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4 MARKUP ON H.R. 3, THE NORTHERN ROUTE APPROVAL ACT

5 TUESDAY, APRIL 16, 2013

6 House of Representatives,

7 Subcommittee on Energy and Power

8 Committee on Energy and Commerce

9 Washington, D.C.

10 The Subcommittee met, pursuant to call, at 2:30 p.m., in  
11 Room 2123 of the Rayburn House Office Building, Hon. Ed  
12 Whitfield [Chairman of the Subcommittee] presiding.

13 Present: Representatives Whitfield, Scalise, Shimkus,  
14 Pitts, Terry, Burgess, Latta, Cassidy, Olson, McKinley,  
15 Gardner, Pompeo, Kinzinger, Griffith, Barton, Hall, Upton (ex  
16 officio), Rush, McNerney, Tonko, Engel, Green, Capps, Doyle,  
17 Barrow, Christensen, Castor and Waxman (ex officio).

18 Staff present: Nick Abraham, Legislative Clerk; Gary

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19 Andres, Staff Director; Charlotte Baker, Press Secretary;  
20 Mike Bloomquist, General Counsel; Sean Bonyun, Communications  
21 Director; Matt Bravo, Professional Staff Member; Allison  
22 Busbee, Policy Coordinator, Energy and Power; Patrick  
23 Currier, Counsel, Energy and Power; Sydne Harwick,  
24 Legislative Clerk; Tom Hassenboehler, Chief Counsel, Energy  
25 and Power; Brittany Havens, Legislative Clerk; Kirby Howard,  
26 Legislative Clerk; Peter Kielty, Deputy General Counsel;  
27 Jason Knox, Counsel, Energy and Power; Ben Lieberman,  
28 Counsel, Energy and Power; Brandon Mooney, Professional Staff  
29 Member; Mary Neumayr, Senior Energy Counsel; Peter Spencer,  
30 Professional Staff Member, Oversight; Tom Wilbur, Digital  
31 Media Advisor; Phil Barnett, Democratic Staff Director; Jen  
32 Berenholz, Democratic Chief Clerk; Greg Dotson, Democratic  
33 Energy and Environment Staff Director; Caitlin Haberman,  
34 Democratic Policy Analyst; Elizabeth Letter, Assistant Press  
35 Secretary; Karen Lightfoot, Democratic Communications  
36 Director and Senior Policy Advisor; Roger Sherman, Democratic  
37 Chief Counsel; and Alexandra Teitz, Democratic Senior  
38 Counsel, Environment and Energy.

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|

39 H.R. 3

40 Mr. {Whitfield.} The subcommittee will now come to  
41 order, and the Chair will recognize himself for an opening  
42 statement of 3 minutes. During markups, the chairmen of the  
43 full committee and subcommittee will be getting 3 minutes,  
44 the ranking members of the full committee and subcommittee  
45 will be given 3 minutes, and each other member that would  
46 like to give an opening statement will be given 2 minutes.  
47 So I will recognize myself for 3 minutes.

48 Today, this subcommittee embarks on its first markup of  
49 the 113th Congress. The Nation still faces unacceptably high  
50 unemployment rates and gasoline prices still remain very  
51 high, which is why approving the Keystone pipeline expansion  
52 project makes more sense than ever. I would urge everyone  
53 here today to support H.R. 3, the Northern Route Approval  
54 Act, which gives this important pipeline its long-overdue  
55 green light, and I certainly want to thank a member of this  
56 committee, Lee Terry, for his tireless efforts on behalf of  
57 this bipartisan bill.

58 As I mentioned in our hearing last week, the Keystone  
59 pipeline has become a household name. We are all familiar  
60 with the benefits of this project that would bring more

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61 Canadian oil to Midwestern and Gulf Coast refineries. The  
62 estimated 20,000 direct and approximately 100,000 indirect  
63 jobs alone would likely make it a more successful jobs  
64 program than any project in the \$800 billion dollar stimulus  
65 package or any other job-creating effort in this  
66 Administration. And unlike federal job programs, Keystone  
67 does not have one penny of taxpayer dollars.

68 In addition, the project would increase the supply of  
69 oil and help moderate the future price of oil in this  
70 country, which should come as welcome news to Americans  
71 struggling through the third straight year of gasoline prices  
72 well above \$3 a gallon.

73 It is worth noting that Keystone is probably the most  
74 extensively studied pipeline project in history, having  
75 already undergone one full round of NEPA review that took  
76 nearly 3 years and is currently stuck in another round of  
77 environmental review. As a matter of fact, that pile of  
78 books down there is the environmental impact study of this  
79 project, and that is not including the supplemental. Most  
80 recently, we have an updated Environmental Impact Statement  
81 from the State Department once again which gives the project  
82 a clean bill of health. I would also note that the  
83 intrastate dispute over a portion of the route through

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84 Nebraska has been resolved, and Nebraska Governor Dave  
85 Heineman supports the project and wants construction to  
86 begin.

87       It has become clear that the Administration and  
88 opponents of Keystone would like nothing more than to engage  
89 in what is a seemingly endless stream of analysis followed by  
90 waves of litigation from environmental groups. No person can  
91 claim with a straight face that what we are doing today is  
92 somehow rushing this project. We need to stop giving  
93 excuses, not just for Keystone itself but for America's  
94 economic and energy future. Many of us have a vision that  
95 America can be energy independent, and one way we can do that  
96 is to propose the Keystone pipeline and approve this  
97 legislation today. The goal of North American self-  
98 sufficiency is within reach, but America can't reach its  
99 potential so long as we continue to create obstacles. So I  
100 would urge everyone to support this legislation today.

101       [The prepared statement of Mr. Whitfield follows:]

102 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
103           Mr. {Whitfield.} At this time I recognize the gentleman  
104 from Chicago, Mr. Rush, for 3 minutes.

105           Mr. {Rush.} I want to thank you, Mr. Chairman, and Mr.  
106 Chairman, there is an article in today's National Journal  
107 titled ``House Energy Committee's Redux Agenda'' in which the  
108 author notes that the majority party continues to push the  
109 exact same ineffective and dead-on-arrival policies that they  
110 promoted in last year's Congress, the 112th Congress, which  
111 will go down as one of the most unproductive Congress  
112 committees in modern history.

