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6 MARKUP ON:

7 H.R. _____, HYDROPOWER POLICY MODERNIZATION

8 ACT OF 2017; H.R. _____, ENHANCING STATE

9 ENERGY SECURITY PLANNING AND EMERGENCY

10 PREPAREDNESS ACT; H.R. 2786, TO AMEND THE

11 FEDERAL POWER ACT WITH RESPECT TO THE

12 CRITERIA AND PROCESS TO QUALIFY A

13 QUALIFYING CONDUIT HYDROPOWER FACILITY;

14 H.R. 2883, PROMOTING CROSS-BORDER ENERGY

15 INFRASTRUCTURE ACT; AND H.R. 2910,

16 PROMOTING INTERAGENCY COORDINATION OF

17 NATURAL GAS PIPELINES ACT

18 THURSDAY, JUNE 22, 2017

19 House of Representatives

20 Subcommittee on Energy

21 Committee on Energy and Commerce

22 Washington, D.C.

23

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25 The subcommittee met, pursuant to call, at 10:00 a.m.,
26 in Room 2123 Rayburn House Office Building, Hon. Fred Upton
27 [chairman of the subcommittee] presiding.

28 Members present: Representatives Upton, Olson, Barton,
29 Shimkus, Murphy, Latta, Harper, McKinley, Kinzinger,
30 Griffith, Johnson, Bucshon, Flores, Mullin, Hudson, Cramer,
31 Walberg, Walden (ex officio), Rush, McNerney, Peters, Green,
32 Doyle, Castor, Sarbanes, Welch, Tonko, Loeb sack, Schrader,
33 Kennedy, Butterfield, and Pallone (ex officio).

34 Staff present: Mike Bloomquist, Deputy Staff Director;
35 Elena Brennan, Legislative Clerk, Energy/Environment; Karen
36 Christian, General Counsel; Jordan Davis, Director of Policy
37 and External Affairs; Wyatt Ellertson, Research Associate,
38 Energy/Environment; Adam Fromm, Director of Outreach and
39 Coalitions; Giulia Giannangeli, Legislative Clerk, Digital
40 Commerce and Consumer Protection/Communications and
41 Technology; Jay Gulshen, Legislative Clerk, Health; Tom
42 Hassenboehler, Chief Counsel, Energy/Environment; A.T.
43 Johnston, Senior Policy Advisor, Energy; Ben Lieberman,
44 Senior Counsel, Energy; Mary Martin, Deputy Chief Counsel,
45 Energy & Environment; Katie McKeough, Press Assistant; Carly
46 McWilliams, Professional Staff Member, Health; Brandon

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47 Mooney, Deputy Chief Energy Advisor; Mark Ratner, Policy
48 Coordinator; Annelise Rickert, Counsel, Energy; Dan
49 Schneider, Press Secretary; Sam Spector, Policy Coordinator,
50 Oversight and Investigations; Jason Stanek, Senior Counsel,
51 Energy; Madeline Vey, Policy Coordinator, Digital Commerce
52 and Consumer Protection; Hamlin Wade, Special Advisor,
53 External Affairs; Jeff Carroll, Minority Staff Director;
54 David Cwiertny, Minority Energy/Environment Fellow; Elizabeth
55 Ertel, Minority Office Manager; Jean Fruci, Minority Energy
56 and Environment Policy Advisor; Evan Gilbert, Minority Press
57 Assistant; Caitlin Haberman, Minority Professional Staff
58 Member; Rick Kessler, Minority Senior Advisor and Staff
59 Director, Energy and Environment; John Marshall, Minority
60 Policy Coordinator; Dan Miller, Minority Policy Analyst;
61 Alexander Ratner, Minority Policy Analyst; Tim Robinson,
62 Minority Chief Counsel; Andrew Souvall, Minority Director of
63 Communications, Outreach and Member Services; Tuley Wright,
64 Minority Energy and Environment Policy Advisor; and C.J.
65 Young, Minority Press Secretary.

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66 The Chairman. Good morning, everybody.

67 This markup is going to include five important energy
68 infrastructure-related bills dealing with hydropower,
69 pipelines, electric transmission, and grid security. Some of
70 the bills have been drafted with bipartisan input, while some
71 are still a little bit of a work in progress, and in large
72 part we are picking up where we left off on last year's
73 energy bill conference.

74 We have legislation introduced by Mr. Hudson and Ms.
75 DeGette to promote small conduct hydropower, a bill
76 introduced by Mr. Mullin promoting cross-border energy
77 infrastructure, a bill introduced by Mr. Flores promoting
78 interagency coordination for review of the natural gas
79 pipelines, and a discussion draft sponsored by Mrs. Cathy
80 McMorris Rodgers to modernize the licensing process for
81 hydropower projects.

82 We are also taking up a new discussion draft that I am
83 leading to enhance state energy security planning and
84 emergency preparedness.

85 This bipartisan discussion draft builds upon the
86 committee's impressive record of addressing energy security,
87 emergency preparedness, job creation, and infrastructure
88 protection.

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89 Through the FAST Act, which we passed in 2015, we made
90 several policy updates to reflect evolving cybersecurity
91 threats to the Nation's energy and electricity systems,
92 including greater DOE authority to respond to emergencies.
93 The Enhancing State Energy Security Planning and Emergency
94 Preparedness Act improves the energy emergency planning
95 function established under a 1990 amendment to the Energy
96 Policy and Conservation Act.

97 Privatizing and elevating energy security planning and
98 emergency preparedness is an important and timely step in the
99 face of increased risks and interdependence of energy
100 infrastructure and end use systems.

101 So I look forward to continuing to work across the aisle
102 as we move forward in finalizing this important bill.
103 Today's subcommittee markup is an important step forward as
104 we try to modernize our Nation's infrastructure and breaking
105 down barriers to job growth and economic development.

106 The discussion draft, again, remains a work in progress.
107 I look forward to engaging with each member of the
108 subcommittee and full committee to further perfect the bills
109 before it would get to the floor, so that we can build
110 momentum to get this thing done.

111 And with that, I yield to my friend, the ranking member

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112 of the subcommittee, the gentleman from the Chicago Cubs
113 World Series champion state, Mr. Rush. Though he is probably
114 a White Sox fan because he has got --

115 Mr. Rush. Thank you, Mr. Chairman. I enjoy -- as a
116 politician, I am a fan of the Sox and the Cubs.

117 Mr. Chairman, I want to thank you for having this
118 markup. But, Mr. Chairman, I want to alert the other side
119 that we come here, we come and we are negotiating on -- in
120 good faith on some of these bills. But there is hope on our
121 side that for at least some of the bills that we will be
122 marking up today that we will come to an agreement.

123 Specifically, Mr. Chairman, many members of our side
124 have a strong desire to find common ground on hydropower
125 licenses, and committee staff on both sides have been meeting
126 in good faith over the past few weeks to try and reach common
127 ground.

128 Unfortunately, it appears that at least two of the bills
129 that were noticed for today's markup promoting interagency
130 coordination for review of the Natural Gas Pipeline Act and
131 the Hydropower Policy Modernization Act of 2017 are vastly
132 different from the discussion drafts that have been part of
133 the staff negotiation.

134 In fact, Mr. Chairman, these two bills do not at all

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135 reflect any of the changes that our side had asked for, but
136 instead move in the opposite direction and are even more
137 problematic for our side to accept. Additionally, while we
138 need to hear from both staff on some of the bills before us
139 today, I would point out that we never received a response
140 from you, Mr. Chairman, on our request for a hearing on the
141 hydroelectric licensing modernization bill with officials
142 from the Departments of Interior, Commerce, and Agriculture,
143 whose purview will be greatly impacted by this bill, along
144 with states and tribes.

145 This is yet another instance where, once again, Mr.
146 Chairman, our side is left to wonder whether we will ever
147 hear directly from the administration on any bill or topic in
148 our jurisdiction. In a word, Mr. Chairman, where is the
149 Administrator of the EPA, and where is the Secretary of
150 Energy? Six months into the Trump administration, and we
151 haven't heard a murmur from any -- from the administrator or
152 from the secretary, and it is high time that we hear
153 something from those in the administration who have
154 responsibilities to this subcommittee and to the Congress.

155 Mr. Chairman, it is my hope that we can get through
156 today's markup, that we can go back to good faith
157 negotiations, and find common ground on some of these pieces

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158 of legislation without either side going -- going in our
159 corner and go into our competing and partisan roll calls.

160 With that, I yield back.

161 The Chairman. The gentleman yields back. The chair
162 would recognize the chair of the full committee, the
163 gentleman from Oregon, Mr. Walden.

164 Mr. Walden. I thank the gentleman for his leadership on
165 this, on these issues. And I know you have been hard at
166 work, heading us towards solutions that seek to modernize our
167 Nation's energy infrastructure and improve our energy
168 security. To date, we have held more than 10 infrastructure-
169 related hearings and briefings, and just last week the House
170 cleared 10 committee bills to boost our energy infrastructure
171 and increase energy efficiency.

172 This congress, we have examined the roadblocks to energy
173 infrastructure and barriers to the gas pipeline permitting
174 process, cross-border energy infrastructure, and hydropower
175 facilities. Our previous work examining these issues has
176 informed the bills under consideration today. We have
177 learned that oftentimes dozens of agencies are involved in
178 the permitting process, so it is time that we address these
179 issues head on and improve the federal licensing procedures
180 and processes to ensure that we get these projects to market

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181 sooner for consumers.

182 Doing this would create good-paying construction jobs
183 and capitalize on America's growing energy potential. These
184 bills would strengthen the Federal Energy Regulatory
185 Commission's role as the lead agency for coordinating the
186 necessary environmental reviews and required permits,
187 effectively streamlining the approval process to cut down
188 unnecessary delays and challenges.

189 I would also like to take note that hydropower is of
190 particular importance to me. In my own State of Oregon, more
191 than 40 percent of our energy is produced from hydropower at
192 relatively low cost to consumers across the district.
193 Recently, last weekend, I toured the Dalles Dam in Wasco
194 County -- half of it is at least -- and saw firsthand the
195 technology and the generating of clean hydropower for the
196 Pacific Northwest. It is essential as part of our power mix.

197 We have a great opportunity in this committee to help
198 increase the use of our Nation's hydro resources to better
199 utilize this renewable energy source. The two bills before
200 us today make meaningful improvements to the hydropower
201 licensing process, modernizing our federal policies, and
202 promoting this renewable energy source to ensure consumers
203 across the country receive affordable and reliable

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204 electricity from hydropower, which, by the way, emits no
205 greenhouse gas emissions.

206 Pipeline and hydropower bills are not the only bills
207 under consideration today. New vulnerabilities and threats
208 to our Nation's energy infrastructure, and changes in the
209 ways we generate, transmit, and deliver power continue to
210 evolve. States are now at the forefront of energy security
211 and emergency preparedness.

212 The Enhancing State Energy Security Planning and
213 Emergency Preparedness Act would reauthorize and help us to
214 focus a DOE State Energy Program to strengthen state's
215 capabilities to ensure our energy infrastructure is protected
216 against physical and cybersecurity attacks.

217 Cumulatively, these bills represent a really important
218 step forward in our efforts to put consumers first while
219 working to enact reforms that build on our energy abundance,
220 modernize our energy infrastructure, grow our economy, and
221 create good jobs.

222 So I thank my colleagues for their work on these bills,
223 and I look forward to continuing our bipartisan efforts as we
224 move toward full committee markup. And I yield back.

225 The Chairman. The gentleman yields back. The chair
226 would recognize the ranking member of the full committee, the

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227 gentleman from New Jersey, Mr. Pallone, for 3 minutes.

228 Mr. Pallone. Thank you, Mr. Chairman. When it comes to
229 energy policy, we have had a good working relationship. It
230 has been honest and constructive, even when our policy
231 differences have led us to go our separate ways.

232 But today, Mr. Chairman, I am deeply concerned over the
233 process that the majority has used for this markup. For the
234 past few weeks, our staff have been negotiating with yours in
235 good faith on hydroelectric license reform. We were
236 encouraged by what we saw as your willingness to move
237 legislative language that was, while not acceptable to my
238 caucus, a very significant step closer to reforms that could
239 speed the licensing process without sacrificing environmental
240 protections or state and tribal rights.

241 Those negotiations seem to be moving forward in a
242 productive manner, and we were willing to allow your
243 legislative draft from the May 3 hearing move forward without
244 amendment or recorded vote, and we may still be willing to do
245 that. However, the draft released on Tuesday night not only
246 failed to address any of the concerns we raised, but actually
247 went so far as to add new sections taken directly from
248 provisions of last year's Senate energy bill that we had
249 explicitly rejected. And this does not bode well for making

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250 this a bipartisan process.

251 The chairman also insisted on marking up legislation on
252 state energy security plans that our members first saw
253 Tuesday night and that has never been the subject of a
254 legislative hearing or member level discussion of any kind.
255 And this is not bad legislation, but we are marking it up
256 today without any formal feedback from members of this
257 committee or stakeholders.

258 And then there is H.R. 2910, the natural gas pipeline
259 permit streamlining bill, which is a completely new and
260 different bill than the one that was discussed at our
261 legislative hearing last month. And it is clear from the
262 text provided with the markup notice dated June 14 that you
263 had this language for almost a full week before sharing it
264 with us.

265 Now I guess I am really talking about regular order here
266 for the most part, Mr. Chairman. I know that you and the
267 chairman of the full committee always talk about regular
268 order, but we have to follow regular order, and that is not
269 what was done today. We want to work with you where we can,
270 but that relationship, whether we are collaborating on bills
271 or contesting legislation on which we disagree, requires a
272 level of trust. And if we are to have that trust and be

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273 productive, this is not the way we should be doing business.

