain subject to mandatory penalties as if they can control the emissions.

The amendment provides states a way to avoid the economically harmful sanctions under Section 179 and 185 of the act if they, number one, have put in place all the measures to reduce and control emissions, the areas; and secondly, demonstrate that the reason they cannot meet the

**NEAL R. GROSS**

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

standards on the areas is due to the emissions that are beyond their authority to control.

This amendment provides a practical option for relief. It is consistent with several existing provisions in the Clean Air Act that seek to relieve areas from adverse economic burdens due to emissions outside their authority to control. Harmful economic sanctions should not be imposed on areas that by the requirements of the attainment classifications are already imposing the most stringent emission controls. And I urge my colleagues to support and I yield back my time.

The Chairman. The gentleman yields back the balance of his time. The chair recognizes the gentleman from New Jersey, Mr. Pallone, to strike the last word.

Mr. Pallone. Thank you, Mr. Chairman, and I oppose the Shimkus sanctions amendment. Under the Clean Air Act sanctions can only apply to states that refuse to submit state implementation plans or fail to revise a state implementation plan as required by the EPA. Sanctions are not triggered if an area fails to meet an air quality standard or if it fails to attain NAAQS on time.

The Clean Air Act specifies that the consequences for attaining a federal air quality standard is for the state to

**NEAL R. GROSS**

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

submit a revised plan to attain. For example, in November, EPA issued a finding that the San Joaquin Valley failed to attain the 1997 PM standards and that finding did not trigger any sanctions. Instead, the Clean Air Act requires the state to submit a new plan for attaining those standards.

And these sanctions are not automatic. They are triggered by a formal EPA action which then provides 18 months to correct the deficiency such as requiring states to submit an approvable plan or implementing the necessary requirements. Even when a nonattainment area is one that sanctions may occur, the area has 2 years before any sanctions kick in and EPA has always worked with areas to resolve any noncompliance problems.

Further, communities do not lose transportation funding when they are in nonattainment. They only risk the funding if they decide not to even try to meet the standard by failing to develop an implementation plan. Now claims that the EPA will levy crippling sanctions on any area with bad air quality are not based in fact. Clean air sanctions of highway funds have happened only once. If states work in good faith to write a plan and reduce pollution they are not in danger of facing sanctions.

Now turning to the Shimkus amendment, the provisions of

**NEAL R. GROSS**

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



this amendment appear to only apply to two areas in California that have major air quality issues. It would give these areas a free pass on pollution that comes from outside the state from exceptional events and from pollution beyond the state's regulatory control. EPA would not be able to use their enforcement authority to protect the public and ensure states continue to do their part to reduce these dangerous pollutants. And these exemptions would apply to states that are simply not trying to improve air quality as well as those acting in good faith.

As I have said before, these air quality standards are essential to protecting the health of the most vulnerable amongst us. Giving areas with the worst pollution a free pass on being held accountable for their progress is unconscionable. Furthermore, EPA doesn't require areas to clean up pollution beyond their borders or from exceptional events. There is already a process in place to ensure states aren't penalized for what they can't control. There is no need to create a broad exemption as this amendment would do.

Frankly, this amendment is nothing more than a regulatory giveaway allowing high levels of dangerous air pollution to continue without any incentive to fix the problem, and I think it is particularly unacceptable at a

**NEAL R. GROSS**

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

time when the congressional Republicans are trying to take away health coverage from millions of Americans.

So I urge all members to oppose this amendment. I don't know if anybody wants my time or will take their own. You would like my time? I yield to the gentlewoman from California.

Ms. Eshoo. I thank the ranking member for yielding. As we consider this legislation that actually cuts to the core of the Clean Air Act, I want to take a moment to recognize the success of this bedrock environmental law. Since Richard Nixon signed the Clean Air Act into law in 1970, the nationwide concentration of lead air pollution has been reduced by 98 percent. Carbon monoxide has been cut by 85 percent, sulfur dioxide by 80 percent, and nitrogen dioxide by 60 percent.

Now these dramatic reductions have prevented hundreds of thousands of premature deaths, expanded or extended the life expectancy of millions of Americans, and aided in the cognitive development of millions of children who otherwise would have been poisoned by lead and other toxic pollutants. These benefits are not theoretical. They have been quantified and verified by peer reviewed studies.

The 2011 study found that the Clean Air Act will deliver

benefits that exceed costs by a 30:1 ratio by year 2020. And capping air pollution does not prevent economic growth. Take a look at the state of California. We lead the nation. We have tough Clean Air Act provisions, even tougher than the federal Clean Air Act and yet our economy is the envy of 49 other states.

This bill eliminates the core Clean Air Act principle that air pollution should be capped at a level that protects human health regardless of the costs that doing so may impose. It tips the scales in favor of more pollution and threatens the clean air that we have become accustomed to and that all of our constituents deserve to have. So I think the Clean Air Act stands for the landmark principle that all Americans have the right to breathe clean air.

I think the bill is the wrong approach and I strongly urge my colleagues to oppose 806. I don't think it is good for the country. I think it is essentially looking in the rearview mirror and thinking you see the future. And I thank the ranking member for yielding to me.

The Chairman. The gentleman yields back the balance of his time. The chair recognizes the gentleman from Texas, Mr. Olson, to strike the last word.

Mr. Olson. I thank the chair and thank the subcommittee

**NEAL R. GROSS**

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

chairman, Mr. Shimkus, for his amendment. I support it. I would like to thank my colleagues, Congressman Flores from Texas and Congressman Latta from Ohio for helping write this bill, and also Whip Scalise and Leader McCarthy for joining as original cosponsors. I would like to also thank my Democrat friends, Sanford Bishop from Georgia and Henry Cuellar for Texas, for their support.

We have heard from state and local regulators who for over 2 decades have confronted growing challenges, multiple standards, multiple implementation plans, tight, tight deadlines. The burden on state and local authorities is growing and it is hurting economic growth. This bill takes steps to fix that situation. We can reform the Clean Air Act and keep cleaning up our air. For example, the bill moves the final designations for the 2015 ozone standards to 2025. That gives states more time to work on existing mandates to improve their air quality. EPA has always said that all but a handful of areas will meet the new rule by 2025 just by allowing existing programs to work. Just by allowing existing programs to work they can clean up their air without paperwork.

There are also examples of how this bill makes sure we tackle pollution in a realistic way. It creates a more

**NEAL R. GROSS**

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

realistic review cycle of 10 years for new air standards, but EPA can always pull the trigger and write a new standard either if the health bill says they have to or if they decide to. It is their choice. The bill says that EPA has to put health first.

But they have to have a range of healthy options that they can consider about what technology exists to get there. If you don't believe this, read the bill. If this passes tomorrow, EPA can never set an unhealthy standard. That can't happen with this bill. This bill makes sure EPA gets the full picture including the negative impacts of implementing a new standard. That my friends, is good government.

This bill also takes steps to address some of the practical problem areas we face. For example, it clarifies how states approach pollution they have no control over and how droughts can impact local air. That is important to our friends in California. It also has EPA report to Congress on things like foreign pollution, a major issue in the West and other parts of the country. Again more good government.

We can have clean air without drowning in paperwork or being penalized for pollution outside of our control. This bill is a step in that direction. I urge my colleagues to

**NEAL R. GROSS**

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

support it. Anyone on my side seeking time to speak? Other side? I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition to speak on the amendment? Seeing none, the question now arises on -- oh, wait. No, we do have -- the chair recognizes the gentlelady from California, Mrs. Walters, to speak on the amendment.

Mrs. Walters. Thank you, Mr. Chairman, and I move to strike the last word. There are several regions within my home state of California that are struggling to reach attainment despite the fact that they are already imposing the most stringent emission controls for stationary sources. Unfortunately, despite those controls these areas are unable to reach attainment because of the emissions from mobile sources which they do not have the authority to control.

I would like to make it very clear that this amendment does not in any way give states and localities a pass for meeting their attainment obligations. States and localities must continue to implement all emission controls measures under their Clean Air Act authority to attain clean air standards.

This amendment is necessary because under current law overly punitive Section 185 fees and Section 179 penalties

**NEAL R. GROSS**

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

are placing undue harm on communities by hindering economic growth. In fact, just a few years ago, Barry Wallerstein, the then executive officer of the South Coast Air Quality Management District which manages attainment efforts for my congressional district, said that the Section 185 fee is -- quote -- fundamentally unfair -- end quote. That is because in the Southern California region stationary sources make up about ten percent of the region's emissions while the remaining 90 percent comes from mobile sources.

It is clear that these fees and penalties no longer work as they were originally intended. The amendment which again is narrowly applied will help regions that are doing the most work to reach attainment by addressing the unnecessary sanctions that have prohibited economic expansions. I urge my colleagues to support this amendment and I yield back the balance of my time.

Mr. Shimkus. [Presiding.] The gentlelady yields back her time. Anyone seeking time? Then the vote is on the Shimkus amendment, the Shimkus amendment.

All those in favor, say aye.

Those opposed, no.

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

**NEAL R. GROSS**

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

Anyone else seeking time?

Ms. Castor. Mr. Chairman.

Mr. Shimkus. Are there further amendments? The gentlelady from Florida is recognized.

Ms. Castor. I have an amendment at the desk.

[The Amendment offered by Ms. Castor follows:]

\*\*\*\*\*INSERT 21\*\*\*\*\*



Mr. Shimkus. The clerk will report the amendment.

Could you give us, do you have the number?

Ms. Castor. Yes, it is 04.

Mr. Shimkus. Did you say 04?

Ms. Castor. Yes.

Mr. Shimkus. 04.

The Clerk. Amendment to H.R. 806 offered by Ms. Castor.

Mr. Shimkus. The gentlelady is recognized. The reading is dispensed with, the gentlelady is recognized for 5 minutes on the support of her amendment.