113           So here we are again for the umpteenth time debating a  
114 bill that would mandate approval of the Keystone pipeline, a  
115 bill that will circumvent the ongoing State Department review  
116 process and a bill that will limit citizens' ability,  
117 American citizens' ability, limit the ability of the American  
118 people to file lawsuits against the Keystone project. Mr.  
119 Chairman, instead of holding hearings on the science of  
120 climate change, an issue that affects every American family  
121 and every American consumer from the farmers of the plains  
122 and Midwest states who have seen record drought and crop  
123 loss, to the business owners and homeowners on the Gulf and  
124 the mid-Atlantic coast who have seen their homes and

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125 livelihoods engulfed in record floods to the firefighters who  
126 have been battling severe wildfires in Colorado, in Arizona  
127 and in California over the past year, we are here wasting the  
128 subcommittee's time, the taxpayer dollars on a bill that is  
129 dead on arrival, that will never the light of day in the  
130 Senate and will never be signed into law by the President.

131 Mr. Chairman, as Ranking Member Waxman and I have done  
132 in 24 letters to you and to the full committee chairman since  
133 May of 2001, I urge the majority party to make better use of  
134 this subcommittee's time and invite actual scientists and  
135 climate experts who can talk informatively about the likely  
136 impacts of unabated climate change on human health, on the  
137 environment and also on the economy, and Mr. Chairman, I  
138 would invite the majority party to take your collective heads  
139 out of the proverbial sand. The American people expect  
140 leadership from those of us who have been sent to Washington  
141 and it is past time for us to stop messaging and start  
142 leading.

143 I yield back.

144 [The prepared statement of Mr. Rush follows:]

145 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
146           Mr. {Whitfield.} At this time I recognize the chairman  
147 of the full committee, Mr. Upton, for 3 minutes for his  
148 opening statement.

149           The {Chairman.} Thank you, Mr. Chairman.

150           You know, this is not the first time that Congress has  
151 debated a pipeline project held captive by federal red tape  
152 despite its great potential to create jobs and increase the  
153 supply of North American energy. Forty years ago, we faced a  
154 very similar situation with the Alaskan pipeline. It took an  
155 act of Congress to break the bureaucratic impasse, limit the  
156 litigation, and achieve the Alaska pipeline's construction,  
157 and now we have got to do the same for Keystone XL. This  
158 bill, H.R. 3, the Northern Route Approval Act, will end the  
159 needless delays and finally allow construction of this  
160 landmark jobs and energy infrastructure project.

161           The Alaska pipeline project was mired in lengthy  
162 bureaucratic delays, but after Congress enacted the  
163 TransAlaska Pipeline Authorization Act of 1973, the project  
164 moved swiftly and soon created tens of thousands of good-  
165 paying jobs at a time of high national unemployment. The  
166 Alaska pipeline was a game changer for U.S. energy policy,  
167 and to date, it has delivered some 16 billion barrels of oil

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168 to the American market and has amassed an excellent  
169 environmental and safety record. Although the warnings of  
170 the 1970s never materialized, some of the same activist  
171 groups that opposed the Alaska pipeline have resurfaced,  
172 still peddling the stale warnings of doom and gloom from four  
173 decades ago.

174 The Alaska pipeline bill was an acknowledgment by  
175 Congress that the environmental review process it created had  
176 strayed from its purpose, and was being used to jeopardize a  
177 project clearly in the national interest. Congress never  
178 intended for the National Environmental Policy Act to become  
179 a backdoor means of stopping major projects through a process  
180 of paralysis by analysis, but we see this again with  
181 Keystone. The State Department has already produced 15,500  
182 pages--there they are--of documents in its NEPA review of  
183 Keystone. This review is now entering its fifth year, and  
184 there is no clear end in sight, and the delays have enabled  
185 opponents to mobilize for a lengthy fight in the courts.

186 We can look to our past and to the Alaska pipeline as a  
187 reason to approve Keystone, but this project is really about  
188 our future. Keystone is an opportunity to create jobs and  
189 expand our supplies of affordable and reliable North American  
190 energy, and the goal of North American energy self-

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191 sufficiency is within reach, and there are plenty of factory  
192 workers, pipefitters, welders, laborers, electricians and  
193 others ready to create the infrastructure.

194       There is no reason for the Administration to continue  
195 dragging its feet on this jobs and energy project. In 2010,  
196 then-Secretary of State Hillary Clinton said she was inclined  
197 to approve the pipeline. Those were her words. Almost 2  
198 years ago this subcommittee met to mark up Lee Terry's  
199 original bill, and we moved that legislation through the  
200 House with a bipartisan vote of 279 to 147 in July 2011, but  
201 the Administration told us that they would not support the  
202 bill because they were already committed to reaching a  
203 decision before December 31, 2011. The President last year  
204 declared that he would do whatever it takes--his words again--  
205 -to create U.S. jobs. But now here we are in April 2013, 4-  
206 1/2 years after Keystone's application was first filed, and  
207 the Administration has yet to approve this project. It is  
208 time for us to act and get the pipeline built. This is a  
209 step towards a brighter energy future, and I yield back the  
210 balance of my time.

211       [The prepared statement of Mr. Upton follows:]

212 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
213 Mr. {Whitfield.} The gentleman's time is expired. I  
214 now recognize the gentleman from California, Mr. Waxman, for  
215 3 minutes for his opening statement.

216 Mr. {Waxman.} Mr. Chairman, today this subcommittee is  
217 making its third attempt in 2 years to grant special  
218 treatment to TransCanada's Keystone XL tar sands pipeline.

219 This bill waives the rules to get Canada's dirty tar  
220 sands oil to the Gulf, where it can be sent to other  
221 countries. That is a great deal for oil companies that  
222 produce, sell or refine tar sands crude like Koch, Valero,  
223 and Shell, but it is a dangerous proposition for the rest of  
224 us.

225 In May 2012, TransCanada submitted its application for  
226 the Keystone XL pipeline northern route. The State  
227 Department drafted a supplemental environmental analysis,  
228 which was issued for public comment last month. When the  
229 public comment period ends, the State Department will  
230 finalize the environmental analysis. Then the Department  
231 will take up to 90 days to determine whether approval of the  
232 project is in the public interest, considering effects on the  
233 economy, national security, the climate and other factors.  
234 This is an appropriate process for a highly controversial

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235 project. It gives Americans an opportunity to weigh in. It  
236 allows the President to determine what is really in the best  
237 interests of the country, and it attempts to ensure that if  
238 the project does go forward, we do it as safely as possible.