274 And I wanted to speak to the individual bills as they
275 come up, but I hope that today's issues represent an
276 aberration and not a new and unfortunate way of doing
277 business. Again, you know I am a stickler for regular order,
278 and that is really what I am talking about here today, Mr.
279 Chairman.

280 I yield back.

281 The Chairman. The gentleman yields back. Other members
282 within to make an opening statement? The gentleman from
283 Texas is recognized for 2 minutes.

284 Mr. Olson. I thank you, Mr. Chairman, and I will be
285 very brief. First, I am glad we are taking a look at state
286 energy security planning. We had a tropical storm come
287 across the Gulf of Mexico yesterday, come ashore at Sabine
288 Pass, Tropical Storm Cindy. She was deadly. A 10-year-old
289 boy was killed by debris in Alabama. And while keeping
290 people safe is our first priority, we can't ignore that
291 energy supply failures can cause death and destruction, too.

292 Tropical Storm Cindy hit America's first LNG export
293 plant, Sabine Pass on the Texas-Louisiana border, run by
294 Cheniere. Some offshore rigs in the Gulf were shut down,
295 evacuated. All of those actions may cause prices to increase

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296 at home. These threats are real. And as cyber threats
297 evolve, we need to be ready for that as well. Let's get this
298 right.

299 I am also glad we are tackling hydropower reforms.
300 Texas isn't famous for its hydropower, but it is an important
301 clean baseload power. We should be making it easier to build
302 these sources of energy.

303 Lastly, on pipelines, we need these reforms. We have
304 seen time and time and time again that the current process
305 takes too long and is way too messy. The better we do on
306 getting the energy infrastructure built, the better our
307 economy is. We need to examine these projects, hear all
308 sides, and then make a decision. Death by review doesn't
309 help anyone.

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

311 The Chairman. The gentleman yields back. Other members
312 wishing to speak? The gentleman from Texas is recognized for
313 2 minutes for an opening statement.

314 Mr. Green. Thank you, Mr. Chairman, and thank you for
315 calling up these bills. I am pleased that we are marking up
316 my bill, H.R. 2883, the Promoting Cross-Border Energy
317 Infrastructure Act.

318 The presidential permitting process dates back for many

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319 administrations, but Congress has the duty to regulate the
320 commerce of the United States and cross-border energy
321 infrastructure projects far well within that space.
322 Opponents of this bill will argue that the executive
323 permitting process has worked well in the past. It is true
324 that in the past the process has been proven effective.

325 Unfortunately, cross-border decisions have now fallen
326 victim to election cycle politics. We cannot build
327 infrastructure in our country, on this continent, based on
328 who sits in the White House, a Democrat or a Republican. The
329 amendment would create a regulatory process in Department of
330 State, Department of Energy, Federal Regulatory Commission,
331 to permit cross-border infrastructure.

332 This is no different than building roads or bridges or
333 railroads. Department of Transportation coordinates that
334 and, in this case, we will see the coordination for pipes and
335 wires. We need to build electricity transmission lines and
336 pipelines to move resources from where they are to where they
337 are needed.

338 The bill complies with the National Environmental Policy
339 Act and requires a full environmental review of any cross-
340 border facility, including an analysis of climate change
341 impacts. The entire length of the pipeline or electric

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342 transmission will be reviewed for environmental impacts, not
343 just a cross-border section.

344 We should embrace the changes taking place in North
345 America, harmonize our policies with those of our neighbors
346 in the north and south, and that is why this bill is
347 important.

348 I do have some concerns about H.R. 2910. Limiting
349 input, when it comes to NEPA reviews, is not the right route
350 forward, and I am concerned that the legislation will create
351 new federal terms that will lead to confusion about review
352 types undertaken by federal agencies.

353 Modernization of Hydro Act, as I am proud to support, I
354 support H.R. 2786, promoting small conduit and hydropower. I
355 am also happy to see the subcommittee is also addressing
356 state energy security plans. These are vital to coastal
357 states and -- like Texas, for protection against national
358 disasters. I am happy to see the program reauthorized.

359 And I yield back my time.

360 The Chairman. The gentleman yields back. Other members
361 wishing to give an opening statement on the Republican side?
362 Seeing none, Mr. McNerney is recognized for 2 minutes.

363 Mr. McNerney. I thank the chairman. We are considering
364 some important bills here today on hydropower, fossil fuel,

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365 energy infrastructure, and issues related to protection of
366 our energy and electrical assets.

367 It is very important to modernize electrical -- our
368 energy infrastructure, and I strongly support efforts to do
369 that. This includes hydropower, wind, solar, as well as oil
370 and gas. All of these issues need the attention of this
371 subcommittee and of the full Energy and Commerce Committee.
372 The bills before us today are an attempt to address those
373 issues.

374 However, I do believe we need to work on a bipartisan
375 basis, and I say this in real concern for my Republican
376 colleagues. We have learned on this side of the aisle
377 through painful experience that any bills that are pushed
378 through without significant bipartisan work and compromise
379 are not sustainable and will cause significant political
380 pain. Learn from our experience. Work with us to improve
381 these bills.

382 I yield back.

383 The Chairman. The gentleman yields back. Other members
384 wishing to speak? The gentlelady from Florida, Ms. Castor,
385 is recognized.

386 Ms. Castor. Well, thank you very much, Mr. Chairman,
387 and good morning. These are very important energy policy

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388 matters we will consider today, but the way we -- this
389 committee has arrived at the markup is very troubling. And
390 it is not up to the high standards of this committee, one of
391 the most important in the Congress, that has such a far-
392 reaching impact on the lives of the folks that we represent.

393 It has become too common for the majority party to be
394 operating in secret. Most of these bills have not received a
395 legislative hearing, and that just doesn't impact us, it
396 impacts the ability of the public to have -- to make any
397 comment on legislation that is moving through the Congress.
398 And I am afraid it has become all too common in this
399 Congress, and bad process leads to bad policy. And I believe
400 it is diminishing the stature of this committee to operate in
401 that manner.

402 And I think Mr. Rush also raises a very important point.
403 Here we are at the end of June, and this -- it may be the
404 first time that this committee has not had any hearing with
405 the Energy Secretary, the EPA Administrator; on the health
406 side, the HHS Secretary, and I think that is a real problem
407 for the ability of the Congress to function. I don't know if
408 it is a problem with governing or if it is an intentional
409 attempt to just hide the ball from the American people.

410 So we will have -- we will bring amendments and

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411 important debate today, but until you improve the process you
412 are not going to be able to improve the policy for the folks
413 we represent.

414 I yield back.

415 The Chairman. The gentlelady yields back. Any members
416 -- Mr. Tonko?

417 Mr. Tonko. Thank you, Mr. Chair. While I have
418 substantive concerns with the Hydropower Policy Modernization
419 Act, and the Pipeline Interagency Coordination Act, I also
420 want to express some concerns with the process that got us
421 here. Many members of this subcommittee requested additional
422 hearings on hydropower in order to hear from state and tribal
423 governments and resource agencies. That request was not
424 granted.

425 I do not believe we have a full sense of the steps that
426 should be taken to streamline and improve the hydro licensing
427 process without undermining the interests of a number of
428 stakeholders in the process. When we have received testimony
429 from key witnesses, it hasn't always been heated. FERC has
430 said it does not support the changes to trial-type hearings
431 included in the bill before us today.

432 Finally, after last week's tragic events, our hearing
433 examining energy assurance plans was rightfully postponed.

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434 It has not been rescheduled, and it was not a legislative
435 hearing to begin within. Now we are marking up a discussion
436 draft today.

437 Now, generally speaking, I think this is a pretty good
438 draft that I would be happy to support if we can get the
439 authorization level right. But, again, the process was not
440 ideal.

441 The State Energy Program is critically important. I saw
442 this firsthand while leading the New York State Energy
443 Research and Development Authority, and I am happy to see the
444 draft before us today to reauthorize the program. I have
445 introduced legislation to reauthorize the program for a
446 number of years, and I would encourage the committee to
447 support an authorization level of \$90 million, which is equal
448 to what passed the Senate as part of last year's
449 comprehensive energy bill.

450 It is also a \$35 million decrease from the previous
451 authorization level. With evolving threats to energy
452 systems, states are needing to do more than ever before to
453 ensure the reliability, the resiliency, and the security of
454 their systems. We cannot ask them to do more with less.

455 And I thank the chair for recognizing the value of SEP
456 and for holding today's markup. And with that, I yield back

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21

457 the remaining bit of my time.

458 The Chairman. The gentleman yields back. Other members
459 wishing to speak, give an opening statement? Seeing none,
460 the chair will call up the Hydropower Policy Modernization
461 Act of 2017 and ask the clerk to report.

462 [The bill follows:]

463 *****INSERT 1*****

464 Ms. Giannangeli. A discussion draft to modernize
465 hydropower policy and for other purposes.

466 The Chairman. Without objection, the first reading of
467 the bill is dispensed with. The bill will be open for
468 amendment at any point. So ordered.

469 Are there any bipartisan amendments to the bill? Seeing
470 none, are there -- oh, I am sorry, we have -- the chair would
471 recognize -- strike the last word -- the gentleman from
472 Oregon.

473 Mr. Walden. I thank the gentleman. I move to strike
474 the last word. The Hydropower Policy Modernization Act
475 discussion draft led by our colleague, Mrs. McMorris Rodgers
476 of Washington State, is a really good faith effort to improve
477 the licensing process for hydropower, which is an important
478 part of our renewable energy system.

479 Hydropower is a clean, renewable, and reliable source of
480 baseload energy. It provides low-cost electricity to
481 millions of Americans, especially in the northwest,
482 especially in my district, especially in my state, where
483 about half of the Nation's hydropower capacity is located.

484 Hydropower has significant untapped potential. We know
485 that from the hearings we have had and the reports we have
486 seen. Unfortunately, the process to license hydropower has

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487 been increasingly complex, leading to unnecessary delays and
488 uncertainty.

489 While FERC serves as the lead agency in hydropower
490 proceedings and sets schedules for those proceedings, there
491 may be multiple federal and state agencies or Indian tribes
492 that conduct separate permitting and environmental reviews.
493 In testimony before this committee in May, FERC identified
494 dozens of projects where the Federal Energy Regulatory
495 Commission has completed its work on a project and is now
496 stuck waiting for another agency to act under other laws --
497 Clean Water Act or Endangered Species Act.

498 In several cases, these projects have been stalled for
499 more than a decade, 10 years. Congress must act, and we have
500 a wonderful opportunity today to do that. As we have heard
501 from FERC, they have a full workload, and the relicensing
502 workload in particular is stated to -- is slated to increase
503 and will continue to remain high well into the 2030s.
504 Between now and then, almost half of our existing hydropower
505 facilities will begin the relicensing process.

506 It is our sincere desire to continue to improve this
507 draft -- to improve this draft -- so that we have a strong
508 bipartisan product that we can all be proud of. To
509 accomplish that, we are committed to working to improve

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510 coordination among agencies and bring more accountability and
511 transparency to the process.

512 So I look forward to working with the ranking member,
513 Mr. Pallone, and all interested members of this committee to
514 try to perfect this draft, and our work will continue between
515 this subcommittee's efforts and the full committee.

516 With that, Mr. Chairman, I would yield to my friend from
517 New Jersey, Mr. Pallone.

518 Mr. Pallone. Thank you, Mr. Chairman. I understand
519 that our staffs have had productive conversations over the
520 past week or two on Representative McMorris Rodgers'
521 discussion draft, to reform the hydropower licensing process.

522 We had a setback when the new draft was noticed for this
523 markup because it shifts the goalpost, but we would like to
524 continue to work with you toward a bill that can achieve
525 broad support among all of the members of our committee.

526 If we agree on the goals, a more timely, reliable
527 license process that provides certainty to the license
528 applicants and that continues to respect state authorities
529 and tribal rights and protects natural and cultural
530 resources, we should be able to come to agreement on this
531 bill, but we are not there yet.

532 Our side continues to have concerns with the draft.

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533 There are threshold issues for each of us. We will have to
534 work through these things, of course, but I remain optimistic
535 at this point, and it is certainly worth the effort.

536 Again, this should not be a partisan issue. Members on
537 both sides have hydropower facilities in their districts and
538 their states, and we want to see them continue to operate and
539 thrive. Renewable baseload power offers many important
540 benefits. And, as I said, we share your goal of having a
541 licensing process that moves along more quickly and avoids
542 license proceedings that drag on for many years beyond the
543 current license expiration.

544 While happily most licenses move through FERC in a
545 reasonable period of time, we have all heard of cases in
546 which a facility operates for many years on an annual
547 existing license, and that is not good for anyone. It
548 doesn't get the enhanced environmental performance and water
549 management that states, tribes, and local communities are
550 seeking, and it doesn't provide the certainty and stability
551 of a long-time license that the hydropower operator is
552 seeking.

553 But a speedier license process should not come at the
554 expense of a state's right to manage water, public safety,
555 the public participation, or at the expense of all the other

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556 vital economic and societal resources and activities that
557 rely on the rivers, water, and surrounding lands. When all
558 parties to the license process work together, everyone
559 benefits.

560 So I hope working together we can strike a proper
561 balance among all of these interests and produce a bill that
562 all of us can support. We still have a lot of work to do,
563 but with goodwill, a concerted effort, and a willingness to
564 compromise, I am optimistic we can achieve a good product.

565 And so with the understanding that we will continue
566 working towards a comprise bill that we can mark up next
567 week, we will forego offering any amendments today and agree
568 to move this bill forward to the full committee.

569 Thank you, Mr. Chairman.

570 Mr. Walden. I want to just commend my colleague from
571 New Jersey. We share your goal that we do this without
572 sacrificing our environmental goals or infringing on state
573 and tribal rights. All stakeholders should have the
574 opportunity to participate in collaborative, transparent
575 public proceedings where significant issues are identified
576 and are appropriately studied.