Ms. Castor. Thank you, Mr. Chairman and colleagues. My amendment seeks to protect kids, our older neighbors, and others who are vulnerable all across America, people who are vulnerable to smog and dirty air. This is important as Republicans press to weaken our landmark Clean Air Act.

Now we all know we are fortunate to live in America where about 50 years ago we passed a bipartisan law, the Clean Air Act, to ensure that families can breathe clean air, and we have watched as economic progress has gone hand in hand with environmental progress. They are not mutually exclusive.

The Clean Air Act requires the EPA to set national ambient air quality standards for certain pollutants that

**NEAL R. GROSS**

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

endanger public health. These health-based standards are the cornerstone of the Clean Air Act. The EPA sets these air quality standards at concentration levels that are sufficient to protect the public health for lead, particulate matter, ozone that we know as smog, nitrogen dioxide, and carbon monoxide. Every 5 years, EPA goes to take a look, takes in the best science to see if those concentration levels are at a safe level.

On October of 2015, EPA issued a final rule strengthening the standards for smog from -- they tightened it up a little bit from 75 parts per billion to 70 parts per billion. This decision was based on the review of thousands of studies showing what smog does to the public health. Smog has a number of health impacts. If it is not obvious, you all know, you hear it from your neighbors back home, smog increases your rates of asthma. It can lead to cases of acute bronchitis, and even in children to premature death. It damages vegetation and crops as well.

So EPA set a new standard that was consistent with the recommendations of the Independent Clean Air Scientific Advisory Committee which had concluded that the science supports a standard within the range of 70 parts per billion down to 60 parts per billion, so they set it at 70. And a

**NEAL R. GROSS**

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

lot of states across the country are already meeting this standard. The estimated net benefits of the updated smog standard are up to \$4.5 billion and when you count California add another \$1.3 billion.

Now what has been particularly disheartening with the new administration is EPA Administrator Pruitt and the GOP now are breaking from their long-term commitment to clean air in America. EPA has said we are going to take our time, we are going to delay implementation of the rule by a year. Plus, the administration proposed very drastic cuts to the EPA budget that would also undermine the smog standards especially for our states that rely on critical grant funding to improve air quality.

What his bill does, H.R. 805, which I finally referred to as the smog promotion act -- other folks refer to it as the smoggy skies act -- it guts the Clean Air Act. It allows more pollution and threatens the public health. If America is going to be a leader in the world in science, why would we say we are not going to consider the science when we are considering our environmental laws and standards in the public health?

So what my amendment does, it says this section of the bill will not apply if the Clean Air Scientific Advisory

**NEAL R. GROSS**

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

Committee finds negative impacts on kids, seniors, pregnant women, folks that work outdoors, and other vulnerable communities. Because we know asthma attacks, hospitalizations, ER room visits for those with respiratory disease or cardiovascular disease are really at risk here. And we know that American families value their health. They value the air they breathe. They really have a right to know what the best science says about clean air.

So if you believe in clean air in our great country you will support my amendment. If you believe that environmental protection in America should be based on science and if you want to stand up for American families over polluters who seek shortcuts, you will support the Castor amendment and I recommend it to you and yield back my time.

Mr. Shimkus. The gentlelady yields back her time. Who seeks time? The chair recognizes the gentleman from Texas, Dr. Burgess, for what purpose?

Mr. Burgess. Thank you, Mr. Chairman. I move to strike the last word.

Mr. Shimkus. The gentleman is recognized for 5 minutes.

Mr. Burgess. Mr. Chairman, I want to speak against the amendment and in favor of the underlying bill. I feel it is fair to point out that ozone air quality will continue to

**NEAL R. GROSS**

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

improve under H.R. 806. The bill ensures that hundreds of counties on track to meeting the 2015 standards can come into compliance without being subjected to additional regulatory burdens, paperwork requirements, and restrictions. Those will not do anything to improve public health.

The bill does not limit states from imposing more stringent emission requirements if a state finds that such a condition exists. Nowhere does the bill authorize states to increase their emissions. This is about continuing to improve air quality in a manner that doesn't require states to duplicate paperwork requirements.

Since 1980, ozone levels have declined by 32 percent and the EPA projects air quality -- quoting here -- will continue to improve over the next decade as additional reductions in precursors from power plants, motor vehicles, and other sources are realized -- close quote. Nothing in the pending bill prevents these improvements to the air quality from being realized. The amendment is unnecessary. I urge a no vote and yield back the balance of my time.

Mr. Shimkus. The gentleman yields back his time. Anyone seeking time? The chair recognizes the ranking member of the full committee, Mr. Pallone, for 5 minutes, I believe in opposition to, I mean in support of the amendment.

**NEAL R. GROSS**

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

Mr. Pallone. Thank you, Mr. Chairman. The bill supporters argue that the purpose of Section 2(a) is merely to give states enough time to implement EPA's 2015 ozone standard, but the American public has waited far too long for adequate protection from high levels of ozone. The promise of the Clean Air Act's air quality standards is healthy air for the entire nation, but the previous ozone standard has fallen short and since 2008 it has been weaker than the science and the law would allow.

So in 2015, EPA strengthened the ozone standard based on yet another exhaustive review of the scientific evidence. EPA's stronger ozone standard would help avoid a litany of adverse health impacts from asthma attacks on children to missed school days and premature deaths. But this bill would essentially say that the negative consequences of ozone pollution and the benefits of cleaner air don't matter.

Section 2(a) of the bill would block implementation of the updated ozone standard jeopardizing the health and safety of all and this is all at a time when congressional Republicans are effectively taking away health care from millions of Americans. On the other side of the Capitol Republican senators are trying to prevent hardworking men, women, and children from getting the care they need. People

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

will be exposed to harmful pollution that will lead to more doctors' visits and trips to the emergency room.

Proponents of this bill have repeatedly stated that it is not intended to roll back any of the existing health protections afforded in the Clean Air Act. But that claim is ridiculous for a bill that radically changes numerous provisions of the law that ensures we all breathe safe air. If Republicans want to claim that this bill is not intended to weaken the Clean Air Act and endanger public health, there should be no objection to Ms. Castor's amendment. It simply states that implementation of EPA's 2015 ozone standard would not be delayed if the Clean Air Scientific Advisory Committee finds that doing so causes serious harm to human health including asthma attacks and other respiratory disease, heart attacks, strokes, birth defects, or premature death.

Swift implementation of the new ozone standard has meaningful real-world benefits. These public health benefits and air quality protections are especially important for the most vulnerable among us and that is babies, kids, seniors, and they all will be needlessly blocked by this bill. Americans rely on EPA to hold polluters responsible for cleaning up their pollution. And it is just common sense if you stop EPA from doing its job, public health will suffer.

**NEAL R. GROSS**

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

So adoption of Ms. Castor's amendment will make it perfectly clear that EPA can continue to clean up air pollution that causes serious health effects and that is why I urge my colleagues to support the Castor amendment. And unless anybody wants -- I will yield to the gentleman from Maryland.

Mr. Sarbanes. I thank the gentleman for yielding and I support Representative Castor's amendment and associate myself with all of the reasons given by Congressman Pallone. And I would ask to just, unanimous consent to introduce into the record a letter. And let me just read some of the folks on this letter, because it conveys through the names of these various organizations, I think, more powerfully than anything I could say why the underlying bill is not a good idea and why support for Representative Castor's amendment is a good idea.

These are groups that have submitted a letter, written a letter to members of this committee indicating their opposition to H.R. 806, the Allergy and Asthma Network, the American Academy of Pediatrics, the American Lung Association, the Center for Climate Change and Health, the Asthma and Allergy Foundation of America, the National Medical Association, the Children's Environmental Health

**NEAL R. GROSS**

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



Network, Health Care Without Harm, the National Association of County and City Health Officials, the Trust for America's Health, Physicians for Social Responsibility -- that is a pretty powerful alliance and coalition of folks who have deep concerns about the underlying bill.

I support Representative Castor's amendment. I would ask unanimous consent to have this letter introduced into the record.

Mr. Shimkus. Without objection, so ordered.

[The information follows:]

\*\*\*\*\*COMMITTEE INSERT 22\*\*\*\*\*

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

Mr. Pallone. I don't know. I only have 40 minutes if any member wants it, otherwise I yield back, Mr. --

Mr. Shimkus. The gentleman yields back his time. Anyone else seeking time to speak on the amendment? The chair recognizes the gentleman from Texas, Mr. Olson.

Mr. Olson. Mr. Chairman, I ask to strike the last word.

Mr. Shimkus. The gentleman is recognized for 5 minutes.

Mr. Olson. Mr. Chairman, in Texas we have a saying, all hat and no cattle. With all due respect for my friend from Florida, this amendment of CASAC does nothing to improve science in this arena. Under the Clean Air Act, CASAC is required by law to provide advice to the agency about potential adverse effects of implementing new air quality standards.

Section 109(d)(2)(C)(iv) of the Clean Air Act expressly requires that the Clean Air Scientific Advisory Committee, CASAC -- quote -- advise the administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such national ambient air quality standards -- end quote.

Despite this provision, EPA has never requested such

**NEAL R. GROSS**

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

advice. I say again, despite this provision in law EPA has never requested such advice. In May 2015, the Government Accountability Office issued a report indicating CASAC has never provided such advice because EPA has never requested it, and EPA has no plans to ask CASAC to provide advice of potential adverse effects.

In a recent survey, 80 percent of state air agencies said that CASAC's advice on potential adverse public health, welfare, social, economic, or energy effects would be helpful to their agency. Existing law requires EPA to consider potential adverse effects. Section 3(c) of this bill will ensure that occurs. The amendment is unnecessary. I oppose it. Anyone want time on my side? I yield back.