239 But this bill would short-circuit the process and  
240 dictate the result. It would grant the permits by  
241 congressional fiat. It would lock out the public, eliminate  
242 the President's responsibility to balance competing  
243 interests, and block federal agencies from minimizing  
244 destruction of wetlands and endangered species habitats.  
245 Even if you support the pipeline, you should oppose this  
246 bill.

247 I oppose both the bill and the pipeline because Keystone  
248 XL is a bad deal for America. We get all of the risk, while  
249 oil companies profit by expanding production of the dirtiest  
250 oil on the planet and sending it overseas. My greatest  
251 concern is the climate impacts. Experts tell us that  
252 building Keystone XL will let oil companies triple production  
253 of the tar sands. That is simply not consistent with any  
254 future scenario for avoiding catastrophic climate change.  
255 There are other great risks as well, particularly for  
256 communities in the path of the pipeline as the Mayflower  
257 spill showed us once again.

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258           The subcommittee's job is to address the most pressing  
259 energy, air quality and climate problems facing America  
260 today, but instead of doing our job, we are busy granting  
261 special favors for oil.

262           [The prepared statement of Mr. Waxman follows:]

263           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
264           Mr. {Whitfield.} Thank you. The Chair would remind  
265 members that pursuant to committee rules, all members'  
266 opening statements will be made part of the record and any  
267 member wishing to make an opening statement will be given 2  
268 minutes.

269           The gentleman from Louisiana, Mr. Scalise, is recognized  
270 for 2 minutes.

271           Mr. {Scalise.} Well, thank you, Mr. Chairman, for  
272 having this markup and for bringing this legislation. I am  
273 proud to be a cosponsor of this bill to finally greenlight  
274 the Keystone pipeline. You know, I am not sure what  
275 President Obama is waiting for but American families have  
276 been asking for this project for years when they look at the  
277 fact that there is 20,000 Americans jobs that will be  
278 created, billions of dollars of private investment, and there  
279 will also be energy security that gets increased by us  
280 developing a trading relationship with Canada for a million  
281 barrels of oil a day that we won't have to be getting from  
282 Middle Eastern countries who don't like us.

283           Families are experiencing the pain at the pump right  
284 now. People are paying somewhere around \$3.50 a gallon.  
285 They are going to be paying closer to \$4 a gallon for gas

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286 this summer, and they are fed up with this Administration's  
287 continuous refusal to explore American energy, and Keystone  
288 is a no-brainer. I mean, literally with the stroke of a pen,  
289 President Obama could create 20,000 American jobs and  
290 increase American energy security, and for 4 years now he has  
291 chosen to say no. So I am glad that this committee I willing  
292 to say yes to American energy and to American jobs and  
293 finally start pursuing an all-of-the-above energy strategy.  
294 You know, the President loves talking about energy production  
295 has never been higher since he has been President. He fails  
296 to mention the fact that on federal lands, energy production  
297 has been down because of his Administration's policies. It  
298 is only on private lands where it has been up, and that is  
299 where the President has been trying to shut that down,  
300 ironically, you know, with EPA, with Department of Interior.  
301 He has got every federal agency out there trying to beat up  
302 on American energy and make it harder to produce energy in  
303 this country when at the same time you look at what China is  
304 trying to do. China said look, if America doesn't want the  
305 oil, we will take it.

306 The bottom line is, we use millions of barrels every  
307 single day, and who are we going to get it from? Are we  
308 going to get it from a friend in Canada who wants to build

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309 this pipeline and spend that private money and create those  
310 American jobs or keep giving it to these Middle Eastern  
311 countries who don't like it and sending billions more of our  
312 dollars there. It is a no-brainer. Unfortunately, President  
313 Obama doesn't realize that but I am glad, Mr. Chairman, that  
314 you do and that we will pass this out of the committee.

315 I yield back the balance of my time.

316 [The prepared statement of Mr. Scalise follows:]

317 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
318           Mr. {Whitfield.} The Chair now recognizes the gentleman  
319 from California, Mr. McNerney, for opening statement.

320           Mr. {McNerney.} Thank you, Mr. Chairman.

321           The thing that bothers me about this bill is that  
322 everything is deemed. You deem the final EIS issued as of  
323 August 26, 2011, the incidental take permit issued from the  
324 American beetle, the right-of-way and temporary use permits  
325 issued and it deems a special permit for the Migratory Bird  
326 Treaty Act. Where is the truth in these things? I mean, you  
327 can't just deem the truth.

328           I think we are taking a very bad precedent here and we  
329 need to worry about what the long-term implications of this  
330 bill are. I yield back.

331           [The prepared statement of Mr. McNerney follows:]

332           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
333 Mr. {Whitfield.} The gentleman yields back. The  
334 gentleman from Nebraska, Mr. Terry, is recognized for 2  
335 minutes.

336 Mr. {Terry.} Thank you, Mr. Chairman, and yes, this is  
337 something that we worked on for over 2 years. After 1,650-  
338 ish days that this permit has been filed, and as you can see  
339 down here, over 15,000 pages of environmental reviews, at  
340 least two public services of public hearings, three studies  
341 with public comments to date, enough is enough.

342 Like what happened in the early 1970s with the Alaskan  
343 pipeline, it just became mired in all of the bureaucracy. No  
344 decisions could be made until Congress finally stepped in.  
345 So the precedent was made for this action. In fact, the bill  
346 that I filed, H.R. 3, closely mirrors the Alaskan pipeline,  
347 what Congress had to do in 1972, with great support from  
348 Congress.

349 My bill declares that no presidential permit is required  
350 for this project and deems the final EIS of August 26, 2011,  
351 along with the additional work of Nebraska as sufficient.  
352 That is where the truth lies. Right there we are deeming it.  
353 The additional provisions of the bill will ensure that the  
354 pipeline can't be delayed by a nefarious series of litigation

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355 or other attempts to delay this project indefinitely.

356 My bill helps make America more energy secure by  
357 reducing our dependence on foreign oil sources. Instead of  
358 relying on OPEC nations, we rely on our partner, Canada. So  
359 we get energy security, we get thousands of infrastructure  
360 jobs. This is a win-win for America, and I yield back.

361 [The prepared statement of Mr. Terry follows:]

362 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
363           Mr. {Whitfield.} The gentleman yields back. Are there  
364 further opening statements? The gentleman, Mr. Engel, from  
365 New York, is recognized for 2 minutes.