577 So I appreciate your work with us on this. I know you
578 are committed to trying to move this forward as well. That

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579 we still have more work to do is obvious, and we look forward
580 to getting that work done between now and full committee.

581 So I thank you, and I yield back.

582 The Chairman. Thank you, both of you. And I was part
583 of a discussion last night with Mr. Pallone, and we came to
584 this agreement and look forward to working with all parties
585 to get this bill in proper shape before it goes to full
586 committee.

587 Are there further amendments -- are there any further
588 amendments to the bill?

589 Mr. Sarbanes. Mr. Chairman?

590 The Chairman. The gentleman from Maryland is
591 recognized.

592 Mr. Sarbanes. I move to strike the last word. I just
593 wanted to pick up on the last thing that Congressman Pallone
594 was referring to. And that is, as we move this thing along
595 and make legislative changes relating to the licensing
596 process, the importance of the state role can't be overstated
597 in terms of protecting local water quality.

598 In Maryland, actually, this is a very bipartisan issue,
599 and our Republican Secretary of the Environment sent a letter
600 to House leadership last year describing how important the
601 state's authority is to require conditions in FERC licenses

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602 that are necessary to protect water quality.

603 The Conowingo Dam in Maryland, a hydroelectric dam, is
604 currently in the FERC relicensing process. That dam sits on
605 the Susquehanna River, which provides half of the fresh water
606 that reaches the Chesapeake Bay. Both the river and the dam
607 are critical to the bay's water quality. So it is essential
608 that Maryland retain the authority to protect the health of
609 the bay and the coastal economies that depend on the bay by
610 setting the necessary water quality conditions for
611 Conowingo's FERC license.

612 So we do talk a lot in this committee, and I think it is
613 appropriate about the value of the knowledge that comes from
614 local conditions and local communities, and I would urge my
615 colleagues again as we proceed not to take water quality
616 decisions out of the hands of the people who know those local
617 communities and conditions best and are in the best position
618 to work with the applicant and local communities to move the
619 license forward.

620 I would ask unanimous consent, if I could, Mr. Chairman,
621 to enter this letter from Secretary Grumbles from Maryland
622 into the record.

623 The Chairman. Without objection.

624 [The information follows:]

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625

*****COMMITTEE INSERT 1*****

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626 Mr. Sarbanes. Thank you, and I yield back.

627 The Chairman. The gentleman yields back. Are there
628 amendments to the bill? Seeing none, the question now occurs
629 on forwarding the Hydropower Policy Modernization Act of 2017
630 to the full committee.

631 All those in favor will say aye.

632 Those opposed, say no.

633 In the opinion of the chair, the ayes appear to have it,
634 the ayes have it, and the bill is agreed to.

635 The chair will now call up H.R. 2786 and ask the clerk
636 to report.

637 [The bill follows:]

638 *****INSERT 2*****

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639 Ms. Giannangeli. H.R. 2786, to amend the Federal Power
640 Act with respect to the criteria and process to qualify as a
641 qualifying conduct hydropower facility.

642 The Chairman. And without objection, the first reading
643 of the bill is dispensed with. The bill will be open for
644 amendment at any point. So ordered.

645 Are there any bipartisan amendments to bill?

646 Mr. Hudson. Mr. Chairman?

647 The Chairman. The gentleman from North Carolina, Mr.
648 Hudson.

649 Mr. Hudson. If you would allow me to strike the last
650 word.

651 The Chairman. Strike the last word. The gentleman is
652 recognized for 5 minutes.

653 Mr. Hudson. Thank you. Chairman Upton, Ranking Member
654 Rush, thank you for holding today's important markup. I
655 appreciate the subcommittee's consideration of this common-
656 sense legislation introduced by Representative DeGette and
657 myself focused on tapping our Nation's immense conduit
658 hydropower potential.

659 Promoting this affordable source of clean electricity is
660 important to our Nation's all-of-the-above energy strategy.
661 Hydropower remains one of the most efficient and affordable

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662 sources of electricity as well as one of the largest sources
663 of renewable electricity in America. In North Carolina
664 alone, it generates enough electricity to power 350,000 homes
665 each year.

666 Despite its benefits, hydropower's growth has been
667 stagnant when compared to other renewable electricity sources
668 in recent years. That lack of progress is not due to lack of
669 opportunity. There are unnecessary regulatory burdens that
670 simply clog up the dam.

671 One key example is the overly complicated licensing
672 process for conduit hydropower. This innovative class of
673 hydropower harnesses the power of water flowing through
674 manmade systems such as pipes and municipal water systems or
675 irrigation canals. It produces emissions-free clean energy,
676 improves energy diversity, lowers power bills, and creates
677 jobs, all by making use of energy that would have otherwise
678 been wasted.

679 For this reason, conduit hydropower is often described
680 as energy recovery hydropower. The opportunity is
681 tremendous. There are over 1.2 million miles of water supply
682 mains in the United States, creating literally thousands of
683 energy recovery hydropower generation opportunities. But
684 Congress must remove some of the regulatory roadblocks that

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685 inhibit this market-driven growth. That is exactly what our
686 legislation will do.

687 I would like to again thank Representative DeGette for
688 her collaboration on this bipartisan bill. We have refined
689 our bill after considering the feedback during last month's
690 hearing from the Federal Energy Regulatory Commission, non-
691 governmental organizations, and the hydropower industry.
692 H.R. 2786 would build on the industry's lessons learned from
693 previous legislative success in 2013, the Hydropower
694 Regulatory Efficiency Act, and reduce the total review
695 process time for small-scale hydropower.

696 It would also remove the capacity cap and allow more
697 qualifying conduit projects to use the streamline process.
698 Reducing the regulatory burdens is a common-sense way to
699 increase our Nation's supply of clean and affordable
700 electricity.

701 Thank you, Mr. Chairman, for including our legislation
702 on today's agenda. I look forward to working with you to
703 advance this initiative through our committee. And with
704 that, Mr. Chairman, I yield back.

705 The Chairman. The gentleman yields back. The chair
706 would recognize the gentleman from New Jersey to strike the
707 last word for 5 minutes, Mr. Pallone.

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708 Mr. Pallone. Well, actually, Mr. Chairman, I have an
709 amendment, so --

710 The Chairman. The gentleman has -- are there any
711 bipartisan amendments to the bill? Seeing none, the
712 gentleman from New Jersey has offered an amendment. The
713 clerk will report the title of the amendment.

714 [The amendment offered by Mr. Pallone follows:]

715 *****COMMITTEE INSERT 2*****

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716 Ms. Giannangeli. Amendment to H.R. 2786, offered by Mr.
717 Pallone.

718 The Chairman. And the amendment will be considered as
719 read. The staff will distribute the amendment, and the
720 gentleman is recognized for 5 minutes in support of his
721 amendment.

722 Mr. Pallone. Thank you, Mr. Chairman. Another bill in
723 2013, our committee moved a bipartisan bill that was
724 sponsored by Representative McMorris Rodgers and
725 Representative DeGette that created an exemption from
726 hydropower licensing for certain conduit hydropower
727 facilities of 5 megawatts capacity or less.

728 And under the process established in that McMorris
729 Rodgers-DeGette bill, FERC must determine within 15 days
730 after receipt of a notice of intent to construct a small
731 conduit project by the developer if the project meets the
732 qualifying criteria for exemption under the law.

733 If FERC makes an initial determination that the project
734 meets that criteria, current law requires FERC to publish a
735 public notice of that determination and provide the public 45
736 days for an opportunity to comment on or contest FERC's
737 determination. So that bill previous -- the previous bill
738 went on to be signed into law by President Obama, and as of

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739 May has resulted in qualifying 83 projects being exempted
740 from federal licensing requirements.

741 Now, the bill before us today, H.R. 2786, sponsored by
742 Mr. Hudson and Ms. DeGette, would amend the Federal Power Act
743 to lift the 5 megawatt cap on conduit projects that could
744 qualify for exemption, and it also reduces from 45 to 15 days
745 the amount of time the public would have to comment on or
746 contest first determination of whether a project qualifies
747 for exemption.

748 So I support the development of conduit hydroelectric
749 projects and efforts to cut red tape to ensure that
750 environmentally sound projects can move forward quickly and
751 efficiently. And to that end, I also support language in the
752 bill before us that removes the 5 megawatt cap in current law
753 and the size of conduit hydroprojects that qualify for the
754 exemption.

755 However, while I am open to modifying the 45-day
756 timeframe for public comment on the proposed exemption, I
757 believe that 15 days is too short a period to allow for
758 meaningful public input into the process, and that is why I
759 am proposing in this amendment a compromise that would reduce
760 the amount of time for public notification by a third, from
761 45 days to 30 days.

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762 The amendment balances the interests of hydropower
763 developers and that of the public. It is my understanding
764 that the chairman intends to accept this amendment -- I hope
765 that is the case -- and I would like this bill to go forward
766 with the unanimous support of members on both sides of the
767 aisle, and I believe the amendment I am offering, if adopted,
768 would ensure that outcome.

769 So I hope, Mr. Chairman, that my colleagues on the other
770 side will adopt the amendment and report the amended bill
771 favorably to the floor.

772 The Chairman. If the gentleman will yield?

773 Mr. Pallone. I yield.

774 The Chairman. I would be delighted to accept the
775 amendment. Thank you.

776 Mr. Pallone. Thank you, sir.

777 The Chairman. You make a good point, and I would urge
778 my colleagues to support it.

779 Mr. Pallone. Thank you, and I yield back.

780 The Chairman. The gentleman yields back. Other members
781 wishing to speak on the amendment? Seeing none, the vote
782 occurs on the amendment offered by Mr. Pallone.

783 All those in favor will say aye.

784 Those opposed, say no.

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

787 Are there further amendments to the bill? If not, the
788 question now occurs on forwarding H.R. 2786, as amended, to
789 the full committee.

790 All those in favor will say aye.

791 Those opposed, say no.

792 In the opinion of the chair, the ayes have it. The
793 bill, as amended, is agreed to.

794 The chair now calls up the Enhancing State Energy
795 Security Planning and Emergency Preparedness Act and asks the
796 clerk to report.

797 [The bill follows:]

798 *****INSERT 3*****

799 Ms. Giannangeli. A discussion draft, to amend the
800 Energy Policy and Conservation Act to provide federal
801 financial assistance to states to implement, review, and
802 revise state energy security plans, and for other purposes.

803 The Chairman. Without objection, the first reading of
804 the bill is dispensed with. The bill will be open for any
805 point, and I would ask to strike the last word and recognize
806 myself for 5 minutes.

807 The Enhancing State Energy Security Planning and
808 Emergency Preparedness Act would strengthen states' abilities
809 to secure our energy infrastructure against physical and
810 cyber attacks, and would help mitigate the risk of energy
811 supply disruptions. States are, in fact, leaders in
812 recognizing the need to prioritize energy security, emergency
813 preparedness, and energy infrastructure protection. And the
814 committee understands that energy security planning is best
815 carried out at the state level.

816 No one is more familiar with the circumstances, risks,
817 and vulnerabilities of local areas than the states. And
818 throughout the entire process, the committee has worked hard
819 to listen to the needs of the states. The committee received
820 testimony from witnesses, including the National Association
821 of State Energy Officials, the National Association of

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822 Regulatory Utility Commissioners, along with several states,
823 including Texas, Washington, Georgia, and, obviously,
824 Michigan.

825 We sincerely appreciate the perspectives that each of
826 these witnesses provided on energy security planning and
827 emergency preparedness. The Department of Energy's State
828 Energy Program was first authorized in the Energy Policy and
829 Conservation Act, EPCA, back in 1975. The initial program
830 provided federal and technical assistance to states who focus
831 their efforts on energy conservation, and a 1990 amendment to
832 EPCA expanded the scope and added energy emergency planning
833 requirements as a supplement to state energy conservation
834 plans.

835 The authorization for the State Energy Program did
836 expire in 2012, and the program has been receiving
837 unauthorized appropriations ever since. Across the Nation,
838 states have to respond to a variety of hazards, including
839 natural disasters such as hurricanes, earthquakes, floods,
840 fuel supply disruptions, physical and cyber threats, and
841 catastrophic events.

842 The current State Energy Program's authorized purpose
843 and scope does not fully address the risks and
844 vulnerabilities of today's evolving energy landscape. It has

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845 been 25 years since we properly addressed energy security
846 planning, and it is time for a legislative update.

847 This bipartisan discussion draft reflects our commitment
848 to support states' ongoing energy security planning efforts
849 yet still affords the flexibility that states have to have to
850 address local energy challenges. This legislation continues
851 the committee's extensive record focused on cyber
852 preparedness, infrastructure resilience, and emergency
853 response.

854 I look forward to continued bipartisan discussions as we
855 move forward in finalizing the bill, and I yield back the
856 balance of my time.

857 Are there other members wishing to speak -- other
858 members wishing to speak on the bill?

859 Mr. Rush. Mr. Chairman?

860 The Chairman. The gentleman from Illinois.

861 Mr. Rush. Mr. Chairman, I move to strike the last word.

862 The Chairman. Strike the last word. He is recognized
863 for 5 minutes.

864 Mr. Rush. Mr. Chairman, I want to commend the majority
865 for working with the minority on this particular piece of
866 legislation. But, again, Mr. Chairman, we would have
867 preferred to follow regular order on this bill. As you know,

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868 many members on our side of the aisle support the State
869 Energy Program, and this bill would provide resources to
870 further develop and enhance the state energy security plans.

871 Funding provided in this bill would help states to
872 implement, revise, and review their energy security plans
873 while also laying out criteria for the contents of these
874 bills. Although the subcommittee has not held a legislative
875 hearing on this draft bill, I am confident that if both sides
876 continue to work together in good faith we can come to an
877 agreement that will garner the overwhelming support of
878 members from both sides of the aisle.