Mr. Shimkus. The gentleman yields back. Who is seeking time? The chair recognizes the ranking member of the Energy Subcommittee, Mr. Rush, for --

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

Mr. Shimkus. The gentleman is recognized for 5 minutes.

Mr. Rush. Mr. Chairman, H.R. 806 would unacceptably delay implementation on EPA's 2015 ozone standards for another 8 years while also mandating that EPA wait a full decade before considering any new evidence regarding the

health implications from ozone and other harmful pollutants despite what the science may say in the interval.

Mr. Chairman, with over 341,000 adult cases of asthma and close to 87,000 cases of pediatric asthma in my county, Cook County, Illinois, where my district is located, I cannot afford to support a bill that may in fact aggravate this problem rather than make it better. Mr. Chairman, when those of us who believe that science should inform policy making in regards to public health decisions, delaying the 2015 standards and prohibiting EPA from revisiting the scientific evidence for at least a decade is an unacceptable risk that could be resulted in potentially disastrous health impacts for the American public.

Mr. Chairman, we know that breathing in dirty pollutants such as ozone, carbon monoxide, lead, sulfur dioxide, and other dirty pollutants can lead to a host of health problems including asthma, inflammation of the lungs, respiratory disease, and even premature death. Current research even suggests that ozone may also cause damage to the central nervous system and may harm developing fetuses. Yet, despite all the scientific research, this bill would stall the new ozone standards, permanently weaken the Clean Air Act, and hamstring EPA's ability to regulate these harmful

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

contaminants both now and in the future.

Mr. Chairman, instead of trying to stall the 2015 ozone standards and prohibit EPA from regularly obtaining NAAQ as H.R. 806 would, we should be heeding the warnings of doctors, of scientists, of the risks of not acting quickly enough to protect the public interest and public health.

Mr. Chairman, the Castor Amendment will go a long way in helping us to make this very bad bill a little bit more palatable. This is a common sense amendment and it seems to put the interest of the public above the interest of industry and I urge all of my colleagues to support it and I yield back the balance of my time.

Mr. Shimkus. The gentleman yields back his time. So I am trying to figure out what the pleasure of the committee is. There is votes on the floor. Anyone on the top dais? The chair recognizes the gentleman -- oh, Ms. Schakowsky for 5 minutes on the amendment.

Ms. Schakowsky. Okay. I move to strike the last word in favor of the gentlelady's amendment. Ozone damages the lungs, it worsens asthma in children. The Ozone Standard Implementation Act threatens public health by denying implementation of strengthened ozone protections adopted in 2015 at the recommendation of the Clean Air Scientific

Advisory Committee.

The bill is especially cruel in the context of Republicans' vote to repeal, and everybody, all the Republicans but two on this committee voted to repeal the Affordable Care Act. This bill would increase the likelihood of premature deaths, asthma attacks, acute bronchitis; it would put people with respiratory illness at higher risk. Children in poor families and communities of color would be disproportionately affected.

Where do many of these Americans get their health care? 37 million children in America rely on Medicaid, and Medicaid covers nearly half of all births in the United States. But ACA repeal legislation moves to cap Medicaid; reduce access to health care for American families at the same time that the legislation like Ozone Standards Implementation Act would put them at greater risk of respiratory health problems.

The ACA repeal bill would also allow states to repeal the essential health benefits, so even people with private insurance wouldn't have any guarantee that their insurance plan would cover the services needed to treat respiratory illness. Like the ACA repeal bill, this legislation puts the interest of corporations and wealthy individuals above the health of our children. It is like adding salt to the wound.

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealgross.com](http://www.nealgross.com)

It defies science. It defies the conscience.

I urge my colleagues to support the Castor amendment, and I yield to -- does the gentleman want the remainder of my time from New York?

Mr. Tonko. I thank the gentlewoman for yielding. Mr. Chair, I move to strike the last word. I want to state my clear opposition to the Ozone Standards Implementation Act and support for Ms. Castor's amendment. While the Senate may have postponed its vote to repeal the Affordable Care Act, the attacks on Americans' health continue in this committee. This bill would delay standards to reduce ozone pollution and permanently weaken the Clean Air Act. That is why so many public health and medical organizations have vocally opposed this bill every step of the way.

The Clean Air Act is amongst the most successful public health laws in our country's history. In 2010, the Clean Air Act prevented over 160,000 premature deaths, 130,000 cases of heart disease, 1.7 million asthma attacks, and millions of respiratory illnesses. Many of those health benefits have been enjoyed by vulnerable populations, particularly children.

The science is not under dispute. Breathing air that contains ozone can cause serious health effects. According

**NEAL R. GROSS**

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

to the Asthma and Allergy Foundation, a study of young campers with moderate to severe asthma showed they were 40 percent more likely to have acute asthma episodes on high pollution summer days than on days with average pollution levels. About 23 million people including almost 7 million children have asthma which accounts for approximately 500,000 hospitalizations each and every year. Asthma is the third ranking cause of hospitalization among children under 15.

Cleaner air will make people healthier and failing to clean up our air will ensure that more children have asthma attacks and will end up in the hospital. Healthier people means fewer sick days, hospital visits, and premature deaths all which lead to a more productive society. That is why the benefits of these environmental protections vastly outweigh the costs.

In a week where some of our colleagues are even thinking about ripping health care away from 22 million Americans, this bill adds insult to injury. Plain and simple, the bill before us today would undermine the Clean Air Act as a public health law. It delays implementation of the 2015 ozone standards, extends the review cycle for all --

Mr. Shimkus. Wait for a minute.

The gentleman continue. We are going to debate this

**NEAL R. GROSS**

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



once he gets done with his statement.

Mr. Tonko. -- and authorizes the EPA administrator to consider technological feasibility as a secondary consideration.

Protecting public health and growing the economy are not mutually exclusive, in fact just the opposite. Healthier societies allow our economy to thrive. That is why our economy has tripled while we have reduced air pollutants by 70 percent since the enactment of the Clean Air Act. Delaying EPA's more protective health standards will only serve to delay these Americans' access to guaranteed clean air. Earlier we saw posted on the large screen two additions to the E&C family, Arlo and Claire. I can't help but ask what kind of world do we want to build for them? I believe Ms. Castor's amendment says we want to build the best world. I approve her approach and ask my colleagues to support Ms. Castor's amendment. With that I yield back.

Mr. Shimkus. The gentleman yields back his time, so the chair will announce that we will return for further debate after votes on the floor.

[Whereupon, at 1:34 p.m., the committee recessed, to reconvene at 2:20 p.m., the same day.]

Mr. Shimkus. Let's call the committee back in order. A

reminder to my colleagues that we are still debating the Castor amendment. Who seeks time to debate on the Castor amendment? I know not everyone is here, but most people are here. Seeing none, we will call the -- I have been asked for a roll call vote on the Castor amendment.

Those in favor, vote aye. Those opposed, vote no. The clerk will record the roll call.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

**NEAL R. GROSS**

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

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

**NEAL R. GROSS**

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

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Yes.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

**NEAL R. GROSS**

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

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

Mr. Shimkus. The gentleman from Michigan, Mr. Upton?

**NEAL R. GROSS**

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



Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus. Anyone else, the gentleman from Pennsylvania, Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Shimkus. Is there anyone else wishing to record their vote? The clerk will report the total.

The Clerk. Mr. Chairman, on that vote there were 22 ayes and 29 noes.

Mr. Shimkus. 22 ayes, 29 noes. The amendment is not agreed to.

Are there additional amendments? For what purpose does the gentleman from California seek recognition?

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

[The Amendment offered by Mr. McNerney follows:]

\*\*\*\*\*INSERT 23\*\*\*\*\*

Mr. Shimkus. The clerk will report the title. Will you give us the number?

Mr. McNerney. It would be 06.

The Clerk. Amendment to H.R. 806 offered by Mr. McNerney.

Mr. Shimkus. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. McNerney. I thank the chair. My amendment strikes Section 5 of H.R. 806. Section 5 prohibits any new funds to carry out the requirements in the bill. H.R. 806 continues to add to the EPA's workload while cutting funding and hampering state and local agencies from providing the resources needed to protect public health. This is irrational and it would continue to obstruct the EPA's ability to advance and improve our nation's air and water quality.

My congressional district has poor air quality which has caused a variety of health issues for my constituents. The bill weakens the Clean Air Act, specifically it targets implementation and enforcements of air pollution health standards putting public health at risk. It also negatively impacts the funds for programs necessary to ensure that Americans can breathe clean air.

As in stark opposition to the public's overwhelming support for the Clean Air Act, this administration's EPA budget, which cuts more than \$2 billion, shifts the cost of implementing clean air standards to the states. These cuts would be harmful to the 649,000 children and more than two million adults with asthma in my home state of California.

In my district, the San Joaquin Valley Air District has been a leader in utilizing EPA fund grants. They have been recognized for their expertise in achieving emission reductions in mobile sources, showing firsthand that this funding is essential to improving air quality. The Valley has reduced air pollution by over 80 percent in part by these grants.

Every state agency that testifies before the subcommittee on the environment including the Valley Air District stated that more not less money is needed and that the Clean Air Act was working to protect the public's health and safety. The United States has made tremendous progress and significant investments toward addressing climate change and public health. However, the Ozone Standards Implementation Act would take a step backward, undoing much of the progress leading to greater harm to the public health and to our economy.

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

I urge my colleagues to support this amendment which will give the EPA resources to protect the quality of the air that we all breathe. I am going to yield back unless any of my colleagues wants time.

Mr. Pallone. I will take time.

Mr. McNerney. I will yield to the ranking member.

Mr. Pallone. Thank you. I want to support the McNerney amendment. I think this funding debate has to be put in perspective. EPA's mission is to protect human health and the environment and that is what they do when they implement the laws that we enact in Congress. The public expects the EPA to protect our health and the environment and resources are required to fulfill that mandate.