366           Mr. {Engel.} Thank you very much, Mr. Chairman.

367           I have not made up my mind on the Keystone pipeline, but  
368 having said that, I think that it is unfortunate that we are  
369 marking up a bill that would bypass the process the  
370 government has in place. While the process may not be moving  
371 as quickly as some of my colleagues would prefer, it is  
372 moving. Right now, we are in the public comment period of a  
373 draft Environmental Impact Statement, and that part will  
374 close on April 22nd. We must let this process play out the  
375 way it is meant to by law. This method ensures that all  
376 environmental and safety issues are properly addressed.

377           I am torn because I would rather buy oil from Canada  
378 than from countries that are hostile to us like Venezuela or  
379 the Saudi royal family, but having said that, I share  
380 concerns about this project with many of my constituents and  
381 colleagues. A question, for instance, is what do the  
382 American people get. In last weeks' hearing, I could not get  
383 an answer as to how much oil would actually remain in the  
384 United States vis-à-vis being exported. Will this do

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385 anything to lower gas prices? Will this help make us energy  
386 independent?

387 So I think there are questions that need to be asked and  
388 settled, and I don't think that we should short-circuit the  
389 process. This is something that is very, very serious. We  
390 should let it play out and then make a reasonable decision  
391 after the process has played out.

392 So I oppose this legislation, and I think that we ought  
393 to again be more concerned about having it balanced rather  
394 than short-circuiting the process that we already have in  
395 place. I yield back.

396 [The prepared statement of Mr. Engel follows:]

397 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
398 Mr. {Whitfield.} The gentleman yields back. Mr. Pitts,  
399 did you have an opening statement?

400 Mr. {Pitts.} No.

401 Mr. {Whitfield.} Mr. Latta, do you have an opening  
402 statement?

403 Mr. {Latta.} No.

404 Mr. {Whitfield.} Mr. Cassidy?

405 Dr. {Cassidy.} No.

406 Mr. {Whitfield.} Mr. McKinley? The gentleman is  
407 recognized for 2 minutes.

408 Mr. {McKinley.} Mr. Chairman, we have heard a lot about  
409 numbers, so let me try to phrase it in a different way.

410 Just go back to 2008, just 5 years ago. Five years ago,  
411 the construction industry had 8 million people in America  
412 working, supporting their families. Today, there are 5.8  
413 million. We have lost 2.2 million jobs in the construction  
414 industry. In 2008, the unemployment rate was 7.4 percent in  
415 the construction industry. Today it is 15 percent. The  
416 price of gasoline in 2008 was \$1.85. Now we are talking  
417 about \$3.75. Anyone in their right mind would say we are  
418 going in the wrong direction for the families, the working  
419 families in America. They want us to take action. We have

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420 an opportunity here to create 20,000 jobs.

421 Now, some say, as my friend, my colleague from  
422 Massachusetts said these are--what was the quote--what is in  
423 it for us except a few thousand temporary jobs building the  
424 pipeline. Those temporary jobs take care of families. They  
425 take care of food, housing, insurance. That is part of our  
426 industry is our families, taking care of them, and if these  
427 are temporary jobs, I have never heard that comment made  
428 until I came here to Washington. The construction has built  
429 our homes. They have built our federal buildings. They have  
430 built building after building all across America, and it is  
431 time that we take more consideration for the working men and  
432 women of this country and stop this hemorrhaging of our job  
433 loss in the construction industry and put our people back to  
434 work.

435 And so with that, Mr. Chairman, I yield back my time.

436 [The prepared statement of Mr. McKinley follows:]

437 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
438 Mr. {Whitfield.} The gentleman yields back. Mr. Tonko,  
439 did you want to do an opening statement?

440 Mr. {Tonko.} No, Mr. Chairman.

441 Mr. {Whitfield.} Okay. Mr. Green, you are recognized  
442 for 2 minutes.

443 Mr. {Green.} Thank you, Mr. Chairman. I will keep my  
444 statement brief.

445 I have been a long-time supporter of the Keystone XL  
446 pipeline and I am frustrated that the pipeline still has not  
447 been approved. With four favorable Environmental Impact  
448 Statements comprised of thousands of pages of analysis, it is  
449 time for the Administration to move this project. Any  
450 further delay is ridiculous.

451 I plan to support the bill this afternoon, but let me be  
452 clear about a couple of things. I support the bill because  
453 it is mainly a messaging bill. It is time the Administration  
454 stops stalling on the decision. That said, I do support the  
455 present policies laid out in Sections 4 through 8 nor do I  
456 think we need to spend the committee's time on another  
457 Keystone bill when we have spent thousands of hours in the  
458 past on it. I also don't know why we would consider a bill  
459 that doesn't go anywhere in the Senate except it is a

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460 message, and I will agree to that today. I hope after  
461 tomorrow we can put this issue behind us and start  
462 considering other bills that may have a chance to become law.  
463 Issues within the jurisdiction of the subcommittee are far  
464 too important to risk another 2 years of inaction.

465 Thank you again, and I yield back my time.

466 [The prepared statement of Mr. Green follows:]

467 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|  
468 Mr. {Whitfield.} The gentleman yields back. Mr.

469 Pompeo, do you have an opening statement?

470 Mr. {Pompeo.} No.

471 Mr. {Whitfield.} Mr. Kinzinger?

472 Mr. {Kinzinger.} No.

473 Mr. {Whitfield.} Mr. Griffith?

474 Mr. {Griffith.} No.

475 Mr. {Whitfield.} Mr. Barrow?

476 Mr. {Barrow.} No.

477 Mr. {Whitfield.} Ms. Christensen is recognized for 2  
478 minutes--Dr. Christensen.

479 Dr. {Christensen.} Thank you, Mr. Chairman, and I too  
480 am deeply concerned about the aggressive manner in which H.R.  
481 3, the Northern Route Approval Act, is being pushed through  
482 the committee. This is the third attempt in 2 years to  
483 support a pipeline that will carry tar sands, which is  
484 significantly more greenhouse gas-intensive than conventional  
485 oil, from Canada to the Gulf Coast, and this bill is  
486 particularly troubling as it would essentially give one  
487 project a regulatory earmark without careful consideration of  
488 the potentially devastating impacts to the public health,  
489 climate and our natural resources.

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490           Raw tar sands crude is significantly more toxic and  
491   acidic than other types of crude oil, and during the refining  
492   process may release a greater volume of harmful pollutants  
493   into the air. These pollutants are detrimental to human  
494   health and can increase the incidence of lung and respiratory  
495   diseases. We need to consider just how much we are willing  
496   to risk and put at stake, because between 2000 and 2009,  
497   pipeline accidents were responsible for 2,795 significant  
498   incidents and 161 fatalities in the United States. Within  
499   the past few years, there have been multiple incidents of  
500   spills and other related disasters, and we know it can take a  
501   long time to clean up after a spill like in Kalamazoo,  
502   Michigan, where the water is still polluted 3 years later.