879 So, Mr. Chairman, I look forward to continuing the
880 discussions between the majority and the minority committee
881 staff, and it is my hope and expectation that we will
882 finalize a bill that will go a long way in helping states
883 prepare plans to help mitigate for and respond to energy
884 emergencies, whether they be natural or manmade, physical or
885 cyber.

886 Mr. Chairman --

887 The Chairman. Would the gentleman yield?

888 Mr. Rush. I certainly will yield. I appreciate the
889 gentleman's comments, and I just want to give the assurance
890 that we continue to work with both sides. This is a

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891 bipartisan effort, has been from the very start. I lament
892 that we were not able to have a legislative hearing, but, as
893 we all know, last week we had the tragic shooting, and we
894 decided that we needed to cancel our official duties for that
895 day.

896 We had a number of witnesses that flew in from a variety
897 of different states. Because we did cancel the hearing
898 itself, we still went ahead with the staff briefing that was,
899 as I understand it, bipartisan. And because of the
900 importance of this issue, knowing that we have had some
901 classified briefings as well, we thought that it was
902 important to use this window of opportunity to move forward
903 with the subcommittee mark, and allow us still time before it
904 gets to full committee and ultimately to the House floor.

905 But I just want to assure every member here that as one
906 that does support regular order, this is an important issue
907 and it was only because of the tragedy last week that we were
908 forced to cancel the official legislative hearing. But as I
909 understand it, a number of different discussions, we are all
910 together on the same page wanting this legislation to move
911 forward and will continue to work before it gets scheduled
912 before the full committee.

913 And I appreciate the gentleman's interest, his input,

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914 and his sincere effort to work with us to get a bill that we
915 can pass on the House floor with broad bipartisan support. I
916 appreciate that.

917 Mr. Rush. Mr. Chairman, I reclaim my time. I just
918 want, in whatever time I have left, I just want to understate
919 or underline and reemphasize that we are absolutely dedicated
920 to the ongoing, longstanding principle of this subcommittee
921 that we do have regular order on the matters that are before
922 the subcommittee.

923 And, Mr. Chairman, with that, I yield back.

924 The Chairman. The gentleman yields back. Other members
925 wishing to speak on the bill? The gentleman from Texas, Mr.
926 Barton.

927 Mr. Barton. Thank you.

928 The Chairman. Strike the last word?

929 Mr. Barton. Yes, sir. I want to reemphasize, Mr.
930 Chairman, what you just said. We were supposed to have a
931 legislative hearing last Wednesday. I was inadvertently
932 detained out at the baseball practice, and I think at the
933 time the hearing was supposed to have occurred I was in an
934 argument with the FBI trying to get my car out of the parking
935 lot where the hearing occurred. So I couldn't have been
936 here, but --

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937 Mr. Shimkus. Which you lost that argument, didn't you?

938 Mr. Barton. I did. I did lose that argument, very
939 emphatically actually.

940 But I just want to reinforce your remarks and also let -
941 - and as Mr. Rush knows, we try to be, and most of the time
942 are, very bipartisan, and his staff, my staff, your staff,
943 and Mr. McNerney's staff, as we are in ongoing discussions
944 about efforts to improve the bill and its aspects of
945 cybersecurity, and things of that sort.

946 So we didn't have the legislative markup. But if there
947 was ever a legitimate reason to postpone it or cancel it, I
948 think last week qualifies. And I also just want to commend
949 Mr. Doyle for two things. He could not have been more
950 gracious last Wednesday in his efforts to reach out to me and
951 all of the Republicans on the baseball team, and I want to
952 congratulate him for the victory last Thursday. Don't think
953 that that is going to become a continuing thing, though, Mr.
954 Doyle. We will be back next year.

955 Mr. Shimkus, who is one of our players, played his 21st
956 game, and he pitched a perfect inning last week, struck out
957 two. So he may be our starting pitcher, if I can get him to
958 come to a few more practices next year. I am going to have
959 to negotiate with his agent on what it is going to take to

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960 get him out, but he played exceptionally well.

961 So, anyway, we didn't have the legislative hearing
962 because, as the chairman pointed out, there was something
963 that had happened that was fairly traumatic.

964 Mr. Rush. Will the gentleman yield?

965 Mr. Barton. I would be happy to yield.

966 Mr. Rush. I just -- you know, I don't want to quibble
967 over this, because I understand the spirit of what both the
968 gentleman from Texas and the chairman is remarking on on this
969 bill. But I want to remind the chairman and the gentleman
970 from Texas that the hearing on Thursday was an oversight
971 hearing. It was not a legislative hearing. As a matter of
972 fact --

973 Mr. Barton. I am talking about last Wednesday.

974 Mr. Rush. I understand. But I want you -- my point is
975 that on Friday was the date that we actually got the bill.
976 We didn't get the bill until Friday. So we all were very
977 concerned and fixated on the predicament of our colleague and
978 the Capitol Hill Police officer and the members who were on
979 the baseball team.

980 But we didn't get this bill until Friday of last week,
981 so it would not have --

982 Mr. Barton. You are correct. That is not a quibble,

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983 Mr. Ranking Member. You are right about that.

984 Mr. Rush. I yield.

985 Mr. Barton. And I yield back.

986 The Chairman. The gentleman yields back. Other members
987 wishing to speak? Seeing none, are there bipartisan
988 amendments to the bill? Seeing none, are there amendments to
989 the bill?

990 Seeing none, the question now occurs on forwarding the
991 Enhancing State Energy Security Planning and Emergency
992 Preparedness Act to the full committee.

993 All those in favor will say aye.

994 Those opposed, say no.

995 In the opinion of the chair, the ayes have it, and the
996 bill is forwarded on.

997 The chair now calls up H.R. 2883 and asks the clerk to
998 report.

999 [The bill follows:]

1000 *****INSERT 4*****

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1001 Ms. Giannangeli. H.R. 2883, to establish a more
1002 uniform, transparent, and modern process to authorize the
1003 construction, connection, operation, and maintenance of
1004 international border-crossing facilities for the import and
1005 export of oil and natural gas and the transmission of
1006 electricity.

1007 The Chairman. And, without objection, the first reading
1008 of the bill is dispensed with, and the bill will be open for
1009 amendment at any point. So ordered.

1010 Are there any bipartisan amendments to the bill? Seeing
1011 none, are there any amendments to the bill?

1012 Mr. Rush. Mr. Chairman?

1013 The Chairman. The gentleman from New Jersey, Mr.
1014 Pallone, has an amendment at the desk?

1015 Mr. Pallone. I have an amendment at the desk.

1016 The Chairman. The gentleman has an amendment at the
1017 desk. The clerk will report the title.

1018 [The amendment offered by Mr. Pallone follows:]

1019 *****COMMITTEE INSERT 3*****

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49

1020 Ms. Giannangeli. Amendment to H.R. 2883, offered by Mr.
1021 Pallone.

1022 The Chairman. And, without objection, the amendment is
1023 -- the reading of the amendment is dispensed with. Staff
1024 will distribute the amendment, and the gentleman is
1025 recognized for 5 minutes in support of his amendment.

1026 Mr. Pallone. Thank you, Mr. Chairman. My amendment
1027 ensures that the complete length of cross-border projects
1028 would be subject to full environmental review under the
1029 National Environmental Policy Act. NEPA was created to
1030 provide transparency so people know what the impact of a
1031 project will be on their communities.

1032 However, the provisions of H.R. 2883 would circumvent
1033 that transparency, and that is why I have introduced this
1034 amendment, to include the entirety of a transboundary project
1035 and the definition of border-crossing facility. By ensuring
1036 a federal NEPA review is conducted for the entire length of
1037 these projects, we can make certain that the necessary steps
1038 are taken to protect the public interest and preserve our
1039 tremendous natural resources.

1040 My amendment is necessary since the bill redefines and
1041 significantly narrows the scope of NEPA's environmental
1042 review. While traditional NEPA review looks at the impacts

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1043 of an entire project, this bill restricts NEPA review to only
1044 that portion of a project that physically crosses the border.

1045 And this restriction, in my opinion, is problematic.

1046 These massive projects are more than just a border crossing.

1047 When we approve a transboundary pipeline or transmission

1048 line, we are approving multi-billion dollar infrastructure

1049 that may stretch hundreds of miles and will last for decades.

1050 These projects pass through private property and

1051 sensitive lands. They transport hazardous substances that,

1052 if spilled or ignited, can cause serious damage. Before

1053 making decisions about whether to approve such projects, we

1054 need to carefully consider their potential impacts on the

1055 environment and on communities along their routes. And,

1056 simply put, we should be looking at the effects of projects

1057 as a whole.

1058 But that is not what the bill before us does. Instead,

1059 it redefines the scope of NEPA's inquiry to only encompass

1060 the step across the border. When Congress passed NEPA, it

1061 never intended this law to provide such a narrow review.

1062 Congress intended NEPA to provide policymakers with a

1063 critical tool to understand the project's full environmental

1064 impacts and consider lower impact alternatives.

1065 NEPA doesn't dictate the outcome or impose any

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1066 constraint on projects. It simply requires the Federal
1067 Government to make some effort to understand the
1068 environmental impacts of major federal actions and to inform
1069 the public of those impacts.

1070 Fundamentally, NEPA requires us to look before we leap,
1071 which is just common sense. We should not be carelessly
1072 narrowing or creating loopholes in this law.

1073 When the Federal Government makes a decision about a
1074 major project, it should understand what is going on. Large
1075 energy projects often raise safety issues, economic
1076 implications, and environmental concerns both for the local
1077 and global environments. These projects affect communities
1078 all along their routes.

1079 Ignoring the impacts will not make them disappear. It
1080 is simply common sense that we should understand the broad
1081 scope of these impacts before deciding to approve a project.
1082 And that is why I urge all of my colleagues to support this
1083 important amendment that ensures that the complete length of
1084 cross-border projects will be subject to a full NEPA review.

1085 And I yield back, Mr. Chairman.

1086 The Chairman. The gentleman yields back. The chair
1087 recognizes the gentleman from Oklahoma, Mr. Mullin.

1088 Mr. Mullin. Thank you, Mr. Chairman. And while I

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1089 greatly have respect for Ranking Member Pallone, I do want to
1090 point out a couple of things. The first thing, this
1091 legislation has absolutely nothing in it that would repeal
1092 environmental protection that is already applicable to
1093 pipelines, or it will hinder in any way the ability of
1094 federal agencies or states to carry out their statutory
1095 responsibilities.

1096 So we are not making any changes to any environmental
1097 study. All this bill does is simply remove the process out
1098 for excuses. We have seen too long the Keystone Pipeline
1099 that was being used as an excuse, and layers of red tape was
1100 put in there, so this legislation defines "border crossing
1101 facility" to mean the portion of the pipeline that is located
1102 at the international boundary only.

1103 This amendment would try to expand the definition of the
1104 border crossing facility to include the entire length of the
1105 pipeline, which would infringe on a state's rights to receive
1106 and decide the impacts of the other portions of the pipeline.
1107 This bill has been carefully crafted with bipartisan support
1108 to be protective of public safety and the environment.

1109 This amendment would upset this careful balance that we
1110 have had with bipartisan support and effectively gut this
1111 bill, so I would urge my colleagues to vote no on this

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1112 amendment.

1113 Mr. Green. Mr. Chairman, does the gentleman yield?

1114 Mr. Mullin. Yes, I would yield to Mr. Green.

1115 Mr. Green. Thank you. We had this bill last Congress,
1116 and we requested a Congressional Research Service, and I
1117 would be glad to hand out the copies based on the last. And
1118 I think the language is the same in this bill as it was for
1119 the last one, if my colleagues would like to see a copy of
1120 what the CRS talked about.

1121 Before federal agents can make a final decision on a
1122 proposed action, NEPA requires that the agency identify the
1123 proposal's effects on the quality of human environment. The
1124 scope and level of review required under NEPA depends on
1125 whether these effects will be significant. To make that
1126 determination, each agency must identify and evaluate the
1127 proposal.

1128 This bill doesn't change that. There will still be a
1129 NEPA process not just at the cross-border -- the crossing the
1130 border, but also along the route that it will trigger a NEPA
1131 process.

1132 The amendment I don't think is necessary. I think it
1133 will already be covered because, again, I am familiar with
1134 the border of Texas and the pipelines. There will not be a

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1135 pipeline that goes into Mexico that doesn't cross some
1136 federal property, a wildlife refuge, or something else that
1137 will trigger a NEPA review.

1138 So, I mean, I can't say that about the Canadian border.
1139 Maybe my colleagues from northern -- but this bill does not
1140 take away any NEPA oversight that is currently in the law.

1141 And I appreciate my colleague from Oklahoma. I will
1142 quit for about a day complaining you are still taking our
1143 football players.

1144 And I will yield back.

1145 Mr. Barton. Would the gentleman from Oklahoma yield to
1146 me?

1147 Mr. Mullin. Yes.

1148 Mr. Barton. I want to reinforce what you just said.

1149 The whole point of this bill is to put into statute to
1150 replace an ambiguous non-statutory certification process by
1151 the President, which is just kind of happenstance, really.

1152 And so what Mr. Green and Mr. Mullin are trying to do is
1153 put in clear statute a simple, understandable, time-certain
1154 process. If we accepted Mr. Pallone's amendment, as
1155 Markwayne pointed out, you would basically gut the bill. So
1156 I want to reinforce the opposition.

1157 I also want to take point of personal privilege. We

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1158 have talked a lot about the members and people that were at
1159 the baseball practice last week when the shooting occurred.
1160 At the back of the room, we have a gentleman named Brian
1161 Kelly. He is at the very back left-hand corner. He is the
1162 Republican umpire, and he hits fungos to the outfield and is
1163 just a volunteer who comes out and helps us.

1164 Last week he risked his life. He came behind where the
1165 Capitol Hill Police were and was direct -- they couldn't see
1166 the shooter, and Brian actually risked his body to see where
1167 the shooter was and direct the Capitol Hill officers to where
1168 the shooter was shooting at the members. If he will stand
1169 up, we should recognize him.