And make no mistake. The Clean Air Act is a public health law. We save billions of dollars in medical expenses due to asthma-related emergency room visits and other respiratory and cardiac illness. We save billions in lost sick time at work, school, and other productive activities, and most important, we save lives. We enable people to be healthier and more productive.

The 2015 ozone rule is no different. It is estimated that a strengthened standard will yield health benefits worth up to \$5.9 billion and these benefits outweigh any costs by

**NEAL R. GROSS**

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

an estimated \$1.4 billion. So I believe that public health is worth paying for. It is much more cost effective to prevent health problems than it is to cure them and I would urge support for the McNerney amendment. I yield back to the gentleman.

Mr. McNerney. I will yield back.

Mr. Shimkus. The gentleman yields back his time. Is there anyone seeking time in opposition? The chair recognizes the gentleman from Texas for 5 minutes.

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

Mr. Shimkus. The gentleman is recognized.

Mr. Flores. Mr. Chairman, there has been a lot of interesting rhetoric about this bill and I think it is important where there have been allegations that we are rolling back standards, that we are suddenly endangering public health. Let me tell you what the EPA testified to us. It said that the vast majority of U.S. counties will meet the 70 parts per billion standard by 2025 with just the rules and programs now in place or underway.

So the question is why do we need to impose an accelerated standard and cause confusion among the states and communities and unnecessary cost to the economy? The

gentleman's amendment is not really needed because, if anything, H.R. 806 reduces the workload on the EPA and therefore reduces the amount of money that they need. Under this bill, the amount of agency resources needed to review the proposed nonattainment designations and approving complex date implementation plans under the 2015 ozone standards will be greatly reduced.

This amendment is unnecessary because the bill would reduce implementation costs by eliminating redundant and overlapping federal regulatory requirements. In other words, less red tape means lower implementation costs. The states themselves testified to this committee over the course of the last few months that this bill would reduce the cost of implementing their existing ozone standards while continuing to improve air quality and reduce -- again I say reduce -- ozone emissions.

Our states have an excellent track record for cost effective emissions reductions over the last several decades and we ought to allow them to continue that work without unnecessary waste. This bill ensures continued ozone reductions at a lower implementation cost, thus no additional authorizations are needed. I urge a no vote on the amendment and I urge a yes vote on H.R. 806. I yield back the balance

**NEAL R. GROSS**

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

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

of my time.

Mr. Shimkus. The gentleman yields back the balance of his time. Anyone seek time? The chair recognizes the gentlelady from California.

Ms. Eshoo. Thank you, Mr. Chairman. I think that it is important to place Mr. McNerney's amendment and the response of the gentleman in a broader context. It wasn't all that long ago, even though it may seem like it was that an omnibus was crafted. Now what was on the table not that many weeks ago was a 33 percent cut to the agency, 33 percent cut. That is an evisceration of the Environmental Protection Agency. I mean there is no way that that agency would be able to carry out and enforce the laws that the Congress has passed for the country.

So, you know, this is coming up again with the new budget that the President has sent up to the Congress, so there is a -- now some people welcome that. They think it is terrific. I don't, because I think that there is so much at stake in terms of the dual missions that the ranking member stated. So we are not just having just a little debate toward the end of a markup and D06, the amendment and whatever, and they really are not going to do that much more so we don't have worry about what we fund them, this agency

**NEAL R. GROSS**

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

is now under like a frontal lobotomy attack relative to our nation's budget.

So this amendment, I think, needs to be viewed in that context because that is really the context in which we are living. So hopefully the Congress won't follow that budget, but it has already come up twice both from the administration relative to the omnibus and now in the President's budget for the new fiscal year.

So I agree with the gentleman's amendment, I think it is an important one. We around here love to be pointing -- we have no problem placing the workload on any of the agencies, then we want them to be efficient and effective and carry them out, then all of a sudden the winds start blowing and we say, ah, what do we need that for, it is menacing. We don't need it. Let's lower it, let's whatever.

Well, I think that we are really going to be asking an agency to work with both of its hands tied behind its back. That is not my playbook, I will tell you, and neither is it my constituents, and I think we will be shortchanging the American people. So for all of those reasons and more I support the gentleman's amendment. I think it is a very important one.

Mr. Rush. Would the gentlelady yield?



Ms. Eshoo. I would be glad to.

Mr. Rush. I certainly want to concur with the gentlelady's remarks. And Mr. Chairman, I just want to add that here we are, it has been months in the new Congress. Not only have we not had a visit from the director of the EPA, but we have not had the Secretary of Energy has not been before this committee. I mean near AWOL to say the least when they are invisible. And I think if one of, if certainly if the EPA administrator can come before the committee maybe he could put to rest some of these issues that we are struggling with right now.

But I just think it is appalling, Mr. Chairman, that here are the members of this full committee on both sides of the aisle have not had the opportunity to question, to hear, to even look in the face of the director, I mean the Secretary of Energy or the EPA administrator. And we are doing what we are supposed to be doing, we are passing legislation without the aid and assistance or the likes thereof of the administration in terms of its point persons on these vital issues.

Mr. Chairman, I just would like to just add my voice to the chorus of those on our side of the aisle who really question is there a Secretary of Energy or is there an EPA

**NEAL R. GROSS**

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

administrator? If there is, where are they? You know, why are they hiding? Come out from behind the shadows and come to this committee. We are the committee with jurisdiction. They should be present. We should know what their concerns are. I yield back.

Mr. Shimkus. The gentleman's time has expired. Anyone seeking time? The gentleman from New Mexico is recognized for 5 minutes.

Mr. Lujan. Mr. Chairman, thank you very much. You know, we are having a conversation with our colleagues and with the American people around ozone and I think we just need to take a step back and talk about what this stuff is.

You know, where I come from in New Mexico, there aren't, in this little farming community that I grew up in there aren't large entities around there at all. But I guess the way that I would equate it for, the way that I describe it is, you know, whenever there is a big forest fire and you see that haze or you are able to smell that soot, what I would describe this as is, if there is not a forest fire around you and you are driving on one of those hazy days that it is not just what you can smell, it is sometimes what you can see out there.

Now for people that live out on the coast, you know, you

get this beautiful thing called fog that rolls on in from the oceans with the temperature and wait for that to break, for that sun to come on in and warm you up, but there is some days where that stuff is not that beautiful. Just that fog that is lifting off of the ocean it has got a color to it and it is dirty and it smells and it concerns you. And for most families when they see that happening they tell their kids you better stay inside.

When I was a kid and there was forest fire my parents would say we need you inside, we don't need you outside. When that stuff is falling around you, you see ash in the air. And I am not trying to say that forest fires that that is what smog is, what I am trying to say is that when we are talking about ozone that is what we are talking about here. It is that stuff up in the air that sometimes you can see, but sometimes you can smell and even when you can't smell it, those nitrogen oxides and sulfur oxides that we know that are also causes of lung cancer and there is a reason why the lung cancer society has put out reports throughout the years.

One that I am familiar with is the State of the Air Report from the American Lung Association that talks about this impact all around the country. And that is all that I hope that we remember is that when we are talking about this

**NEAL R. GROSS**

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

stuff there is parts of America that have more of this than others and that we should try to make a difference and help with that. That is what this comes down to.

This is again about real people, real lives. Often the silent majority or minority, depending on how you are talking to folks out there that have kids with asthma or have other kind of conditions, then we start talking about health care and I won't jump into that debate today. I know it is a sensitive subject. But just so that we don't forget that is what we are talking about here. And I know that in the end that we all share those goals about making sure that we are keeping people healthy. But that is what this debate is about, why Ms. Castor's amendment was so important and why the element of the discussion of general health care is part of this.

Some of our farmers may remember that debate that took place a couple decades ago when we were talking about acid rain in America and we were wondering why stuff wasn't growing in different parts of the country and they started talking about NOx and SOx. SOx weren't the things that you pulled up over your feet to keep your toes warm and your feet dry on a cold day. That is those sulfur oxides that I am talking about, that particulate. That is what we are talking

**NEAL R. GROSS**

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

about here today.

So to the people watching today or that are reading about this, know that this impacts you. This matters to you. And all those farmers and ranchers that knew that that acid rain was destroying them and bothering and killing those crops before, when we are able to work together in a bipartisan way once upon a time, when utility companies said that they could not afford to put those protections in and then they found a way to do it beyond what they were even required to because it made business sense to them and it made things better all around us. See if we can find that better deal and that way to get that done for the American people.

So Mr. Chairman, I am sorry for going on with that. I just thought it was important to talk about it in that way in a way that I know that I understand it and that I can relate in the farming community that I grew up in, sir. Thank you, Mr. Chairman, for that indulgence.

Mr. Shimkus. The gentleman has 1 minute. Well, the gentleman yields back his time. Who seeks time? The gentlelady from Florida, Ms. Castor -- oh, I am sorry -- the gentleman from Indiana, Mr. Bucshon. He is recognized for 5 minutes.

**NEAL R. GROSS**

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

Mr. Bucshon. Thank you, Mr. Chairman, and I would like to yield my time to Mr. Flores from Texas.

Mr. Flores. I thank the gentleman for yielding and move to strike the last word. I appreciate the comments from the gentleman from New Mexico.

Let's say this. Let me remind everybody this bill, H.R. 806, does not change any standard, so to try to inject angst into the discussion and the American people, I think, is unfortunate because we are keeping every standard that is in existence today by the EPA when it was under the auspices of the Obama administration.

Now in terms of the angst about the EPA budget and the reductions, the Congress is going to set the budget for the EPA not the President, so we haven't done that yet. So let's stay tuned on that before we start getting locked in on something that is not really relevant to the discussion. But with respect to those reductions I would add this. If you remember in the 2013 government shutdown it was the Obama administration that determined that 90 percent of the EPA's employees were considered to be nonessential. And so I think that is worth putting into the context of the overall EPA budget.