503           So rather than subverting the federal process and  
504   putting vulnerable communities at risk, we should question  
505   whether we really need another pipeline and instead offer  
506   assistance to distressed communities like my district where  
507   American citizens are unreasonably burdened by electricity  
508   that costs five times the national average and we can create  
509   jobs just as easily in a green economy, but we cannot  
510   continue to ignore the consequences of this project and we  
511   cannot continue to ignore the public health and climate  
512   change impacts and those who truly need our help. I yield

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513 back.

514 [The prepared statement of Dr. Christensen follows:]

515 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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|

516           Mr. {Whitfield.} The gentlelady yields back. That  
517 concludes today's opening statements, so at this point the  
518 Chair would call up H.R. 3 and ask the clerk to report.

519           The {Clerk.} H.R. 3, to approve the construction,  
520 operation and maintenance of the Keystone XL pipeline, and  
521 for other purposes.

522           [H.R. 3 follows:]

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

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|  
524 Mr. {Whitfield.} Without objection, the first reading  
525 of the bill is dispensed with and the bill will be open for  
526 amendment at any point. So ordered.

527 Are there any bipartisan amendments to this bill? Are  
528 there any amendments to the bill?

529 Mr. {Rush.} Mr. Chairman.

530 Mr. {Whitfield.} For what purpose does the gentleman  
531 from Illinois seek recognition?

532 Mr. {Rush.} Mr. Chairman, I have an amendment at the  
533 desk.

534 Mr. {Whitfield.} The clerk will report the amendment.

535 The {Clerk.} Amendment to H.R. 3 offered by Mr. Rush of  
536 Illinois.

537 [The amendment of Mr. Rush follows:]

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

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|  
539 Mr. {Whitfield.} Without objection, the reading of the  
540 amendment is dispensed with and the gentleman from Illinois  
541 is recognized for 5 minutes in support of his amendment.

542 Mr. {Rush.} Mr. Chairman, I strongly disagree with the  
543 majority side's process of trying to immediately expedite  
544 approval of the Keystone XL pipeline, expediting the approval  
545 of Keystone XL pipeline, even as ExxonMobil continues to  
546 clean up the Pegasus oil spill in Mayflower, Arkansas, which  
547 ruptured on March 29th while carrying crude oil from my home  
548 State of Illinois to the Gulf Coast in Texas.

549 Currently, it is still unclear why the Pegasus leak  
550 occurred but here today my Republican colleagues are trying  
551 to force through another major pipeline project even before  
552 the American people have the answers for what is the cause of  
553 the most recent oil spill.

554 This bill before us today, H.R. 3, does little to allay  
555 the American people's fears that the majority party is  
556 putting the public interest second as it curtails the  
557 environmental review process while also limiting the ability  
558 of average citizens to redress their grievances through the  
559 judicial system.

560 H.R. 3 will remove all judicial review of the Keystone

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561 pipeline out of the hands of State and local courts. It will  
562 give the D.C. Court of Appeals exclusive jurisdiction over  
563 the project, barring intervention by the Supreme Court.  
564 While this provision may not be cause for concern for those  
565 who are wealthy, those who are more affluent, who have the  
566 means to travel to D.C. if they have legitimate claims, but I  
567 can assure you, Mr. Chairman, that there are many American  
568 families who would be simply, simply unable to accept the  
569 hardship that you want to heap on them with this particular  
570 bill.

571         So Mr. Chairman, my amendment is very straightforward.  
572 My amendment would simply delete Section 4, the judicial  
573 review clause, to allow everyday, ordinary American citizens,  
574 those who are struggling economically, give them the ability  
575 to keep their rights intact and not limit their ability to  
576 file a legal claim. They can't afford to come to Washington,  
577 D.C., in order to sue regarding the Keystone XL pipeline.  
578 Many citizens will be unjustly affected by losing their legal  
579 right to file a claim in their own home State or in their  
580 local jurisdiction simply because someone on this side wanted  
581 to clear any remaining annoyances, any remaining little bitty  
582 hurdle and expeditiously ram this project through. Shame on  
583 us. Shame on those on the other side. Allow the American

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584 people their right to sue to get a hearing before the bar of  
585 justice. It is their country also.

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

587 Mr. {Whitfield.} The gentleman's time is expired. Does  
588 anyone seek recognition in opposition to the amendment?

589 Mr. {Terry.} I do, Mr. Chairman.

590 Mr. {Whitfield.} The gentleman from Nebraska is  
591 recognized for 5 minutes.

592 Mr. {Terry.} I appreciate it. The shame should go on  
593 poor staff work that misinterpreted the clear language of  
594 this bill.

595 Just a few of the points here that were raised that  
596 somehow we have removed jurisdiction or prevented lawsuits.  
597 The reality is the opposite. There is no cloture of or  
598 prevention of citizen lawsuits here, and those that have been  
599 involved in legislation in the past know that what occurs  
600 when lawsuits are filed under the Clean Air Act or Clean  
601 Water Act is that the NRDC is the law firm, Sierra Club finds  
602 a member and they bring the lawsuit. It is traditional that  
603 lawsuits based on the legislation or the jurisdiction thereof  
604 is done in the courts in Washington, D.C., that have the  
605 level of expertise. This is normal course of business type  
606 of stuff, and in fact, this language putting a shot clock on

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607 the filing of the citizen lawsuits that are preserved was  
608 also part of the Alaskan pipeline bill that was frankly done  
609 in conference on a voice vote so unanimously accepted back  
610 then. And it is necessary today.

611 Why is it necessary that we have this 60-day filing?  
612 Well, first of all, we know because the NRDC, Sierra Club and  
613 other environmental organizations have already said that they  
614 have the lawsuits waiting. It is traditional that the  
615 lawsuits from the environmental organizations are filed.  
616 What also happens, and we have seen this all over the United  
617 States where what happens is they abuse the right of the  
618 citizen lawsuit because what they will do is file one lawsuit  
619 today, it will take 2 years to get through. The court rules  
620 against the petitioner or the plaintiff. Then they go back  
621 and file their second lawsuit, then their third lawsuit. I  
622 have seen some of these projects that after 20 years are  
623 still in court, and the project never happens. It is that  
624 level of war of attrition using the courts that we are  
625 limiting here. We aren't doing away with the right of the  
626 citizen lawsuit. All we are saying is that look, you have  
627 already said that you have got the petitions ready to go, so  
628 since you already got them ready to go, file them within the  
629 first 60 days and after 60 days then that is your statute of

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630 limitations for filing and that we have got a finite plan.