1170 [Applause.]

1171 Mr. Barton. He is one of the unsung heroes and a
1172 tremendously good guy.

1173 And with that, I yield back to Markwayne.

1174 Mr. Mullin. I yield back, Mr. Chairman.

1175 The Chairman. The gentleman yields back. Other members
1176 wishing to speak on the amendment? The gentleman from
1177 California is recognized for 5 minutes.

1178 Mr. McNerney. Thank you, Mr. Speaker, and I yield my
1179 time to the ranking member.

1180 Mr. Pallone. Thank you, Mr. McNerney. I don't -- I am

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1181 not going to spend a lot of time, but, you know, I looked at
1182 the CRS memo that Mr. Green just provided, and my concern is
1183 not -- and the reason for this amendment is not alleviated,
1184 in my opinion, by this memo because there is really no
1185 guarantee that if you limit the scope of the review under the
1186 existing bill to just that section that crosses the border,
1187 there is no guarantee that NEPA is going to look beyond that
1188 and look at the whole project.

1189 And even though -- I mean, looking at this memo, it
1190 doesn't in any way suggest that that guarantee would be
1191 there. I mean, I guess there is nothing to stop NEPA from
1192 looking at other things, but they wouldn't be under any
1193 charge or any requirement to do that under the bill. And so
1194 that is why it is necessary to have the amendment to specify
1195 that they would look at the entire project and not just that
1196 section that crosses the border.

1197 And with that, I yield back to Mr. McNerney.

1198 Mr. McNerney. And I will yield back.

1199 The Chairman. The gentleman yields back. Other members
1200 wishing to speak on the amendment? The gentlelady from
1201 Florida, Ms. Castor.

1202 Ms. Castor. Thank you, Mr. Chairman. I want to urge
1203 adoption of the Pallone amendment, which would substantially

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1204 improve this bill. H.R. 2883 proposes to eliminate
1205 meaningful review of all environmental impacts of proposed
1206 cross-border energy projects.

1207 The bill narrowly -- dramatically narrows the scope of
1208 environmental review to only the cross-border segment of the
1209 energy project, the tiny portion that physically crosses the
1210 national boundary. That is very poor public policy, and it
1211 significantly contravenes important safeguards and the public
1212 interest.

1213 We are talking about major infrastructure projects that
1214 can span hundreds of miles. They cross through private
1215 property, through water bodies, farms, and other sensitive
1216 areas, and they carry substances that can catch fire or spill
1217 or pollute the environment. And they can have profound
1218 implications for the changing climate and all of the huge
1219 costs that are now being imposed upon families and
1220 businesses.

1221 To understand the potential environment impact of an
1222 energy project, you must look at the project as a whole. To
1223 ignore the potential environmental or safety risks for every
1224 part of the project except for the tiny sliver of land at the
1225 national boundary is irresponsible.

1226 Imagine going to the doctor, if you are feeling sick,

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1227 and the doctor says, "I am giving you a clean bill of health"
1228 after only looking at your elbow. That is what this bill
1229 does. It lets these projects go forward without a full
1230 environmental review, and no meaningful review means no
1231 opportunity to mitigate potential harm to the public health,
1232 public safety, or the environment, and that is just reckless.
1233 And I think this will have the opposite effect of what is
1234 intended.

1235 I think you will probably see more lawsuits, more
1236 protests, greater delays, and, again, that would be just the
1237 opposite of what is intended.

1238 Mr. Pallone's amendment would ensure that these cross-
1239 border energy projects receive a thorough environmental
1240 review before they receive approval, and I urge adoption of
1241 the amendment and yield back my time.

1242 The Chairman. The gentlelady yields back. Other
1243 members wishing to speak on the amendment?

1244 Seeing none, the vote occurs on the amendment offered by
1245 the gentleman from New Jersey. A roll call vote has been
1246 requested. The clerk will call the roll. All those in favor
1247 of the amendment will vote aye. Those opposed will vote no.

1248 Ms. Giannangeli. Mr. Olson.

1249 Mr. Olson. No.

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1250 Ms. Giannangeli. Mr. Olson votes no.
1251 Mr. Barton.
1252 Mr. Barton. No.
1253 Ms. Giannangeli. Mr. Barton votes no.
1254 Mr. Shimkus.
1255 [No response.]
1256 Mr. Murphy.
1257 Mr. Murphy. No.
1258 Ms. Giannangeli. Mr. Murphy votes no.
1259 Mr. Latta.
1260 Mr. Latta. No.
1261 Ms. Giannangeli. Mr. Latta votes no.
1262 Mr. Harper.
1263 Mr. Harper. No.
1264 Ms. Giannangeli. Mr. Harper votes no.
1265 Mr. McKinley.
1266 Mr. McKinley. No.
1267 Ms. Giannangeli. Mr. McKinley votes no.
1268 Mr. Kinzinger.
1269 [No response.]
1270 Mr. Griffith.
1271 Mr. Griffith. No.
1272 Ms. Giannangeli. Mr. Griffith votes no.

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1273 Mr. Johnson.
1274 Mr. Johnson. No.
1275 Ms. Giannangeli. Mr. Johnson votes no.
1276 Mr. Long.
1277 [No response.]
1278 Mr. Bucshon.
1279 Mr. Bucshon. No.
1280 Ms. Giannangeli. Mr. Bucshon votes no.
1281 Mr. Flores.
1282 Mr. Flores. No.
1283 Ms. Giannangeli. Mr. Flores votes no.
1284 Mr. Mullin.
1285 Mr. Mullin. No.
1286 Ms. Giannangeli. Mr. Mullin votes no.
1287 Mr. Hudson.
1288 Mr. Hudson. No.
1289 Ms. Giannangeli. Mr. Hudson votes no.
1290 Mr. Cramer.
1291 Mr. Cramer. No.
1292 Ms. Giannangeli. Mr. Cramer votes no.
1293 Mr. Walberg.
1294 Mr. Walberg. No.
1295 Ms. Giannangeli. Mr. Walberg votes no.

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1296 Mr. Walden.
1297 Mr. Walden. No.
1298 Ms. Giannangeli. Mr. Walden votes no.
1299 Mr. Rush.
1300 Mr. Rush. Aye.
1301 Ms. Giannangeli. Mr. Rush votes aye.
1302 Mr. McNerney.
1303 Mr. McNerney. Aye.
1304 Ms. Giannangeli. Mr. McNerney votes aye.
1305 Mr. Peters.
1306 Mr. Peters. Aye.
1307 Ms. Giannangeli. Mr. Peters votes aye.
1308 Mr. Green.
1309 Mr. Green. No.
1310 Ms. Giannangeli. Mr. Green votes no.
1311 Mr. Doyle.
1312 Mr. Doyle. Yes.
1313 Ms. Giannangeli. Mr. Doyle votes aye.
1314 Ms. Castor.
1315 Ms. Castor. Aye.
1316 Ms. Giannangeli. Ms. Castor votes aye.
1317 Mr. Sarbanes.
1318 Mr. Sarbanes. Aye.

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1319 Ms. Giannangeli. Mr. Sarbanes votes aye.
1320 Mr. Welch.
1321 Mr. Welch. Aye.
1322 Ms. Giannangeli. Mr. Welch votes aye.
1323 Mr. Tonko.
1324 Mr. Tonko. Aye.
1325 Ms. Giannangeli. Mr. Tonko votes aye.
1326 Mr. Loeb sack.
1327 Mr. Loeb sack. Aye.
1328 Ms. Giannangeli. Mr. Loeb sack votes aye.
1329 Mr. Schrader.
1330 [No response.]
1331 Mr. Kennedy.
1332 Mr. Kennedy. Aye.
1333 Ms. Giannangeli. Mr. Kennedy votes aye.
1334 Mr. Butterfield.
1335 Mr. Butterfield. Aye.
1336 Ms. Giannangeli. Mr. Butterfield votes aye.
1337 Mr. Pallone.
1338 Mr. Pallone. Aye.
1339 Ms. Giannangeli. Mr. Pallone votes aye.
1340 Chairman Upton.
1341 The Chairman. Votes no.

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1342 Ms. Giannangeli. Chairman Upton votes no.

1343 The Chairman. How does Mr. Shimkus vote?

1344 Mr. Shimkus. I vote no.

1345 Ms. Giannangeli. Mr. Shimkus votes no.

1346 The Chairman. Other members wishing to change their

1347 vote or to vote? Seeing none, the clerk will report the

1348 tally.

1349 Ms. Giannangeli. Mr. Chairman, on that vote, there were

1350 12 ayes and 18 noes.

1351 The Chairman. 12 ayes, 18 noes. The amendment is not

1352 agreed to.

1353 Are there other further amendments to the bill? The

1354 chair will recognize the gentleman from Illinois to offer an

1355 amendment, Mr. Rush.

1356 Mr. Rush. Mr. Chairman, I have an amendment at the

1357 desk.

1358 [The amendment offered by Mr. Rush follows:]

1359 *****COMMITTEE INSERT 4*****

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1360 The Chairman. And the clerk will report the amendment.

1361 Ms. Giannangeli. Amendment to H.R. 2883, offered by Mr.
1362 Rush.

1363 The Chairman. And the amendment will be considered as
1364 read. The staff will distribute the amendment, and the
1365 gentleman from Illinois is recognized for 5 minutes in
1366 support of his amendment.

1367 Mr. Rush. Thank you, Mr. Chairman. Mr. Chairman, my
1368 amendment will simply retain the current requirement that the
1369 permitting agency must find that a project is in the public
1370 interest before the project is approved. Mr. Chairman, the
1371 stated objective of H.R. 2883 is to, I quote, "Is to
1372 establish a more uniform, transparent, and modern process to
1373 authorize the construction, connection, operation, and
1374 maintenance of international border crossing facilities for
1375 the import and export of oil and natural gas and the
1376 transmission of electricity."

1377 However, Mr. Chairman, H.R. 2883 appears to be less
1378 about expediting the permitting process for cross-border
1379 pipelines and transmission lines and more about creating a
1380 de facto rubber stamp for these projects.

1381 Mr. Chairman, this bill tips the scales in favor of an
1382 automatic approval in two key ways. First, the new process

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1383 established by the bill effectively exempts such projects
1384 from environmental safety and review under the National --
1385 under NEPA by narrowing NEPA applicability to the -- just the
1386 portions of the project actually crossing the border.

1387 Additionally, the process created by the bill also tips
1388 the scale in favor of approving controversial projects by
1389 establishing a rebuttable presumption of approval. Mr.
1390 Chairman, the existing process requires an agency to
1391 affirmatively find that a project is in the public interest,
1392 but instead this bill shifts the burden of proof to opponents
1393 of the project to demonstrate otherwise.

1394 In fact, H.R. 2883 will allow a project that was found
1395 not to be in the public interest under the current permitting
1396 process to reapply under the new weaker process. Mr.
1397 Chairman, these massive cross-border energy projects could
1398 have a significant impact on people's lives, and we owe it to
1399 the American people to make a real effort to understand those
1400 impacts before deciding whether or not to approve an
1401 application.

1402 Using information developed under NEPA, the current
1403 public interest standard allows all of the relevant potential
1404 impacts of a project to be considered and mitigated, where
1405 possible, and where appropriate. But I am concerned that the

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1406 bill's new permitting provision will actually make the
1407 process worse, less transparent, less inclusive, and
1408 ultimately less -- far less effective.

1409 Mr. Chairman, this bill would drastically narrow what
1410 can be considered in evaluating these projects. And together
1411 with the 120-day time limit imposed in the bill, these
1412 provisions basically require the permitting agencies to
1413 rubber stamp all cross-border projects.

1414 Mr. Chairman, despite the intended objective of this
1415 bill, by narrowing the scope of NEPA, limiting public
1416 participation and shifting the burden of determining public
1417 interest, this bill may actually lead to greater controversy,
1418 increased litigation, and longer delays.

1419 With that said, Mr. Chairman, I urge all of my
1420 colleagues to support my amendment. And with that, I yield
1421 back the balance of my time.

1422 The Chairman. The gentleman yields back, and I would
1423 ask to strike the last word. I would recognize myself for 5
1424 minutes.

1425 I would argue that the underlying bill, 2883, actually
1426 would establish a more uniform, transparent, and modern
1427 process to authorize the construction of pipelines in the
1428 electric transmission facilities literally at the border.

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1429 Canada and Mexico are two of our most trusted allies and
1430 trading partners. And unless there is a good reason to
1431 believe that trade with these countries is for some reason
1432 not in the national interest, border crossing facilities
1433 should be approved.

1434 We actually have a longstanding precedent for a
1435 rebuttable presumption in favor of trade with our allies.
1436 The Natural Gas Act, for example, contains the very same
1437 standard of review. Language is the same. So this amendment
1438 would gut the bill, and I would urge my colleagues to vote no
1439 on the amendment, and yield back the balance of my time.

1440 Mr. Green. Mr. Chairman, would you yield?

1441 The Chairman. I yield, then, to the gentleman from the
1442 Texas.

1443 Mr. Green. Thank you. This amendment, I think, because
1444 of the rebuttable presumption, we have a free trade agreement
1445 with our two borders. We are not going to build pipelines to
1446 Cuba. We are not going to build pipelines to anywhere except
1447 Canada or Mexico. We have a free trade agreement, and that
1448 is why the rebuttable presumption.

1449 Now, I have to admit, in 1993, I did not vote for NAFTA,
1450 but I think over a period of time we can change it. But the
1451 success of what is happening on the Texas border now is

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1452 Mexico needs our natural gas, and to get there, the
1453 permitting process has been a struggle, just because of what
1454 -- the experience of Keystone.