Now the good news about H.R. 806 is it allows the EPA to

**NEAL R. GROSS**

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

more efficiently use its resources even if they become more limited because it causes a better more timely rollout to those 2015 standards. So with that I would yield the balance of my time to anybody on my side of the aisle if anybody is interested. I yield back.

Mr. Bucshon. I yield back, Mr. Chairman.

Mr. Shimkus. The gentleman yields back his time. The chair recognizes the gentlelady from Florida, Ms. Castor, for 5 minutes.

Ms. Castor. Well, I strongly support the McNerney amendment and I wanted to follow on what the gentleman from New Mexico was saying. I am a little bit older than the Clean Air Act. Let you get -- no, it is -- and I remember as a little girl in Tampa, Florida you could smell and taste the dirty air in parts.

And this is, we don't have a lot of big industry but we have an active port and we had some industry. And I watched over time after the adoption of the Clean Air Act in the early 1970s what happened to the air in my community and all across America. It is better and it is what sets America apart from other countries in the world. I guess someone could say it is one of the things that makes America great.

So why would we roll that back? Economic progress and

jobs have progressed over the past decades, hand in hand with environmental laws that say in America we believe in clean water and we believe in clean air and we can do these things at the same time. We have the technology. We have the know-how. This is the United States of America, we can do this.

So after, I guess what is at the heart of this, this H.R. 806, the smoggy skies act, is the fact that for years EPA worked to understand the best science. After years of hearing from the public and industry and experts they developed a rule that said we can get cleaner. And you are right, Mr. Flores, a lot of places across America have already attained that. But not everywhere, and isn't every American entitled to have the same, breathe the same kind of clean air?

That is what is at issue here, because this bill would say after all the years of hard work, oh, we will put it on the shelf. And in fact we are not just going to put it on a shelf, we are going to change the standards so that it is not every 5 years that the EPA does a review of clean air standards, but it is going to be every 10 years. So what happens during those 10 years? Corporate polluters continue to skirt it and push the envelope to the detriment of families at home, especially folks who do suffer from asthma

**NEAL R. GROSS**

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



and other lung diseases.

So we can do better than this. We ought to pass the McNerney amendment. We ought to defeat this bill and move on to more important matters. And at this time, I would like to yield my time to Mr. Cardenas.

Mr. Cardenas. Thank you, Ms. Castor. Something kind of caught my attention. When one of my colleagues mentions that President Obama, a Democrat, deemed most workers at the EPA nonessential, I think that characterization doesn't necessarily fit what we are talking about today, but that was interesting. We have a President right now that thinks Congress is nonessential, that is you and me, ladies and gentlemen. That the courts are nonessential, the press is nonessential. Thank God most good Americans understand that this balance and this responsibility, this varied responsibilities is good.

But getting back to the issue of air quality, I grew up in a valley, the San Fernando Valley, and I used to tease my kids when I thought it was kind of funny to tease them -- now it is not funny -- because I thought I was teasing them about something that nobody living in the community that I was born and raised in, the community that my wife Norma and I raised our children in, that those days of smog alerts as was talked

**NEAL R. GROSS**

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

about by my colleague very eloquently, Mr. Ben Ray Lujan from New Mexico.

I used to tease my kids because I used to say we used to have smog alerts, you know, back in the day. I didn't used to walk in the snow uphill both ways but, you know, I was using one of those stories and every once in awhile would tell my kids, you know, we used to have smog alerts. You don't know what those are like. But I said it because I was proud. I was proud of the fact even though I was born about, you know, 9 years before the EPA became part of our country's laws and administration, it was because the EPA and then became CalEPA is the reason why we don't have smog alerts anymore in the community that I was born and raised in, the community that I am so proud to have raised my children in.

But now that I am a grandfather -- we just celebrated Joaquin's first birthday -- it just breaks my heart that it is not funny if in fact my grandson Joaquin is going to know what smog alerts are, unlike my children, but like me, just a generation later. That is what the McNerney amendment is about, about not cutting the ability for us to continue to improve and do better rather than cut back. Thank you, I yield back.

Mr. Shimkus. The gentleman yields back his time.

Anyone seeking time? Seeing none, the vote will now -- okay, a roll call vote has been requested. Those in favor of the McNerney amendment will vote aye. Those opposed will vote no. The clerk will report the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

**NEAL R. GROSS**

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



Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

Mr. Shimkus. The gentlelady from Washington State, how are you recorded?

Mrs. McMorris Rodgers. I want to be no.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Shimkus. The gentleman from Pennsylvania?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Mr. Shimkus. Anyone else wishing to record their vote?

The clerk will report the total.

The Clerk. Mr. Chairman, on that vote there are 23 ayes and 29 noes.

Mr. Shimkus. 23 ayes, 29 noes. The amendment is not agreed to.

Are there additional amendments to the bill? Seeing none, we have been requested for -- right. A roll call vote has been requested on H.R. 806. And all those in favor will vote aye. Those opposed, no. A recorded vote is requested. The clerk will report the vote.

The Clerk. Mr. Barton?

Mr. Barton. Aye.

The Clerk. Mr. Barton votes aye.

Mr. Upton?

Mr. Upton. Aye.

The Clerk. Mr. Upton votes aye.

Mr. Shimkus?

Mr. Shimkus. Aye.

The Clerk. Mr. Shimkus votes aye.

Mr. Murphy?

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mr. Burgess?

Mr. Burgess. Aye.

The Clerk. Mr. Burgess votes aye.

Mrs. Blackburn?

Mrs. Blackburn. Aye.

The Clerk. Mrs. Blackburn votes aye.

Mr. Scalise?

Mr. Latta?

Mr. Latta. Aye.

The Clerk. Mr. Latta votes aye.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. Aye.

The Clerk. Mrs. McMorris Rodgers votes aye.

Mr. Harper?

Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Lance?

Mr. Lance. Aye.

The Clerk. Mr. Lance votes aye.

Mr. Guthrie?

Mr. Olson?

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. McKinley?

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Kinzinger?

Mr. Kinzinger. Aye.

The Clerk. Mr. Kinzinger votes aye.

Mr. Griffith?

Mr. Griffith. Aye.

The Clerk. Mr. Griffith votes aye.

Mr. Bilirakis?

Mr. Bilirakis. Aye.

The Clerk. Mr. Bilirakis votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

Mr. Flores?

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mrs. Brooks?

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

Mr. Mullin?

Mr. Mullin. Aye.

The Clerk. Mr. Mullin votes aye.

Mr. Hudson?

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

Mr. Collins?

Mr. Collins. Aye.

The Clerk. Mr. Collins votes aye.

Mr. Cramer?

Mr. Walberg?

Mr. Walberg. Aye.

The Clerk. Mr. Walberg votes aye.

Mrs. Walters?

Mrs. Walters. Aye.

The Clerk. Mrs. Walters votes aye.

**NEAL R. GROSS**

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

Mr. Costello?

Mr. Costello. Aye.

The Clerk. Mr. Costello votes aye.

Mr. Carter?

Mr. Carter. Aye.

The Clerk. Mr. Carter votes aye.

Mr. Pallone?

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Mr. Rush?

Mr. Rush. No.

The Clerk. Mr. Rush votes no.

Ms. Eshoo?

Ms. Eshoo. No.

The Clerk. Ms. Eshoo votes no.

Mr. Engel?

Mr. Green?

Mr. Green. No.

The Clerk. Mr. Green votes no.

Ms. DeGette?

Ms. DeGette. No.

The Clerk. Ms. DeGette votes no.

Mr. Doyle?

Mr. Doyle. No.

The Clerk. Mr. Doyle votes no.

Ms. Schakowsky?

Ms. Schakowsky. No.

The Clerk. Ms. Schakowsky votes no.

Mr. Butterfield?

Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.

Ms. Matsui?

Ms. Matsui. No.

The Clerk. Ms. Matsui votes no.

Ms. Castor?

Ms. Castor. No.

The Clerk. Ms. Castor votes no.

Mr. Sarbanes?

Mr. Sarbanes. No.

The Clerk. Mr. Sarbanes votes no.

Mr. McNerney?

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

Mr. Welch?

Mr. Welch. No.

The Clerk. Mr. Welch votes no.

**NEAL R. GROSS**

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

Mr. Lujan?

Mr. Lujan. No.

The Clerk. Mr. Lujan vote no.

Mr. Tonko?

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Ms. Clarke?

Ms. Clarke. No.

The Clerk. Ms. Clarke votes no.

Mr. Loeb sack?

Mr. Loeb sack. No.

The Clerk. Mr. Loeb sack votes no.

Mr. Schrader?

Mr. Schrader. No.

The Clerk. Mr. Schrader votes no.

Mr. Kennedy?

Mr. Kennedy. No.

The Clerk. Mr. Kennedy votes no.

Mr. Cardenas?

Mr. Cardenas. No.

The Clerk. Mr. Cardenas votes no.

Mr. Ruiz?

Mr. Ruiz. No.



The Clerk. Mr. Ruiz votes no.

Mr. Peters?

Mr. Peters. No.

The Clerk. Mr. Peters votes no.

Mrs. Dingell?

Mrs. Dingell. No.

The Clerk. Mrs. Dingell votes no.

Chairman Walden?

The Chairman. Aye.

The Clerk. Chairman Walden votes aye.

Mr. Shimkus. Any other members seek recognition?

The Clerk. Mr. Guthrie is not recorded.

Mr. Guthrie. Aye.

The Clerk. Mr. Guthrie votes aye.

Mr. Shimkus. The gentleman from North Dakota?

Mr. Cramer. Yes.

The Clerk. Mr. Cramer votes aye.

Mr. Shimkus. The gentleman from New York?

Mr. Engel. No.