631           Why is it important that we remove this opportunity to  
632 delay to infinity? It is because we have already seen that  
633 is what the plan is. We have seen the President deny their  
634 permit well over a year ago because it might have interfered  
635 with his election. We are seeing repetitive environmental  
636 studies. We are seeing multiple sets of hearings, multiple  
637 requests for comment periods, and it is likely that they will  
638 come up with some new excuse in the future to delay this.

639           I have no doubt in my mind that the President of the  
640 United States wants to delay this to the point where people  
641 just forget about it. Well, I will tell you what: our  
642 energy independence is too important, our energy security is  
643 too important, the creation of the jobs is too important to  
644 delay any longer. This is the 1,650th day of this permit.  
645 This is going almost three times longer than any other permit  
646 crossing a border, so it is time to act.

647           These are fair. We don't close out any States' rights  
648 here. If there is a State-based lawsuit, there is nothing in  
649 this bill that prevents that filing. In fact, they have  
650 already stated that they have petitions ready to file in the  
651 State. We can only deal with the federal matters and the  
652 jurisdictions. And so that is why we have done it this way.

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653 And again, this isn't precedent-setting. This is exactly  
654 what had to happen on the Alaskan pipeline to get that built  
655 as well, to remove the barriers of delay, the reasons for  
656 delay. We have delayed enough. Enough is enough here. Let  
657 us get this going.

658 Does anybody else want a minute? I yield back.

659 Mr. {Whitfield.} The gentleman yields back. The  
660 gentleman from California is recognized for 5 minutes.

661 Mr. {Waxman.} Mr. Chairman, I support this amendment.

662 This bill has many flaws. It provides special treatment  
663 for a particular project pushed by TransCanada Corporation.  
664 It approves a massive long-lived infrastructure project that  
665 will allow tar sands producers to proceed with plans to  
666 triple their current production, and this bill locks the  
667 public out of the ongoing decision-making process on this  
668 highly controversial project.

669 The bill effectively short-circuits the environmental  
670 review process by deeming all requirements met and all  
671 permits issued, and it declares by fiat that an environmental  
672 review of previous versions of the project satisfy virtually  
673 all federal legal requirements. It even decrees that the  
674 Keystone XL pipeline will not harm endangered species habitat  
675 or migratory birds. So this committee has the power to

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676 decree such things.

677           Essentially, this bill is designed to make the Keystone  
678 XL tar sands pipeline immune from legal challenges. The bill  
679 effectively eliminates any challenges to the adequacy and  
680 thoroughness of the environmental review and permitting  
681 processes, which are curtailed by the bill.

682           As a failsafe, the bill then goes on to require that any  
683 challenge to a federal action related to Keystone XL pipeline  
684 be heard by the D.C. Circuit Court of Appeals rather than the  
685 usual courts of jurisdiction. This provision is a boon to  
686 D.C. lawyers, and more troubling, it would effectively block  
687 legal challenges by those who live elsewhere and lack the  
688 resources to come to court in Washington, D.C. The  
689 environmental groups are all stationed right here in  
690 Washington, so who is being kept out? Well, people who live  
691 in Nebraska or North Dakota or South Dakota or anywhere along  
692 the line that might have be impacted by this tar sands  
693 pipeline.

694           It is not the usual course for legislation. Only in the  
695 area of the Clean Air Act and the Clean Water Act is there a  
696 restriction that the D.C. area, and that is when something  
697 applies nationally. But if something affecting any  
698 particular region, it is in the circuit where that region is

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699 located.

700 The pipeline supporters want to expedite the permit  
701 decisions but moving judicial review from one court to  
702 another doesn't necessarily expedite anything. It does,  
703 however, make it more burdensome and costly for affected  
704 individuals, communities, businesses, State and local  
705 governments to participate in the process by forcing them to  
706 travel to D.C. to make their case.

707 Many of my colleagues on the other side of the aisle  
708 like to criticize centralized government and bash Washington,  
709 D.C. They extol the virtues of local control. But this bill  
710 would centralize judicial control right here in Washington,  
711 D.C.

712 The Rush amendment, which I urge members to vote for,  
713 strikes the provisions sending all challenges to the Keystone  
714 XL pipeline to the D.C. Circuit Court of Appeals. The Rush  
715 amendment will not cure this fatally flawed bill, and I am  
716 going to certainly continue to oppose it even if this  
717 amendment passes. But this amendment does stand up for the  
718 right of the American people to challenge the government  
719 actions in the courts, and it would ensure that this right is  
720 not curtailed by playing games with the jurisdiction of the  
721 courts. We can give people rights on paper, but if they

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722 can't exercise them as a practical matter, they are  
723 effectively worthless.

724 So I support the Rush amendment and urge my colleagues  
725 to vote for it as well.

726 Mr. {Whitfield.} The gentleman yields back?

727 Mr. {Waxman.} Yield back.

728 Mr. {Whitfield.} The Chair recognizes himself for 5  
729 minutes, and while I have a great deal of respect for the  
730 gentleman from Illinois, I do want to just emphasize that  
731 some people are under the impression that we are short-  
732 circuiting environmental studies on this project. I might  
733 say that TransCanada submitted its first application for a  
734 presidential permit on September 19, 2008. That was 1,670  
735 days ago. The environmental and safety review process for  
736 the first application took nearly 3 years to complete. The  
737 Department of State has publicly released over 15,500 pages  
738 of documents relating to NEPA analysis and indicated that  
739 there was not serious environmental issues. Eleven federal  
740 agencies participated in reviewing Keystone. Every state  
741 affected by the proposed Keystone route has independently  
742 reviewed and approved the pipeline.

743 H.R. 3 does not short-circuit the NEPA process. It  
744 merely authorizes the original full and complete NEPA process

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745 and its 15,500 pages of extensive review to serve as the  
746 record of review for the pipeline. And I might also say that  
747 the language in this bill mirrors the language for judicial  
748 review of the Alaskan Natural Gas Pipeline Act that became  
749 law in 2004, and I might also say that there were limits to  
750 judicial review in the Waxman-Markey cap-and-trade  
751 legislation as well as the Dodd-Frank bill, so there is not  
752 anything really unusual about this language.