1455 And so that is why we are trying to make sure that
1456 between our free trading partner that we have -- that
1457 decision on rebuttable presumption is only made when Congress
1458 approved these free trade agreements. And so that is why I
1459 think we are just putting into the law what should be common
1460 sense, that if you have a free trade agreement with someone,
1461 you ought to make it a rebuttable presumption. It is in the
1462 national interest, because that is why.

1463 And thank you for yielding to me.

1464 The Chairman. With that, I yield back the balance of my
1465 time. Other members wishing to speak on the amendment? The
1466 gentleman from New Jersey, Mr. Pallone.

1467 Mr. Pallone. Thank you, Mr. Chairman. I want to speak
1468 in support of Mr. Rush's amendment. I was listening to your
1469 remarks about our great relationship with Mexico and Canada.
1470 I am not so sure that is true anymore with President Trump,
1471 but whatever. Hope springs eternal.

1472 H.R. 2883 establishes a new permitting process that
1473 appears to have one goal: ensuring rapid approval of cross-
1474 border energy projects. The bill makes it very difficult for

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1475 federal agencies to do anything other than approve the
1476 proposed projects for two reasons.

1477 First, based on the reason for my initial amendment is
1478 the new permitting process narrows the federal approval and
1479 environmental review to just the cross-border portion of the
1480 proposed project, and this eliminates consideration of the
1481 concerns that stem from the project as a whole.

1482 And then, second, the reason for Mr. Rush's amendment,
1483 is that the bill establishes a rebuttable presumption of
1484 approval, meaning that the federal agency must approve the
1485 project unless it finds that the cross-border segment of the
1486 project is not in the public interest. So that is a major
1487 change. And it is not a subtle change -- a significant
1488 change--that makes it much more likely that these projects
1489 will be approved even if the record is incomplete.

1490 To put it another way, this bill effectively says that
1491 all oil and natural gas pipelines and electricity
1492 transmission lines that cross the U.S. border are always in
1493 the public interest. And to prove otherwise, federal
1494 agencies can only consider the impacts of these projects at
1495 the narrow segment that crosses the border. That is an
1496 extremely high bar to meet. And for what? To guarantee that
1497 every project gets the green light, regardless of the merits?

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1498 We should keep in mind that the purpose of the current
1499 presidential permit requirement is to ensure that when a
1500 private company plans to build a massive infrastructure
1501 project across the U.S. border, the executive branch has a
1502 chance to evaluate the project.

1503 The purpose is to ensure that we understand the
1504 project's potential effects on foreign policy, trade, the
1505 economy, the environment, public health and safety, and other
1506 factors. And the purpose is also to address any unacceptable
1507 effects through permit conditions or denial, if necessary.
1508 But the process established in this bill would only serve the
1509 purpose of approving all projects more quickly.

1510 By shifting the burden of proof to require a showing
1511 that the project is contrary to the public interest and
1512 sharply narrowing the focus of that inquiry, this bill makes
1513 it extremely difficult for an agency ever to deny a permit.
1514 And that is not something that I can support, and I don't
1515 think we should support, so I am glad Mr. Rush is offering
1516 this amendment today, and I urge a yes vote.

1517 I yield back.

1518 The Chairman. The gentleman yields back. Other members
1519 wishing to speak on the amendments? Seeing none, the vote
1520 occurs on the amendment.

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1521 A recorded vote is asked on the amendment. The clerk
1522 will call the roll on the Rush amendment. Those in favor
1523 will say aye. Those opposed, say no. The clerk will call
1524 the roll.

1525 Ms. Giannangeli. Mr. Olson.

1526 Mr. Olson. No.

1527 Ms. Giannangeli. Mr. Olson votes no.

1528 Mr. Barton.

1529 Mr. Barton. No.

1530 Ms. Giannangeli. Mr. Barton votes no.

1531 Mr. Shimkus.

1532 Mr. Shimkus. No.

1533 Ms. Giannangeli. Mr. Shimkus votes no.

1534 Mr. Murphy.

1535 Mr. Murphy. No.

1536 Ms. Giannangeli. Mr. Murphy votes no.

1537 Mr. Latta.

1538 Mr. Latta. No.

1539 Ms. Giannangeli. Mr. Latta votes no.

1540 Mr. Harper.

1541 Mr. Harper. No.

1542 Ms. Giannangeli. Mr. Harper votes no.

1543 Mr. McKinley.

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1544 Mr. McKinley. No.

1545 Ms. Giannangeli. Mr. McKinley votes no.

1546 Mr. Kinzinger.

1547 [No response.]

1548 Mr. Griffith.

1549 Mr. Griffith. No.

1550 Ms. Giannangeli. Mr. Griffith votes no.

1551 Mr. Johnson.

1552 Mr. Johnson. No.

1553 Ms. Giannangeli. Mr. Johnson votes no.

1554 Mr. Long.

1555 [No response.]

1556 Mr. Bucshon.

1557 [No response.]

1558 Mr. Flores.

1559 Mr. Flores. No.

1560 Ms. Giannangeli. Mr. Flores votes no.

1561 Mr. Mullin.

1562 Mr. Mullin. No.

1563 Ms. Giannangeli. Mr. Mullin votes no.

1564 Mr. Hudson.

1565 Mr. Hudson. No.

1566 Ms. Giannangeli. Mr. Hudson votes no.

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1567 Mr. Cramer.
1568 Mr. Cramer. No.
1569 Ms. Giannangeli. Mr. Cramer votes no.
1570 Mr. Walberg.
1571 Mr. Walberg. No.
1572 Ms. Giannangeli. Mr. Walberg votes no.
1573 Mr. Walden.
1574 [No response.]
1575 Mr. Rush.
1576 Mr. Rush. Aye.
1577 Ms. Giannangeli. Mr. Rush votes aye.
1578 Mr. McNerney.
1579 Mr. McNerney. Yes.
1580 Ms. Giannangeli. Mr. McNerney votes aye.
1581 Mr. Peters.
1582 Mr. Peters. Aye.
1583 Ms. Giannangeli. Mr. Peters votes aye.
1584 Mr. Green.
1585 Mr. Green. No.
1586 Ms. Giannangeli. Mr. Green votes no.
1587 Mr. Doyle.
1588 Mr. Doyle. Yes.
1589 Ms. Giannangeli. Mr. Doyle votes aye.

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1590 Ms. Castor.

1591 Ms. Castor. Aye.

1592 Ms. Giannangeli. Ms. Castor votes aye.

1593 Mr. Sarbanes.

1594 Mr. Sarbanes. Aye.

1595 Ms. Giannangeli. Mr. Sarbanes votes aye.

1596 Mr. Welch.

1597 Mr. Welch. Aye.

1598 Ms. Giannangeli. Mr. Welch votes aye.

1599 Mr. Tonko.

1600 Mr. Tonko. Aye.

1601 Ms. Giannangeli. Mr. Tonko votes aye.

1602 Mr. Loeb sack.

1603 Mr. Loeb sack. Aye.

1604 Ms. Giannangeli. Mr. Loeb sack votes aye.

1605 Mr. Schrader. Mr. Schrader.

1606 Mr. Schrader. Yes.

1607 Ms. Giannangeli. Mr. Schrader votes aye.

1608 Mr. Kennedy.

1609 Mr. Kennedy. Aye.

1610 Ms. Giannangeli. Mr. Kennedy votes aye.

1611 Mr. Butterfield.

1612 Mr. Butterfield. Aye.

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1613 Ms. Giannangeli. Mr. Butterfield votes aye.

1614 Mr. Pallone.

1615 Mr. Pallone. Aye.

1616 Ms. Giannangeli. Mr. Pallone votes aye.

1617 Chairman Upton.

1618 The Chairman. Votes no.

1619 Ms. Giannangeli. Chairman Upton votes no.

1620 The Chairman. How is Mr. Walden recorded?

1621 Ms. Giannangeli. Mr. Walden is not recorded.

1622 Mr. Walden. No.

1623 Ms. Giannangeli. Mr. Walden votes no.

1624 The Chairman. How is Mr. Bucshon recorded?

1625 Ms. Giannangeli. Mr. Bucshon is not recorded.

1626 Mr. Bucshon. No.

1627 Ms. Giannangeli. Mr. Bucshon votes no.

1628 The Chairman. Other members wishing to change their

1629 vote or cast a vote? Seeing none, the clerk will report the

1630 tally.

1631 Ms. Giannangeli. Mr. Chairman, on that vote, there were

1632 13 ayes and 18 noes.

1633 The Chairman. 13 ayes, 18 noes. The amendment is not

1634 agreed to.

1635 Are there further amendments to the bill? Seeing none,

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1636 the vote occurs on forwarding H.R. 2883 to the full
1637 committee.

1638 Mr. Rush. I want a recorded vote.

1639 The Chairman. A recorded vote has been asked for. All
1640 those in favor will vote aye. Those opposed, vote no. The
1641 clerk will call the roll.

1642 Ms. Giannangeli. Mr. Olson.

1643 Mr. Olson. Aye.

1644 Ms. Giannangeli. Mr. Olson votes aye.

1645 Mr. Barton.

1646 Mr. Barton. Aye.

1647 Ms. Giannangeli. Mr. Barton votes aye.

1648 Mr. Shimkus.

1649 Mr. Shimkus. Aye.

1650 Ms. Giannangeli. Mr. Shimkus votes aye.

1651 Mr. Murphy.

1652 [No response.]

1653 Mr. Latta.

1654 Mr. Latta. Aye.

1655 Ms. Giannangeli. Mr. Latta votes aye.

1656 Mr. Harper.

1657 Mr. Harper. Aye.

1658 Ms. Giannangeli. Mr. Harper votes aye.

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1659 Mr. McKinley.
1660 Mr. McKinley. Aye.
1661 Ms. Giannangeli. Mr. McKinley votes aye.
1662 Mr. Kinzinger.
1663 [No response.]
1664 Mr. Griffith.
1665 Mr. Griffith. Aye.
1666 Ms. Giannangeli. Mr. Griffith votes aye.
1667 Mr. Johnson.
1668 Mr. Johnson. Aye.
1669 Ms. Giannangeli. Mr. Johnson votes aye.
1670 Mr. Long.
1671 [No response.]
1672 Mr. Bucshon.
1673 Mr. Bucshon. Aye.
1674 Ms. Giannangeli. Mr. Bucshon votes aye.
1675 Mr. Flores.
1676 Mr. Flores. Aye.
1677 Ms. Giannangeli. Mr. Flores votes aye.
1678 Mr. Mullin.
1679 Mr. Mullin. Aye.
1680 Ms. Giannangeli. Mr. Mullin votes aye.
1681 Mr. Hudson.

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1682 Mr. Hudson. Aye.

1683 Ms. Giannangeli. Mr. Hudson votes aye.

1684 Mr. Cramer.

1685 Mr. Cramer. Aye.

1686 Ms. Giannangeli. Mr. Cramer votes aye.

1687 Mr. Walberg.

1688 Mr. Walberg. Aye.

1689 Ms. Giannangeli. Mr. Walberg votes aye.

1690 Mr. Walden.

1691 Mr. Walden. Aye.

1692 Ms. Giannangeli. Mr. Walden votes aye.

1693 Mr. Rush.

1694 Mr. Rush. No.

1695 Ms. Giannangeli. Mr. Rush votes no.

1696 Mr. McNerney.

1697 Mr. McNerney. No.

1698 Ms. Giannangeli. Mr. McNerney votes no.

1699 Mr. Peters.

1700 Mr. Peters. No.

1701 Ms. Giannangeli. Mr. Peters votes no.

1702 Mr. Green.

1703 Mr. Green. Aye.

1704 Ms. Giannangeli. Mr. Green votes aye.

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1705 Mr. Doyle.

1706 Mr. Doyle. No.

1707 Ms. Giannangeli. Mr. Doyle votes no.

1708 Ms. Castor.

1709 Ms. Castor. No.

1710 Ms. Giannangeli. Ms. Castor votes no.

1711 Mr. Sarbanes.

1712 Mr. Sarbanes. No.

1713 Ms. Giannangeli. Mr. Sarbanes votes no.

1714 Mr. Welch.

1715 Mr. Welch. No.

1716 Ms. Giannangeli. Mr. Welch votes no.

1717 Mr. Tonko.

1718 Mr. Tonko. No.

1719 Ms. Giannangeli. Mr. Tonko votes no.

1720 Mr. Loeb sack.

1721 Mr. Loeb sack. No.

1722 Ms. Giannangeli. Mr. Loeb sack votes no.

1723 Mr. Schrader.

1724 Mr. Schrader. Aye.

1725 Ms. Giannangeli. Mr. Schrader votes aye.

1726 Mr. Kennedy.

1727 Mr. Kennedy. No.

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1728 Ms. Giannangeli. Mr. Kennedy votes no.
1729 Mr. Butterfield.
1730 Mr. Butterfield. No.
1731 Ms. Giannangeli. Mr. Butterfield votes no.
1732 Mr. Pallone.
1733 Mr. Pallone. No.
1734 Ms. Giannangeli. Mr. Pallone votes no.
1735 Chairman Upton.
1736 The Chairman. Votes aye.
1737 Ms. Giannangeli. Chairman Upton votes aye.
1738 The Chairman. Other members wishing to change their
1739 vote or cast a vote? Seeing none, the clerk will report the
1740 tally.
1741 Ms. Giannangeli. Mr. Chairman, on that vote, there were
1742 12 ayes and 19 noes. Sorry. Mr. Chairman, on that vote,
1743 there were 19 ayes and 12 noes.
1744 The Chairman. 19 ayes and 12 noes. The question on
1745 forwarding 2883 is approved and forwarded to the full
1746 committee.
1747 The chair will now call up H.R. 2910 and ask the clerk
1748 to report.
1749 [The bill follows:]
1750 *****INSERT 5*****

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1751 Ms. Giannangeli. H.R. 2910, to provide for federal and
1752 state -- excuse me. To provide for federal and state agency
1753 coordination in the approval of certain authorizations under
1754 the Natural Gas Act, and for other purposes.