The Clerk. Mr. Engel votes no.

Mr. Shimkus. The clerk will report the total.

The Clerk. Mr. Chairman, on that vote there were 29 ayes and 24 noes.

**NEAL R. GROSS**

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

Mr. Shimkus. 29 ayes, 24 noes. H.R. 806 is passed, as amended. I forgot to say that to begin with.

The chair calls up H.R. 2910 and asks the clerk to report.

[The Bill H.R. 2910 follows:]

\*\*\*\*\*INSERT 24\*\*\*\*\*

The Clerk. 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.

The Chairman. Without objection, further reading of the bill will be dispensed with and the measure is open to amendment. Are there any bipartisan amendments?

Are there any other amendments? The chair recognizes the gentlelady from Florida, Ms. Castor, for what purpose?

Ms. Castor. Thank you, Mr. Chairman. I have an amendment at the desk called Avoiding Wasteful Government Spending.

[The Amendment offered by Ms. Castor follows:]

\*\*\*\*\*INSERT 25\*\*\*\*\*

The Chairman. The clerk will report the amendment.

Amendment Number 5; is that right?

Ms. Castor. I believe that is correct.

The Chairman. Or number 4?

Ms. Castor. 4.

The Chairman. Is it number 4, Ms. Castor?

Ms. Castor. I believe it is.

The Chairman. We believe it is number 4.

Ms. Castor. Avoiding Wasteful Government Spending.

The Clerk. Amendment to H.R. 2910 offered by Ms. Castor.

The Chairman. Without objection, further reading of the amendment is dispensed with. The gentlelady from Florida is recognized for 5 minutes to discuss her amendment.

Ms. Castor. Thank you, Mr. Chairman. Colleagues, the bill before us today aims to expedite the federal regulatory, or excuse me, the Federal Energy Regulatory Commission review of natural gas pipelines. Despite the fact that about 90 percent of FERC natural gas pipeline projects are approved within 1 year, I do understand the desire for FERC and other agencies to be as efficient as possible.

I am not the only one who feels this way. Earlier this month over at the White House, the President said we are

**NEAL R. GROSS**

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

setting up a new council to help project managers navigate the bureaucratic maze, saying this council will also improve transparency by creating a new online dashboard allowing everyone to easily track major projects through every stage of the approval process.

Now I have raised this issue previously in the subcommittee that the bill is redundant and unnecessary because, colleagues, in 2015, in the overwhelmingly bipartisan FAST Act that was signed into law about a year and a half ago, this Congress set up the Federal Permitting Improvement Steering Council, or FPISC, to improve the timeliness, predictability, and transparency of the federal environmental review and authorization process for major infrastructure projects including interstate natural gas pipeline projects.

The council is now getting up and running and will oversee permitting for over 32 major infrastructure projects that benefit from enhanced coordination including establishment of a lead agency for the project, recommended performance schedules, public project timetables, and greater transparency for all levels of review. The White House council and FPISC are one in the same, so taking that into account, the bill before us is unnecessary and duplicative.

**NEAL R. GROSS**

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

Increased coordination and transparency for infrastructure permitting already is being covered by FPISC, so let's not add another layer here and recreate an entirely new scheme for review of natural gas pipelines, because we have just recently set up an entity to do just that. The committee would have benefited from the testimony of a representative of FPISC or the administration on any possible redundancies with H.R. 2910, however, the majority did not invite FPISC to testify on this bill despite requests to hold additional hearings so members could hear about progress so far.

So to eliminate wasteful duplication, my amendment requires the Office of Management and Budget to determine that the bill does not duplicate any existing federal efforts to improve the timeliness, predictability, and transparency of the federal environmental review and authorization process and doesn't result in wasteful government spending. This is just an exercise in good government.

If my Republican colleagues, you really should solicit input from federal agencies while drafting legislation because that way taxpayers won't have to pay twice. They shouldn't have to pay for duplication. If the provisions of this bill are unique then the act will go forward as is, but

**NEAL R. GROSS**

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

if OMB finds that these transparency and streamlining functions are already being done elsewhere then the unnecessary and wasteful bill won't go into effect.

Because it is important that we not set up duplicative processes, I urge my colleagues to support my common sense amendment and yield back the balance of my time.

The Chairman. The gentlelady yields back the balance of her time. Are there other members seeking to speak on the amendment? I recognize the gentleman from Texas, Mr. Flores, for 5 minutes.

Mr. Flores. Thank you, Mr. Chairman. I would like to stress to our colleagues that this amendment is unnecessary. First of all, with respect to the activities of the administration, while they may be laudable, we need to remember under Article 1 of the Constitution that Congress makes all laws, not Article 2 branch, the executive branch.

The overwhelming majority of Americans strongly support expanding infrastructure to ensure stable, affordable, and safe supplies of energy. Having sufficient supplies of natural gas is important to keeping electricity and home heating affordable and reliable and clean. Infrastructure is a smart investment for energy security, job growth, and manufacturing. This amendment would jeopardize these

**NEAL R. GROSS**

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

investments and the jobs that come with it.

H.R. 2910 by its very design reduces duplication and unnecessary tax expenses by providing for better coordination among federal and state and tribal agencies, and so the amendment itself is not necessary because H.R. 2910 by design provides for that better improved efficiency. I urge a no vote on the amendment and a yes vote on the bill. I yield back the balance of my time.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition? The chair recognizes the gentleman from New Jersey, Mr. Pallone, for 5 minutes.

Mr. Pallone. Thank you. I want to speak in support of the Castor amendment. It highlights the critical flaw with the legislation. It seems to be largely duplicative of a streamlining provision included in the FAST Act which was passed on a bipartisan basis last Congress. The FAST Act authorized the Federal Permitting Improvement Steering Council, or FPISC, to improve the time limits, predictability, and transparency of the federal environmental review process for major infrastructure projects including interstate natural gas pipelines.

FPISC process sets up enhanced coordination and

**NEAL R. GROSS**

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



transparency by establishing a lead agency for the project, recommended performance schedules, and public project timetables. FERC has testified that a number of provisions in this bill would duplicate efforts of the Council set up by the FAST Act. Nearly 90 percent of pipeline projects are approved in less than a year. Hydro, nuclear, and electricity transmission project developers can only dream of such speedy approval timelines.

So I encourage all of my colleagues to support this amendment so that we can get a determination as to whether this bill is truly duplicative of other federal efforts as I expect that it is. So unless somebody else wants my time, I will yield to the gentlewoman from California.

Ms. Eshoo. Thank you to the ranking member. I oppose the underlying bill. I think it creates an unnecessary new review process for natural gas pipelines which is going to limit, I think, the very important import of not only resource agencies but private landowners whose property rights can be infringed by pipeline development and I don't think that has been taken into consideration in this.

Under 2910, FERC is given sole responsibility to impose deadlines on the state and federal agencies, local governments, and tribes that typically weigh in on the

**NEAL R. GROSS**

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

impacts of proposed pipelines on tribal lands, on endangered species, and on watersheds. The bill would forbid FERC from considering comments or any other information, any other information submitted by agencies that are not designated as participating agencies in the environmental review process.

So I think it really is going pretty far, pretty darn far out of its way to make sure that you are not going to get any input here. That is I think very, very clear.

Now why we would limit the information that FERC should be able to get when, and what they can consider when reviewing pipeline applications is really lost on me. I don't know whether the author can explain this, why just purposefully limit the information that they should have. I am not opposed to pipelines and I generally support efforts to speed federal agency permitting actions, but I think that the combination of drastic funding cuts to the agencies under the Trump administration and this bill's unrealistic timelines is going to create a rushed permitting process that tilts the scales in favor of approving every project regardless of its merits or the precautions taken to avoid environmental disasters.

I know something about environmental pipeline disasters. The county that I live in there was one in 2010. It was a

**NEAL R. GROSS**

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

natural gas pipeline explosion in San Bruno, California. It killed eight people, it injured dozens, and it blew up 38 homes. So, you know, this isn't just a bunch of words on a piece of paper, we have to know what we are doing here.

So I don't think that this is well drawn. In fact, I think that leaving out important information is a march to folly. The bill, I think, is unnecessary also because the current permitting process is working. FERC testified that 88 percent of pipeline permitting applications are decided within 1 year. I think that is pretty reasonable. And those that take more than a year to review are often highly complex projects that travel hundreds of miles and cross numerous watersheds.

So I think at best the bill is unnecessary, at worst I think it creates a rubber stamp process that is going to limit public participation by private landowners, and it places, as I said previously, many of our resources at risk. So I thank the ranking member for yielding and I yield back.

The Chairman. The gentlelady yields back and the gentleman yields back. Are there other members seeking recognition on the amendment? If not, the question now comes on passage of the amendment. Those in favor will vote aye. Those opposed, nay. And the clerk will call the roll.

**NEAL R. GROSS**

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

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

**NEAL R. GROSS**

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

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

**NEAL R. GROSS**

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



Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Chairman, on that vote there are 22 ayes and 29 noes.

The Chairman. 22 ayes, 29 noes. The motion on the

amendment does not pass.

Are there other amendments? The chair recognizes Mr. Rush. For what purpose do you seek recognition?

Mr. Rush. I have an amendment at the desk.

[The Amendment offered by Mr. Rush follows:]

\*\*\*\*\*INSERT 26\*\*\*\*\*

The Chairman. The gentleman has an amendment at the desk. The clerk will report the amendment. Which Rush amendment is it?

Mr. Rush. 06.

The Chairman. 006.

The Clerk. Amendment to H.R. 2910 offered by Mr. Rush.

The Chairman. Without objection, further reading of the amendment will be dispensed with. The chair recognizes his friend, the gentleman from Illinois, for 5 minutes to speak on his amendment as the clerks will distribute the amendment. The gentleman is recognized.