753 Is there anyone else on our side of the aisle?

754 Mr. {Terry.} May I?

755 Mr. {Whitfield.} I would yield my 3 minutes to Mr.  
756 Terry.

757 Mr. {Terry.} And I only need a handful of seconds here.

758 In addition to the fact that the environmental studies  
759 were done, the agencies participated, there has been  
760 intensive review of it, it is almost 2 years since those have  
761 been filed, so if they haven't had time to review in 2 years,  
762 I am not sure why they waited. They haven't, really.

763 But also the point is that those studies have also been  
764 open for comment. They went through the comment period. The  
765 public had the opportunity to submit their statements  
766 already. There was also a series of hearings in addition to  
767 the comment period that have been done on these environmental

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768 studies, and so, you know, to sit there and say that the  
769 public is being shut out of this when they have done more  
770 than the statute requires for public comment and hearings, it  
771 is just a fallacy. It is just not correct to say that the  
772 public has been shut out of this.

773         What we are seeing is extraordinary efforts here. They  
774 have already done another comment period that wasn't  
775 necessary but they did it anyway. There is a public hearing  
776 this Thursday. To sit there and say you have to do the third  
777 or fourth round of public hearing that is not legislatively  
778 required seems to be excessive and gives further evidence  
779 that the whole purpose is to delay this so that the people  
780 forget about it and it will never be built. Yield back my  
781 time to the chairman.

782         Mr. {Whitfield.} And I yield back the balance of my  
783 time. Is there further--the gentleman from New York is  
784 recognized for 5 minutes.

785         Mr. {Tonko.} Thank you, Mr. Chair. I move to strike  
786 the last word.

787         I support Mr. Rush's amendment. Section 4 of this bill  
788 grants TransCanada special status in the federal judicial  
789 system, and why are we granting a foreign company special  
790 consideration over the consideration of our own citizens?

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791           This entire bill is nothing more than a rubber stamp for  
792 the project, a project that offers limited public benefits at  
793 significant public risks. If the case for this project is as  
794 strong as its proponents claim, the federal courts should  
795 present only a small hurdle for the company.

796           The tar sands are not going anywhere. We have other  
797 pipelines and other means to transport this oil available  
798 today. This is all about expansion of tar sands activity,  
799 not about access to this resource. The demand for petroleum  
800 projects here in the United States is stable, and much of  
801 this product is destined for other markets. There is no  
802 justification for trampling the rights of our citizens to  
803 have this project reviewed by the courts.

804           The pipeline, if built, will operate for some 50 years.  
805 Another year or two devoted to the guarantee of due process  
806 for our citizens is a small price to pay for ensuring this  
807 project is in the public interest and it is being constructed  
808 in the safest and least damaging way possible.

809           I urge support for Mr. Rush's amendment, and with that,  
810 I yield back, Mr. Chair.

811           Mr. {Whitfield.} The gentleman yields back. Is there  
812 further discussion of the amendment of Mr. Rush?

813           Seeing no one seeking recognition for further

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814 discussion, the vote occurs on the amendment.

815 All those in favor shall signify by saying aye.

816 All those opposed, no.

817 The nays have it and the amendment is not agreed to.

818 Mr. {Rush.} Mr. Chairman, I ask for a roll call vote.

819 Mr. {Whitfield.} The gentleman from Illinois requests a

820 roll call vote. The clerk will call the roll.

821 The {Clerk.} Mr. Scalise?

822 Mr. {Scalise.} No.

823 The {Clerk.} Mr. Scalise, no.

824 Mr. Hall?

825 Mr. {Hall.} No.

826 The {Clerk.} Mr. Hall, no.

827 Mr. Shimkus?

828 Mr. {Shimkus.} No.

829 The {Clerk.} Mr. Shimkus, no.

830 Mr. Pitts?

831 Mr. {Pitts.} No.

832 The {Clerk.} Mr. Pitts, no.

833 Mr. Terry?

834 Mr. {Terry.} No.

835 The {Clerk.} Mr. Terry, no.

836 Mr. Burgess?

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837 [No response.]

838 The {Clerk.} Mr. Latta?

839 Mr. {Latta.} No.

840 The {Clerk.} Mr. Latta, no.

841 Mr. Cassidy?

842 Mr. {Cassidy.} Aye.

843 The {Clerk.} Mr. Cassidy, aye.

844 Mr. Olson?

845 Mr. {Olson.} No.

846 The {Clerk.} Mr. Olson, no.

847 Mr. McKinley?

848 Mr. {McKinley.} No.

849 The {Clerk.} Mr. McKinley, no.

850 Mr. Gardner?

851 Mr. {Gardner.} No.

852 The {Clerk.} Mr. Gardner, no.

853 Mr. Pompeo?

854 Mr. {Pompeo.} No.

855 The {Clerk.} Mr. Pompeo, no.

856 Mr. Kinzinger?

857 Mr. {Kinzinger.} No.

858 The {Clerk.} Mr. Kinzinger, no.

859 Mr. Griffith?

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860 Mr. {Griffith.} No.

861 The {Clerk.} Mr. Griffith, no.

862 Mr. Barton?

863 [No response.]

864 The {Clerk.} Mr. Upton?

865 The {Chairman.} No.

866 The {Clerk.} Mr. Upton, no.

867 Chairman Whitfield?

868 Mr. {Whitfield.} No.

869 The {Clerk.} Chairman Whitfield, no.

870 Mr. Rush?

871 Mr. {Rush.} Aye.

872 The {Clerk.} Mr. Rush, aye.

873 The {Clerk.} Mr. McNerney?

874 Mr. {McNerney.} Aye.

875 The {Clerk.} Mr. McNerney, aye.

876 Mr. Tonko?

877 Mr. {Tonko.} Aye.

878 The {Clerk.} Mr. Tonko, aye.

879 Mr. Markey?

880 [No response.]

881 The {Clerk.} Mr. Engel?

882 Mr. {Engel.} Aye.

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883           The {Clerk.} Mr. Engel, aye.  
884           Mr. Green?  
885           Mr. {Green.} Aye.  
886           The {Clerk.} Mr. Green, aye.  
887           Ms. Capps?  
888           Mrs. {Capps.} Aye.  
889           The {Clerk.} Ms. Capps, aye.  
890           Mr. Doyle?  
891           Mr. {Doyle.} Aye.  
892           The {Clerk.} Mr. Doyle, aye.  
893           Mr. Barrow?  
894           Mr. {Barrow.} Votes no.  
895           The {Clerk.} Mr. Barrow, no.  
896           Ms. Matsui?  
897           [No response.]  
898           The {Clerk.} Ms. Christensen?  
899           Dr. {Christensen.} Aye.  
900           The {Clerk.} Ms. Christensen, aye.  
901           Ms. Castor?  
902           Ms. {Castor.} Aye.  
903           The {Clerk.} Ms. Castor, aye.  
904           Mr. Waxman?  
905           Mr. {Waxman.} Aye.