1755 The Chairman. Without objection, the first reading of
1756 the bill is dispensed with, and the bill will be open for
1757 amendment at any point. Are there any bipartisan amendments
1758 to the bill? Seeing none, are there any amendments to the
1759 bill?

1760 Mr. Rush. Mr. Chairman?

1761 The Chairman. The gentleman from Illinois has an
1762 amendment at the desk?

1763 Mr. Rush. Yes, I have an amendment.

1764 The Chairman. The clerk will report the title of the
1765 amendment. What amendment number is it, do you know? 3.

1766 Mr. Rush. 3.

1767 Ms. Giannangeli. Amendment to H.R. 2910, offered by Mr.
1768 Rush.

1769 The Chairman. And the amendment will be considered as
1770 read. The staff will distribute the amendment, and the
1771 gentleman from Illinois is recognized for 5 minutes in
1772 support of his amendment.

1773 Mr. Rush. I want to thank you, Mr. Chairman. Mr.

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1774 Chairman, my amendment will simply strike Section 4 of the
1775 bill. H.R. 2910 is a bill that offers a solution in search
1776 of a problem.

1777 This last month this subcommittee heard testimony from
1778 Director Terry Turpin of FERC's Office of Energy Projects in
1779 which he stated that 88 percent of applications are currently
1780 processed within 12 months. Additionally, Director Turpin
1781 noted that the number 1 reason for an application being
1782 delayed was due to the licensee failing to provide FERC and
1783 other agencies with, quote, "timely and complete information
1784 necessary to perform congressionally mandated project
1785 reviews."

1786 Mr. Chairman, instead of actually addressing the main
1787 reason causing the delays for the 12 percent of applications
1788 that take over 12 months to approve, H.R. 2910 seeks to cut
1789 corners in a variety of ways and substitutes safety with
1790 expediency.

1791 Mr. Chairman, while we all understand the need for an
1792 expanded energy infrastructure, it is extremely important to
1793 our constituents that these pipelines be constructed in a way
1794 that protects the environment and offers a sense of security
1795 to the communities which they traverse. Congress should not
1796 make it easier for private entities to claim eminent domain

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1797 and potentially negatively impact historical and cultural
1798 sites, aquifers, farms, and other private properties, while
1799 at the same time limiting the ability for states, for tribes,
1800 and for local communities to provide input into the process.

1801 Unfortunately, Mr. Chairman, H.R. 2910 does exactly
1802 that. This bill will cut corners by allowing incomplete
1803 applications to be considered. The bill will also cut
1804 corners by allowing incomplete data from earlier surveys to
1805 be considered in the application process.

1806 This bill will cut corners by minimizing the input of
1807 states and agencies responsible for protecting the
1808 environment, sensitive lands, aquifers, and other natural
1809 resources.

1810 Mr. Chairman, this bill allows FERC to determine which
1811 agencies are deemed relevant to the application process. And
1812 if a state or agency is not deemed relevant to the process by
1813 FERC, then those stakeholders are completely shut out of the
1814 process.

1815 In fact, this bill will specifically prohibit non-
1816 designation agencies, including state organizations, from
1817 being able to, quote, "request or conduct a NEPA review that
1818 is supplemental to the project-related review conducted by
1819 the Commission." This bill will also prohibit, quote, "non-

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1820 designation" of agencies from including comments or
1821 supplemental information into the record.

1822 Mr. Chairman, as we have seen in the past, and continue
1823 to witness today, the issue of constructing these pipelines
1824 through aquifers, private property, cultural sites, and other
1825 sensitive lands is an issue that causes great public
1826 consternation and public outcry.

1827 We should be taking into account the sensitive nature of
1828 this issue by listening to our constituents and making them
1829 feel as though we have more of a voice in these sometimes
1830 very difficult decisions, not trying to limit their input.

1831 Mr. Chairman, I would urge all of my colleagues to
1832 support my amendment striking Section 4 of the bill, so that
1833 states, tribes, and local community stakeholders can continue
1834 to play an important role in the pipeline permitting process.

1835 With that, I yield back the balance of my time.

1836 Mr. Olson. [Presiding] The gentleman yields back.

1837 Does anyone want to speak in opposition to the amendment?

1838 Mr. Flores. Mr. Chairman, I move to strike the last
1839 word.

1840 Mr. Olson. Mr. Flores is recognized for 5 minutes.

1841 Mr. Flores. Thank you, Mr. Chairman. In the interest
1842 of time, I waive my opening comments regarding my bill, but I

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1843 will go ahead and talk about what the bill does because I
1844 think my bill was mischaracterized pretty dramatically in the
1845 statement regarding this amendment.

1846 Mr. Chairman, America is one of the world's top oil and
1847 gas producers thanks to the shale revolution. Our energy
1848 infrastructure and permitting processes must be updated to
1849 reflect America's abundance of domestic energy resources.
1850 Modernizing the permitting process for our Nation's pipeline
1851 infrastructure allows us to efficiently and safely bring
1852 those resources to our downstream assets openly to consumers
1853 to power our economy and to give opportunities for
1854 hardworking American families.

1855 H.R. 2910, promoting interagency coordination for review
1856 of Natural Gas Pipelines Act, builds important permit reforms
1857 under the Energy Policy Act of 2005 by bringing greater
1858 accountability, predictability, and transparency to the
1859 process for interstate pipelines.

1860 This bill requires early notification to all
1861 participating agencies, all states, and all affected Indian
1862 tribes to lessen the burden of interagency bureaucracy, and
1863 it reinforces FERC's status as the lead agency. It further
1864 establishes a process for consultation and concurrent reviews
1865 among federal and state agencies, Indian tribes, and sets

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1866 deadlines for final decisions.

1867 H.R. 2910 includes common-sense reforms, including
1868 codifying some of the Commission's existing practices in the
1869 statute. It is important to note that this process is more
1870 transparent and more accountable, and this bill enhances
1871 certainty for pipeline applicants. This bill does not
1872 guarantee a given outcome for any applicant. It does,
1873 however, ensure that the involved agencies follow their duty
1874 to act on appropriate projects and not push an ideological
1875 agenda by using delays and stall tactics. Expanding and
1876 modernizing our infrastructure brings additional benefits of
1877 creating jobs and means lower energy prices for hardworking
1878 American families.

1879 Now, I want to go -- in particular response to the
1880 amendment that has been offered by the gentleman, again, I
1881 want to say H.R. 2910 encourages agencies to participate in
1882 the environmental review process. It cuts no corners, and
1883 this leads to better, more informed decisionmaking.

1884 This amendment would do the complete opposite. It would
1885 discourage agencies from participating. It would lead to
1886 confusion, it would lead to duplication, and it would lead to
1887 delay. The need for new natural gas infrastructure is clear.
1888 It presents new opportunities for our economy and jobs, it

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1889 strengthens our energy security, and reduces our domestic
1890 emissions.

1891 Now, one of the things that the gentleman said that
1892 sponsored the amendment, he said that 80 percent of the
1893 applications are on time, or timely issued. Okay. That is
1894 true. That means that 20 percent are late, and that 20
1895 percent represents a substantial increase from just a few
1896 years ago.

1897 Now, these delays and that 20 percent don't come without
1898 a cost, and so here are some examples. Project A, I am going
1899 to use as an example, it costs an additional 54 million
1900 versus an original \$607 million budget, which was over a 10
1901 percent increase.

1902 Project B, as an example, was supposed to cost about
1903 \$683 million, but the projected loss of revenues due to the
1904 delays from the lack of coordination among the bureaucracies
1905 and the additional cost due to unbudgeted and duplicative
1906 regulatory process, was 118 million. In other words, total
1907 increased cost or lost revenues of \$691 million versus a
1908 \$683 million project, two times the original cost.

1909 Project C was supposed to cost \$2.56 billion, but the
1910 delays and bureaucratic overruns -- bureaucratic delay,
1911 bureaucratic cost, cost an additional half-million dollars,

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1912 or a 20 percent increase.

1913 So that 20 percent, the 20 percent that are delayed,
1914 which, again, is way up, has a cost to our economy and has a
1915 cost on American jobs, and it delays these important
1916 projects. So I urge a no vote on the amendment, and a yes
1917 vote on the underlying bill.

1918 Thank you. I yield back.

1919 Mr. Olson. The gentleman yields back. The chair now
1920 calls upon the ranking member for an announcement.

1921 Mr. Rush. Yes. Mr. Chairman, I want to -- Tiffany, our
1922 staff here on this side, she created an uproar because she --
1923 her water broke on this hearing, and so she is rushing home
1924 and possibly going to the hospital to have a baby.

1925 [Applause.]

1926 Mr. Shimkus. Would the gentleman yield?

1927 Mr. Rush. Yes, I will.

1928 Mr. Shimkus. I hope she has extended paternal leave, so
1929 we might be able to get things done, because she is a tough -
1930 - she is a tough negotiator.

1931 [Laughter.]

1932 Mr. Rush. Yeah, yeah, yeah. Thank you, Mr. Chairman.

1933 Mr. Olson. All right. Is there statements in support
1934 of the amendment? The chair now calls upon the ranking

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1935 member of the full committee, Mr. Pallone, for 5 minutes.

1936 Mr. Pallone. Thank you, Mr. Chairman. She actually
1937 kept talking, even though she was supposed to go to the
1938 hospital. And I said, "Would you please get out of here," so
1939 she finally --

1940 Mr. Shimkus. I am shocked. She kept talking? I am
1941 shocked.

1942 Mr. Pallone. She finally left.

1943 [Laughter.]

1944 Mr. Pallone. Anyway, Mr. Chairman, I do want to speak
1945 in support of the Rush amendment. The section of the bill in
1946 question, to set up a new, more limited role for agencies not
1947 designated by FERC as participating agencies in the
1948 authorization process.

1949 This is an important distinction, as any agency not
1950 designated as participating would be greatly limited in their
1951 ability to participate in the project review process, and
1952 these agencies would be prohibited from requesting or
1953 conducting a supplemental NEPA review.

1954 Further, the bill would also prohibit FERC from
1955 considering any comments provided by these agencies during a
1956 project's NEPA review or even allow FERC to include any of
1957 their comments in the record of the review.

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1958 While the underlying intent of this provision remains
1959 unclear, it appears to be nothing more than an explicit
1960 attempt to weaken environmental protections and silence
1961 potential critics of certain projects. As written, this
1962 section of the bill would allow FERC to rather arbitrarily
1963 define which agencies are allowed to be involved in the
1964 review process while gagging others, and, in doing so, it
1965 would provide FERC with a mechanism to further limit public
1966 and state participation in the licensing process.

1967 Natural gas projects are often massive in scale,
1968 affecting numerous property owners, surrounding communities,
1969 and the environment. And while I heard the Republican
1970 sponsor talk about additional costs, you know, I mean, the
1971 bottom line is that these are major projects that could have
1972 real problems. And so I understand your concern about
1973 additional costs, but we do have to make sure that they are
1974 not causing any potential damage. Because of the magnitude
1975 of their potential impact, we should be welcoming, not
1976 silencing, input from diverse stakeholders.

1977 Now, my Republican colleagues might argue that by
1978 limiting participation in the NEPA review we can streamline
1979 and shorten the timeline for project approval, but there is
1980 no evidence to suggest that the approval process takes too

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1981 long in the first place.

1982 As many have said, and as representatives of FERC have
1983 testified, nearly 90 percent of all new projects are
1984 certificated within 1 year. And with numbers like that, it
1985 is hard not to argue that the current review and approval
1986 framework is working just fine, in my opinion. So I support
1987 the amendment to strike the language in question and urge my
1988 colleagues to do the same.

1989 I yield back.

1990 Mr. Olson. The gentleman yields back. Does anyone want
1991 to speak in opposition to the amendment?

1992 Mr. Rush. Mr. Chairman?

1993 Mr. Olson. Does anyone want to speak in support of the
1994 amendment? Mr. Tonko from New York is recognized for 5
1995 minutes.

1996 Mr. Tonko. Thank you, Mr. Chairman. I move to strike
1997 the last word. Mr. Chairman, I would like to pose a
1998 clarifying question to counsel. On page 9, line 14, the new
1999 text states, and I quote, "If such application is
2000 sufficiently complete for the purposes of commencing
2001 consideration." Can staff please explain what a sufficiently
2002 complete application may or may not include?

2003 Mr. Mooney. There is no definition of "sufficiently

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2004 complete." It would be left to the discretion of the agency
2005 involved.

2006 Mr. Tonko. So, in other words, it would be the
2007 responsibility of that agency to decide if an application is
2008 sufficiently complete, without --

2009 Mr. Mooney. Correct.

2010 Mr. Tonko. -- firm guidance in language in this bill?
2011 So who would that agency -- we would be relying on FERC,
2012 then?

2013 Mr. Mooney. It would be the agency that is involved in
2014 issuing the federal authorization.

2015 Mr. Tonko. So then would FERC evaluate this on a case-
2016 by-case basis, or is there existing guidance on what
2017 constitutes a sufficiently complete application?

2018 Mr. Mooney. It would be up to the agency to determine
2019 whether or not the application is sufficiently complete for
2020 the purposes of commencing consideration.

2021 Mr. Tonko. Mr. Chairman, I don't think this language is
2022 sufficiently drafted. There are too many ambiguities. We
2023 are asking FERC to make an undefined determination. Frankly,
2024 most of this bill is a solution in search of a problem. We
2025 have heard from FERC that 88 percent of projects are
2026 certified within 1 year following a completed application.

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2027 And, yes, I believe it is incumbent on project
2028 developers to file completed applications before complaining
2029 that the process is too slow. I truly believe that some of
2030 these projects are necessary and in the public good, but
2031 there is not good evidence that we need to further tilt the
2032 process in favor of pipeline companies, which is what the
2033 proposed expediting process would do.