Mr. Rush. Mr. Chairman, I want to thank you. This bill, H.R. 2910, is a bill that offers a solution in search of a problem and we certainly should not be short circuiting the oversight and approval process simply to accommodate the 12 percent of projects that are not approved within 12 months. However, Mr. Chairman, if the majority side insists on moving forward with this unnecessary bill, then it is vitally important that we are mindful of the rights of landowners, that we do not place the interests of private industry above those of private citizens.

Therefore, Mr. Chairman, my amendment simply states that FERC may not issue an authorization under Section 3 of the

**NEAL R. GROSS**

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

Natural Gas Act or a certificate of public convenience a necessity under Section 7 of such act unless the Commission finds that the issuance is in the public interest. As Director Terry Turpin of FERC's Office of Energy Projects testified just last month, 88 percent of natural gas pipeline applications are currently processed within 1 year. Additionally, as the director noted, the number one reason for delays in the approval process was due to applicants submitting incomplete paperwork.

This bill does nothing to actually address the reason behind the delays, but instead will allow incomplete applications to be considered, will allow incomplete data from area surveys to be considered, and would minimize the input of states and agencies responsible for protecting the environment, sensitive lands, and other natural resources. In addition to short circuiting the oversight and regulatory structures, the bill would also allow the interests of private natural gas companies to supersede the rights and interests of landowners.

Congress should not make it easier, Mr. Chairman, for private entities to claim eminent domain and potentially negatively impact historical and cultural sites, aquifers, farms, and other private properties while at the same time

**NEAL R. GROSS**

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

limiting the ability for states, tribes, and local communities to provide input into the process. Instead, Mr. Chairman, we should take into account the sensitive nature of this very volatile issue by allowing land to be ceased when it is in the interest and benefit of the public as a whole.

Mr. Chairman, I urge all of my colleagues to support my amendment.

The Chairman. The gentleman yields back. Are there other members seeking recognition? The chair recognizes the gentleman from Oklahoma for 5 minutes.

Mr. Mullin. I move to strike the last word. Thank you, Mr. Chairman, for recognizing me, and I obviously am opposed to the amendment. The overwhelming majority of Americans strongly support expanding infrastructure, including pipelines, to ensure stable, affordable supplies. Flexible, affordable, and reliable energy is important for American families and businesses to thrive. Having sufficient supplies of natural gas is important to keeping electricity and home heating affordable and reliable.

The United States leads the world in emission reductions thanks primarily to clean burning natural gas. This amendment would threaten this progress by reversing the longstanding standard of reviewing for approval of natural

**NEAL R. GROSS**

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

gas projects. It would discourage investments and stifle innovation. Investing in our infrastructure is a smart investment for energy security, for job growth, and for manufacturing. Maintaining and expanding this economy would benefit our economy and are dependent on transport and predictable regulatory approval of infrastructure projects. This amendment would be bad for workers, bad for our economy, and I urge a no vote on this amendment.

The Chairman. The gentleman returns the balance of his time. Are there other members seeking recognition?

Mr. Green. Would the gentleman yield?

The Chairman. That would be up to the gentleman. Do you want to yield to Mr. Green?

Mr. Mullin. Yes. I will yield to my colleague.

Mr. Green. I would like to ask some questions about how this is going to work if this amendment is adopted. Eminent domain is under state statutes not federal law. And if someone has that right under state law to seek eminent domain, how would this complicate it so much that we may never have a pipeline built? Because I don't understand how this amendment would relate to --

The Chairman. Are you asking that of counsel?

Mr. Green. Oh. I was just talking to my colleagues --

**NEAL R. GROSS**

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

Mr. Mullin. Are you specifically referring to --

Mr. Green. -- because from Oklahoma and Texas we know about eminent domain, our folks are sensitive on it, but we also have pipelines going all over the place.

Mr. Mullin. What we don't want to do is add another layer of bureaucracy here. The idea is that it is already working and the DOE will approve a project if they can essentially go towards eminent domain. Now ultimately it is up to the state to approve it one way or the next, but the DOE is the one that -- for instance, we have clean energy right now going through our state and the DOE says that they can seek eminent domain if they have to.

Now it is very controversial in Oklahoma and in Arkansas, but what we don't want to do is, the system has been working for years the way it is so why do we need to add complications to it?

Mr. Green. There is redress. If someone doesn't like someone by state law taking your property, you have the right to go to the court and I know in Texas we have had cases like that. So that is why this amendment doesn't work out with how we typically have to deal with eminent domain because it is state law not federal law.

Mr. Mullin. Well, we don't, once again, Mr. Green, you



and I agree on a lot of stuff, but what we don't want to do is add another layer of bureaucracy. That is what we are trying to do, we are trying to keep from complicating the situation further.

Mr. Green. Thank you for yielding.

Mr. Rush. Will the gentleman yield? Do you have any more time?

Mr. Mullin. Yes, I do. Mr. Rush, I will yield to you.

Mr. Rush. Yeah. I am really kind of, I am trying to get to the bottom of this. I am trying to wrap my arms around your argument, because it seems to me that we are not adding another layer of bureaucracy. What we are doing is adding some additional added protections for landowners. Our landowners, I think the landowners will not be critical or object to having more protections especially in the areas of eminent domain.

And it seems to me that we in the Congress with this legislation that we are saying to states and whoever else that it is okay to willy-nilly take private lands under the guise that it is for -- that we want to free up our permitting process for pipelines. I just think there is something really awful in that and my amendment is meant to address at least in the issue of trying to give landowners

protections and that we have been ignoring up until now in these proceedings. I don't equate protecting landowners to adding another layer of bureaucracy.

Mr. Mullin. Reclaiming some of my time, I want to quickly yield to my colleague Mr. Flores.

Mr. Flores. I thank that gentleman. I will be brief with this. When Congress added eminent domain authority to the statute in the 1940s it recognized that pipelines were the safest and most efficient way to move natural gas. Building a pipeline is not possible if eminent domain authority is not available in some cases. The Natural Gas Act currently requires that eminent domain proceedings be based on state law. The act states, shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the state where the property is situated. A vast majority of the time eminent domain is used as a last resort and people are always paid for the easements. So in my view the amendment is not needed. I yield back.

The Chairman. The gentleman yields back. All the time has been expired. Are there other members seeking recognition? The chair recognizes the gentleman from New York, Mr. Tonko, for 5 minutes.

**NEAL R. GROSS**

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

Mr. Tonko. Yes. I thank you, Mr. Chair, for yielding.

Mr. Chair, I want to express my support for Mr. Rush's amendment. This amendment would prohibit the use of eminent domain on projects unless FERC finds that it is in the public interest. I want to be clear. I don't think all energy infrastructure projects are bad, but some are completely necessary and will serve the public good. But I have not been convinced that it is true in all cases. It has certainly not been true in all cases where private landowners' property has been seized.

So I am concerned that we are considering regulatory changes that will tilt the process even further in favor of project developers even in cases when the projects aren't needed or not in the public interest. Any process that can result in the use of eminent domain authority should set a very high bar for seizing private property. Certainly if the benefits of a project primarily go to a pipeline company or natural gas exporters which will ultimately benefit other countries that shouldn't satisfy the public interest requirements. FERC's process must serve the public interest especially when eminent domain is involved.

So I believe this amendment would help keep that public interest at the forefront of evaluating these permitting

**NEAL R. GROSS**

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

applications that encourage project developers to avoid eminent domain if at all possible. With that I urge my colleagues to support Mr. Rush's amendment. And Mr. Chair, I yield back.

The Chairman. The gentleman yields back the balance of his time. Any other members seeking recognition on this amendment? Seeing none, the question now arises on passage of the amendment. All those in favor will vote aye. Those opposed, no. And the clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

**NEAL R. GROSS**

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

Mr. Scalise?

Mr. Latta?

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. No.

The Clerk. Mr. Green votes no.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

**NEAL R. GROSS**

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



Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

The Chairman. Are there other members wishing to be

recorded? Mr. Upton?

Mr. Upton. Votes no.

The Clerk. Mr. Upton votes no.

The Chairman. Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

The Chairman. Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

The Chairman. Dr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

The Chairman. Any other members wishing to be recorded?

Mr. Griffith?

Mr. Griffith. Yes.

The Chairman. Votes yes?

The Clerk. Mr. Griffith votes aye.

The Chairman. Any other members wish to be recorded?

The clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there are 24 ayes and 29 noes.

The Chairman. 24 ayes, 29 noes. The amendment is not adopted.

Are there other amendments? The chair recognizes the gentleman from New Jersey to offer an amendment. The clerk has the amendment at the desk.

[The Amendment offered by Mr. Pallone follows:]

\*\*\*\*\*INSERT 27\*\*\*\*\*

The Chairman. What is the number?

Mr. Pallone. I believe 09.

The Chairman. Pallone 09.

The Clerk. Amendment to H.R. 2910 --

The Chairman. Further reading of the amendment is suspended on unanimous request. The chair recognizes the gentleman from New Jersey to speak on his amendment.

Mr. Pallone. Thank you, Mr. Chairman, and I believe this is the last amendment on our side for the day. This amendment would prevent the abuse of -- applause.

[Laughter.]

Mr. Pallone. This amendment would --

The Chairman. All those in favor.

Mr. Pallone. I shouldn't have said that. This amendment would prevent the abuse of eminent domain authority under the bill. Currently Section 7(h) of the Natural Gas Act allows private companies to use eminent domain to acquire the land necessary for pipeline construction, operation, and maintenance.

The problem with Section 7(h) is that it allows for-profit pipeline companies to take private property from owners who are unwilling to sell their land without adequate protection for landowners or adequate assurance that the

**NEAL R. GROSS**

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

project is in the public interest. Oftentimes the compensation provided to the property owner is far from fair and arrived at by negotiations that are rarely conducted in good faith. Even when fair compensation is paid nobody likes to be forced to sell their land against their will. This practice is wrong and should be contained. Unfortunately, with the recent boon in domestic gas production the practice is on the rise. Eminent domain seizures are happening all across the United States and harming property owners in many of our districts, and without my amendment this bill could make the practice even more widespread.