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906 The {Clerk.} Mr. Waxman, aye.

907 Mr. {Whitfield.} Is there any other person seeking to  
908 cast a vote at this time? The clerk will report the result.

909 The {Clerk.} Mr. Chairman, there are 15 nays and 11  
910 ayes.

911 Mr. {Whitfield.} Fifteen nays, 11 ayes. The amendment  
912 is not agreed to.

913 Are there further amendments to this bill?

914 Mr. {Rush.} Could she repeat the count?

915 Mr. {Whitfield.} Would you repeat the count?

916 The {Clerk.} Eleven yeas and 15 nos.

917 Mr. {Whitfield.} Eleven yeas, 15 nos. The amendment is  
918 not agreed to.

919 Are there further amendments at this time to be offered?

920 If not, then the question would now occur on favorably  
921 forwarding to the full committee H.R. 3, the Northern Route  
922 Approval Act.

923 All those in favor shall signify by saying aye.

924 All those opposed, no.

925 In the opinion of the Chair, the ayes have it and H.R. 3  
926 is--

927 Mr. {Waxman.} I request a roll call vote.

928 Mr. {Whitfield.} The gentleman from California requests

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929 a roll call vote. Will the clerk call the roll?

930 The {Clerk.} Mr. Scalise?

931 Mr. {Scalise.} Aye.

932 The {Clerk.} Mr. Scalise, aye.

933 Mr. Hall?

934 Mr. {Hall.} Aye.

935 The {Clerk.} Mr. Hall, aye.

936 Mr. Shimkus?

937 Mr. {Shimkus.} Aye.

938 The {Clerk.} Mr. Shimkus, aye.

939 Mr. Pitts?

940 Mr. {Pitts.} Aye.

941 The {Clerk.} Mr. Pitts, aye.

942 Mr. Terry?

943 Mr. {Terry.} Aye.

944 The {Clerk.} Mr. Terry, aye.

945 Mr. Burgess?

946 [No response.]

947 The {Clerk.} Mr. Latta?

948 Mr. {Latta.} Aye.

949 The {Clerk.} Mr. Latta, aye.

950 Mr. Cassidy?

951 Mr. {Cassidy.} Aye.

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952           The {Clerk.} Mr. Cassidy, aye.  
953           Mr. Olson?  
954           Mr. {Olson.} Aye.  
955           The {Clerk.} Mr. Olson, aye.  
956           Mr. McKinley?  
957           Mr. {McKinley.} Aye.  
958           The {Clerk.} Mr. McKinley, aye.  
959           Mr. Gardner?  
960           Mr. {Gardner.} Aye.  
961           The {Clerk.} Mr. Gardner, aye.  
962           Mr. Pompeo?  
963           Mr. {Pompeo.} Aye.  
964           The {Clerk.} Mr. Pompeo, aye.  
965           Mr. Kinzinger?  
966           Mr. {Kinzinger.} Aye.  
967           The {Clerk.} Mr. Kinzinger, aye.  
968           Mr. Griffith?  
969           Mr. {Griffith.} Aye.  
970           The {Clerk.} Mr. Griffith, aye.  
971           Mr. Barton?  
972           [No response.]  
973           The {Clerk.} Mr. Upton?  
974           The {Chairman.} Aye.

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975           The {Clerk.} Mr. Upton, aye.  
976           Mr. Rush?  
977           Mr. {Rush.} No.  
978           The {Clerk.} Mr. Rush, no.  
979           The {Clerk.} Mr. McNerney?  
980           Mr. {McNerney.} No.  
981           The {Clerk.} Mr. McNerney, no.  
982           Mr. Tonko?  
983           Mr. {Tonko.} No.  
984           The {Clerk.} Mr. Tonko, no.  
985           Mr. Markey?  
986           [No response.]  
987           The {Clerk.} Mr. Engel?  
988           Mr. {Engel.} No.  
989           The {Clerk.} Mr. Engel, no.  
990           Mr. Green?  
991           Mr. {Green.} Aye.  
992           The {Clerk.} Mr. Green, aye.  
993           Ms. Capps?  
994           Mrs. {Capps.} Aye.  
995           The {Clerk.} Ms. Capps, aye.  
996           Mr. Doyle?  
997           Mr. {Doyle.} No.

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998           The {Clerk.} Mr. Doyle, no.  
999           Mr. Barrow?  
1000          Mr. {Barrow.} Aye.  
1001          The {Clerk.} Mr. Barrow, aye.  
1002          Ms. Matsui?  
1003          [No response.]  
1004          The {Clerk.} Ms. Christensen?  
1005          Dr. {Christensen.} No.  
1006          The {Clerk.} Ms. Christensen, no.  
1007          Ms. Castor?  
1008          Ms. {Castor.} No.  
1009          The {Clerk.} Ms. Castor, no.  
1010          Mr. Waxman?  
1011          Mr. {Waxman.} No.  
1012          The {Clerk.} Mr. Waxman, no.  
1013          Chairman Whitfield?  
1014          Mr. {Whitfield.} Aye.  
1015          The {Clerk.} Mr. Whitfield, aye.  
1016          Mr. {Whitfield.} How is Ms. Capps recorded?  
1017          The {Clerk.} Ms. Capps votes aye.  
1018          Mr. {Whitfield.} I think she wants to change her vote.  
1019          The {Clerk.} Ms. Capps votes no.  
1020          Mr. {Whitfield.} Does anyone else seek to vote or

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1021 change their vote? The clerk will please report the result.

1022 The {Clerk.} Mr. Chairman, there are 17 ayes and nine

1023 nos.

1024 Mr. {Whitfield.} Seventeen ayes, nine nos. The bill is

1025 favorably reported. The ayes have it.

1026 Without objection, the staff is authorized to make

1027 technical and conforming changes to the bill favorably

1028 forwarded by the subcommittee today. So ordered.

1029 Without objection, the subcommittee stands adjourned.

1030 [Whereupon, at 3:24 p.m., the subcommittee was

1031 adjourned.]