Earlier this Congress, we heard testimony from Ms. Kim Kann, a small family farmer from rural Lancaster County, Pennsylvania. She spoke of her family's values like self-reliance and hard work and that her dream was to one day pass her property on to her three sons. But because of a natural gas pipeline project by Williams Partners, a project she told us would bring no benefit and only harm to her family, she stands to have her 20-acre farm cut in half.

And Ms. Kann isn't alone. She is just one of 36 landowners who refused to sign easements in Lancaster County and all stand to lose their land in this pipeline project. They will be left with less acreage, altered landscapes, and

**NEAL R. GROSS**

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

lower property values. They will also be left with questions about their health and environmental risks that could affect their health and well-being for years to come.

In my state in New Jersey, residents are very concerned about the pending PennEast pipeline project. PennEast, a consortium of natural gas companies that includes all four New Jersey gas providers, is working to build a 118-mile, 36-inch gas pipeline stretching from northeast Pennsylvania to Hopewell Township, New Jersey. Initial planning has it crossing the property of over 500 landowners, many of whom have strongly objected to the PennEast project going forward.

A common refrain from residents is the lack of local benefits from the project because most of the natural gas transported through the pipeline is likely destined for markets outside of New Jersey, mostly overseas. I hope we can still find bipartisan agreement on this point that eminent domain should serve the public good, not the profits of private companies. And we should not ignore that eminent domain tends to disproportionately affect communities of color, the elderly, and the economically disadvantaged.

Everyone deserves a safe place to live and raise their children. No one should have to worry about losing their property through no fault of their own just to pad a private

**NEAL R. GROSS**

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

company's coffers. Eminent domain is a powerful tool and one that can be easily abused. My amendment would help to halt the abuse of eminent domain authority by private gas pipeline companies and contain the harm that would be done by this bill.

I urge my colleagues to vote yes on the amendment. Unless somebody wants my time, I am going to --

The Chairman. I don't see anyone. The gentleman --

Mr. Pallone. -- yield back.

The Chairman. -- yields back the balance of his time. Any members seeking recognition on this amendment? The chair recognizes the gentleman from Ohio, Mr. Johnson, for 5 minutes.

Mr. Johnson. Thank you, Mr. Chair, and I move to strike the last word. Mr. Chairman, I have to oppose this amendment. This amendment would block the use of eminent domain for interstate natural gas pipelines. Proposed natural gas pipeline projects must meet a very high bar before any decision about the route are made. During the prefile process, FERC requires the applicant to conduct town hall meetings and requires extensive landowner consultations.

And I can tell you I represent a district that is in the heart of the oil- and gas-rich Marcellus and Utica shale and

**NEAL R. GROSS**

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



we have dealt with a number of these issues, so I am very familiar with the eminent domain issue. But the vast majority of time, eminent domain is used as a last resort and people are always paid for the easement.

Federal regulation ensures that the public interest is maintained. A FERC jurisdictional pipeline cannot even abandon the pipeline without a public interest determination from FERC, so FERC has to oversee that or has to be engaged in it for the life of the pipeline. So while a FERC jurisdictional pipeline might be privately owned it is publicly regulated. And we all know that consumers can only benefit from domestic energy development if we can transport it and pipelines have been shown to be, in many instances, the safest means of transporting oil and gas.

Investing in our infrastructure is a smart investment for energy security, for job growth, and for manufacturing, and maintaining and expanding these economy-wide benefits is dependent upon transparent and predictable regulatory approvals of infrastructure projects. So this amendment would threaten jobs and economic growth and I urge my colleagues to vote no on this amendment and I yield back.

The Chairman. And the gentleman yields back the balance of his time. Any other members seeking recognition? Seeing

**NEAL R. GROSS**

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

none, the question now arises on the amendment itself.

Those in favor will say aye. Those opposed, nay. And the clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Lance?

Mr. Lance. Aye.

The Clerk. Mr. Lance votes aye.

Mr. Guthrie?

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

**NEAL R. GROSS**

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

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

Mr. Rush. Aye.

The Clerk. Mr. Rush votes aye.

Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

**NEAL R. GROSS**

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

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. No.

The Clerk. Mr. Green votes no.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

The Chairman. Mr. Upton, how are you --

Mr. Upton. Votes no.

The Clerk. Mr. Upton votes no.



The Chairman. Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

The Chairman. Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

The Chairman. Other members wishing to be recorded?

Seeing none, the clerk will tally and report the roll.

The Clerk. Mr. Chairman, on that vote there were 24 ayes and 29 noes.

The Chairman. 24 ayes, 29 noes. The amendment is not agreed to. Are there any other amendments to come before us today? Seeing none, the question now arises on final passage of the bill, as amended, H.R. 2910. Those in favor will vote aye. Those opposed, nay. And the clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. Aye.

The Clerk. Mr. Barton votes aye.

Mr. Upton?

Mr. Upton. Votes aye.

The Clerk. Mr. Upton votes aye.

Mr. Shimkus?

Mr. Shimkus. Aye.

The Clerk. Mr. Shimkus votes aye.

Mr. Murphy?

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mr. Burgess?

Mr. Burgess. Aye.

The Clerk. Mr. Burgess votes aye.

Mrs. Blackburn?

Mrs. Blackburn. Aye.

The Clerk. Mrs. Blackburn votes aye.

Mr. Scalise?

Mr. Latta?

Mr. Latta. Aye.

The Clerk. Mr. Latta votes aye.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. Aye.

The Clerk. Mrs. McMorris Rodgers votes aye.

Mr. Harper?

Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

**NEAL R. GROSS**

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

Mr. Guthrie?

Mr. Guthrie. Aye.

The Clerk. Mr. Guthrie votes aye.

Mr. Olson?

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. McKinley?

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Kinzinger?

Mr. Kinzinger. Aye.

The Clerk. Mr. Kinzinger votes aye.

Mr. Griffith?

Mr. Griffith. Aye.

The Clerk. Mr. Griffith votes aye.

Mr. Bilirakis?

Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Long?

Mr. Bucshon?

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

**NEAL R. GROSS**

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

Mr. Flores?

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mrs. Brooks?

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

Mr. Mullin?

Mr. Mullin. Aye.

The Clerk. Mr. Mullin votes aye.

Mr. Hudson?

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

Mr. Collins?

Mr. Collins. Aye.

The Clerk. Mr. Collins votes aye.

Mr. Cramer?

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

Mr. Walberg?

Mr. Walberg. Aye.

The Clerk. Mr. Walberg votes aye.

Mrs. Walters?

Mrs. Walters. Aye.

The Clerk. Mrs. Walters votes aye.

Mr. Costello?

Mr. Costello. Aye.

The Clerk. Mr. Costello votes aye.

Mr. Carter?

Mr. Carter. Aye.

The Clerk. Mr. Carter votes aye.

Mr. Pallone?

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Mr. Rush?

Mr. Rush. No.

The Clerk. Mr. Rush votes no.

Ms. Eshoo?

Ms. Eshoo. No.

The Clerk. Ms. Eshoo votes no.

Mr. Engel?

Mr. Engel. No.

The Clerk. Mr. Engel votes no.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. No.

The Clerk. Ms. DeGette votes no.

Mr. Doyle?

Mr. Doyle. No.

The Clerk. Mr. Doyle votes no.

Ms. Schakowsky?

Ms. Schakowsky. No.

The Clerk. Ms. Schakowsky votes no.

Mr. Butterfield?

Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.

Ms. Matsui?

Ms. Matsui. No.

The Clerk. Ms. Matsui votes no.

Ms. Castor?

Ms. Castor. No.

The Clerk. Ms. Castor votes no.

Mr. Sarbanes?

Mr. Sarbanes. No.

The Clerk. Mr. Sarbanes votes no.

Mr. McNerney?

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

**NEAL R. GROSS**

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

Mr. Welch?

Mr. Welch. No.

The Clerk. Mr. Welch votes no.

Mr. Lujan?

Mr. Lujan. No.

The Clerk. Mr. Lujan votes no.

Mr. Tonko?

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Ms. Clarke?

Ms. Clarke. No.

The Clerk. Ms. Clarke votes no.

Mr. Loeb sack?

Mr. Loeb sack. No.

The Clerk. Mr. Loeb sack votes no.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. No.

The Clerk. Mr. Kennedy votes no.

Mr. Cardenas?

Mr. Cardenas. No.

The Clerk. Mr. Cardenas votes no.

Mr. Ruiz?

Mr. Ruiz. No.

The Clerk. Mr. Ruiz votes no.

Mr. Peters?

Mr. Peters. No.

The Clerk. Mr. Peters votes no.

Mrs. Dingell?

Mrs. Dingell. No.

The Clerk. Mrs. Dingell votes no.

Chairman Walden?

The Chairman. Votes aye.

The Clerk. Chairman Walden votes aye.

The Chairman. Are there other members who are not recorded who wish to be recorded?

Mr. Bilirakis?

Mr. Bilirakis. Aye.

The Clerk. Mr. Bilirakis votes aye.

The Chairman. Other members not recorded wishing to be recorded? Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 30 ayes and 23 noes.

The Chairman. 30 ayes, 23 noes. The ayes have it. The



bill, as amended, is approved and forwarded on.

We do have documents for the record, without objection, will be entered. Without objection, staff is authorized to make technical and conforming changes to the legislation considered by the committee today, so ordered.

And, without objection, and a big thank you to all our members who put a lot of hard work into these bills, we stand adjourned.

[Whereupon, at 3:41 p.m., the Committee adjourned.]