2034 Take, for instance, the remote survey section on
2035 page 11, F2. We heard testimony that aerial data have
2036 limitations and can be insufficient. These data may not
2037 account for historic sites, endangered species, or wetlands,
2038 but under this bill, agencies would be required to consider
2039 it. This bill does not include any standards or methodology
2040 requirements that must be met in order for an agency to be
2041 required to consider data from remote surveys.

2042 So state and federal agencies may be forced to consider
2043 very shoddy, unreliable data, without quality control
2044 requirements that might consider the degree of accuracy,
2045 scale, elevation, and many other factors. Granting
2046 conditional permits based on inadequate data will ultimately
2047 not speed up the process, but it will enable the rights of
2048 landowners being circumvented.

2049 Applicants would not need to make a good faith attempt

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2050 to gain access to a private property owner's land, and in so
2051 doing help to make an important stakeholder aware that this
2052 project is being developed. Streamlining is fine, but we are
2053 talking about a process that can result in the use of eminent
2054 domain authority.

2055 The bar for seizing private property should be high.
2056 Historically, it has been, is it in the public's interest?
2057 But this bill is helping to shift the question to, is it in
2058 the company's interest? And that is not acceptable to me.

2059 I would encourage my colleagues to oppose this bill and
2060 to support the amendments. And, with that, Mr. Chair, I
2061 yield back.

2062 Mr. Olson. The gentleman yields back. Is there any
2063 member seeking to speak in opposition to the amendment?
2064 Seeing none, is there a member who wants to speak in support
2065 of the amendment?

2066 The question now occurs on forwarding H.R. 2910 -- oh,
2067 the question now occurs on the Rush amendment. All those in
2068 favor, say aye.

2069 Mr. Rush. Mr. Chairman, I want a roll call vote.

2070 Mr. Olson. A roll call vote has been requested. The
2071 clerk will call the roll.

2072 Ms. Giannangeli. Mr. Olson.

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2073 Mr. Olson. No.

2074 Ms. Giannangeli. Mr. Olson votes no.

2075 Mr. Barton.

2076 Mr. Barton. No.

2077 Ms. Giannangeli. Mr. Barton votes no.

2078 Mr. Shimkus.

2079 Mr. Shimkus. No.

2080 Ms. Giannangeli. Mr. Shimkus votes no.

2081 Mr. Murphy.

2082 Mr. Murphy. No.

2083 Ms. Giannangeli. Mr. Murphy votes no.

2084 Mr. Latta.

2085 Mr. Latta. No.

2086 Ms. Giannangeli. Mr. Latta votes no.

2087 Mr. Harper.

2088 Mr. Harper. No.

2089 Ms. Giannangeli. Mr. Harper votes no.

2090 Mr. McKinley.

2091 Mr. McKinley. No.

2092 Ms. Giannangeli. Mr. McKinley votes no.

2093 Mr. Kinzinger.

2094 [No response.]

2095 Mr. Griffith.

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2096 Mr. Griffith. No.

2097 Ms. Giannangeli. Mr. Griffith votes no.

2098 Mr. Johnson.

2099 Mr. Johnson. No.

2100 Ms. Giannangeli. Mr. Johnson votes no.

2101 Mr. Long.

2102 [No response.]

2103 Mr. Bucshon.

2104 Mr. Bucshon. No.

2105 Ms. Giannangeli. Mr. Bucshon votes no.

2106 Mr. Flores.

2107 Mr. Flores. No.

2108 Ms. Giannangeli. Mr. Flores votes no.

2109 Mr. Mullin.

2110 Mr. Mullin. No.

2111 Ms. Giannangeli. Mr. Mullin votes no.

2112 Mr. Hudson.

2113 Mr. Hudson. No.

2114 Ms. Giannangeli. Mr. Hudson votes no.

2115 Mr. Cramer.

2116 Mr. Cramer. No.

2117 Ms. Giannangeli. Mr. Cramer votes no.

2118 Mr. Walberg.

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2119 Mr. Walberg. No.

2120 Ms. Giannangeli. Mr. Walberg votes no.

2121 Mr. Walden.

2122 Mr. Walden. No.

2123 Ms. Giannangeli. Mr. Walden votes no.

2124 Mr. Rush.

2125 Mr. Rush. Aye.

2126 Ms. Giannangeli. Mr. Rush votes aye.

2127 Mr. McNerney.

2128 Mr. McNerney. Aye.

2129 Ms. Giannangeli. Mr. McNerney votes aye.

2130 Mr. Peters.

2131 Mr. Peters. Aye.

2132 Ms. Giannangeli. Mr. Peters votes aye.

2133 Mr. Green.

2134 Mr. Green. Aye.

2135 Ms. Giannangeli. Mr. Green votes aye.

2136 Mr. Doyle.

2137 Mr. Doyle. Yes.

2138 Ms. Giannangeli. Mr. Doyle votes aye.

2139 Ms. Castor.

2140 Ms. Castor. Aye.

2141 Ms. Giannangeli. Ms. Castor votes aye.

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2142 Mr. Sarbanes.
2143 Mr. Sarbanes. Aye.
2144 Ms. Giannangeli. Mr. Sarbanes votes aye.
2145 Mr. Welch.
2146 Mr. Welch. Aye.
2147 Ms. Giannangeli. Mr. Welch votes aye.
2148 Mr. Tonko.
2149 Mr. Tonko. Aye.
2150 Ms. Giannangeli. Mr. Tonko votes aye.
2151 Mr. Loeb sack.
2152 Mr. Loeb sack. Aye.
2153 Ms. Giannangeli. Mr. Loeb sack votes aye.
2154 Mr. Schrader.
2155 Mr. Schrader. Aye.
2156 Ms. Giannangeli. Mr. Schrader votes aye.
2157 Mr. Kennedy.
2158 Mr. Kennedy. Aye.
2159 Ms. Giannangeli. Mr. Kennedy votes aye.
2160 Mr. Butterfield.
2161 Mr. Butterfield. Aye.
2162 Ms. Giannangeli. Mr. Butterfield votes aye.
2163 Mr. Pallone.
2164 Mr. Pallone. Aye.

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2165 Ms. Giannangeli. Mr. Pallone votes aye.

2166 Chairman Upton.

2167 The Chairman. Votes no.

2168 Ms. Giannangeli. Chairman Upton votes no.

2169 The Chairman. [Presiding] Other members wishing to
2170 change their vote or cast a vote? Seeing none, the clerk
2171 will report the tally.

2172 Ms. Giannangeli. Mr. Chairman, on that vote, there were
2173 14 ayes and 17 noes.

2174 The Chairman. 14 ayes, 17 noes. The amendment is not
2175 agreed to.

2176 Are there further amendments to the bill? The gentleman
2177 from New Jersey, Mr. Pallone, has an amendment at the desk?
2178 Which number.

2179 Mr. Pallone. It says 01, Mr. Chairman.

2180 The Chairman. 01? And the clerk will report the title
2181 of the amendment.

2182 [The amendment offered by Mr. Pallone follows:]

2183 *****COMMITTEE INSERT 5*****

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2184 Ms. Giannangeli. Amendment to H.R. 2910, offered by Mr.
2185 Pallone.

2186 The Chairman. And the amendment will be considered as
2187 read. The staff will distribute the amendment, and the
2188 gentleman is recognized for 5 minutes in support of his
2189 amendment.

2190 Mr. Pallone. Thank you, Mr. Chairman. This amendment
2191 would strike the remote survey section of the bill, which
2192 places aerial survey data on the same footing with on-the-
2193 ground survey data for the purposes of the pipeline siting
2194 review process.

2195 Pipeline companies have been utilizing drones and other
2196 aircraft to survey private property more regularly in recent
2197 years, and this is problematic for a number of reasons.
2198 First, aerial survey data may not be able to accurately
2199 identify waterways that are present in the project area,
2200 particularly in heavily forested areas where tree cover may
2201 obscure a water body. Aerial surveys are similarly
2202 inadequate when it comes to identifying the potential impact
2203 on endangered species that may be present in the project
2204 area.

2205 And, further, this bill appears to be an effort to
2206 sidestep the rights of private landowners and local

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2207 governments who have barred pipeline companies from surveying
2208 on their property. There are important reasons why FERC and
2209 other federal agencies must utilize on-the-ground survey data
2210 to determine whether a gas pipeline can be constructed in a
2211 safe manner that minimizes impacts on local communities.

2212 And while I understand FERC does not accept aerial data
2213 -- I am sorry. While I understand FERC does accept aerial
2214 data, not all federal and state agencies involved in this
2215 process feel that these remote surveys are sufficient. In my
2216 opinion, one of the main motives for this provision is to
2217 give companies the ability to move through a significant
2218 portion of the application process without property owners
2219 having knowledge of their property being surveyed and
2220 reviewed for a pipeline route.

2221 Under this provision, it is possible that a property
2222 owner would not have knowledge that a company was evaluating
2223 their property for the purposes of a natural gas pipeline
2224 route until very late in the process when opportunities to
2225 intervene are more limited. This has been happening,
2226 actually, in my home state of New Jersey where the PennEast
2227 Pipeline has been proposed and homeowners have reported that
2228 companies are surveying their property by air without
2229 notification or consent.

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2230 Property owners deserve to know if a company is planning
2231 to survey their property by air and if this data is going to
2232 be used to advance an application at FERC to site a pipeline
2233 on their property. And at the very minimum, the applicant
2234 should be required to obtain consent from the property owner.
2235 So I urge my colleagues to support this important amendment,
2236 and I yield back.

2237 The Chairman. The gentleman yields back. The chair
2238 would recognize the gentleman from Texas to speak on the
2239 amendment.

2240 Mr. Flores. Move to strike the last word.

2241 The Chairman. So be it.

2242 Mr. Flores. Okay. I want to oppose the amendment and
2243 request that our colleagues vote against the amendment. FERC
2244 is the lead agency for siting international -- excuse me,
2245 interstate natural gas pipelines, but there are a number of
2246 other federal and state agencies that must issue permits for
2247 large-scale projects.

2248 And through the FERC prefile process, sponsors engage
2249 with landowners, local communities, and government agencies
2250 to educate stakeholders and collect information about the
2251 best location for siting the pipeline. Unfortunately,
2252 sometimes logjams occurs in the process. For example, under

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2253 the Clean Water Act, a special permit is required to cross
2254 terrain through wetlands.

2255 However, before the Corps issues their permits, they may
2256 require the applicant to survey the area. Sometimes the
2257 landowner denies access to the site, leaving the applicant
2258 process stuck. So H.R. 2910 specifies that agencies
2259 considering an aspect of a FERC application can utilize
2260 information gathered by remote aerial surveys with the
2261 condition that the data will be verified by subsequent onsite
2262 inspections.

2263 Remote aerial surveys are widely accepted. They are a
2264 proven method of collecting environmental information.
2265 Allowing remote surveys would improve the environmental
2266 review and eliminate potential for unnecessary delays.
2267 Allowing remote surveys would give agencies access to more
2268 information. More information leads to better decisions. I
2269 don't see how anybody can argue with that.

2270 And just so we are clear, here is the language that the
2271 gentleman is proposing to strike. Starting with line 8 on
2272 page 11, "Remote surveys. If a federal or state agency
2273 considering an aspect of an application for federal
2274 authorization requires the person applying for such
2275 authorization to submit data, the agency shall consider any

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2276 such data gathered by aerial or other remote means that the
2277 person submits. The agency may grant a conditional approval
2278 for the federal authorization based on the data gathered by
2279 aerial or remote means, conditioned upon the verification of
2280 such data by a subsequent onsite inspection."

2281 So we haven't really don't anything except provide for
2282 additional information on a conditional basis, which would be
2283 backed up by subsequent onsite data. So I urge a no vote
2284 because I believe the gentleman's amendment is not needed at
2285 this point.

2286 Thank you.

2287 Mr. Pallone. Would the gentleman yield?

2288 Mr. Flores. Sure. I will just yield back, but go
2289 ahead.

2290 Mr. Pallone. I am not arguing that you wouldn't have to
2291 have verification on ground eventually. The problem, though
2292 -- and this is what we face in New Jersey -- is that there is
2293 no notification of the aerial. And so often times the
2294 property owners -- in this case, particularly with the
2295 PennEast Pipeline -- the survey is done by air, and they
2296 don't know anything about it until very -- until the very end
2297 of the process, because there is no notification of the
2298 aerial survey.

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2299 And so, as a consequence, the landowner or the local
2300 government has very little time to actually, you know,
2301 provide any input. That is what we are facing right now.

2302 I thank the gentleman for yielding.

2303 Mr. Flores. Thank you. Reclaiming my time, but, again,
2304 through the FERC prefile process, sponsors engage with the
2305 landowners, local communities, and government agencies to
2306 educate their stakeholders and collect information about the
2307 best location for siting the pipeline. So this doesn't wind
2308 up as a big surprise to most landowners.

2309 I yield back.

2310 The Chairman. The gentleman yields back. Other members
2311 wishing to speak on the amendments? The gentleman from
2312 Illinois is recognized for 5 minutes.

2313 Mr. Rush. Mr. Chairman, I move to strike the last word.
2314 Mr. Chairman, I would like to speak in support of the Pallone
2315 amendment. The bill before us today will allow the use of
2316 survey data collected by aerial or other remote means in the
2317 federal authorization process for natural gas project
2318 application.

2319 My Republican colleagues argue that the use of such data
2320 in lieu of ground surveys would speed up the approval process
2321 for construction of new pipelines. In fact, the use of

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2322 aerial data may very well have the opposite effect. Aerial
2323 data would still need to be verified with the survey data
2324 collected onsite.

2325 Pipeline routes may well have to be changed, even after
2326 initial approval, if aerial data cannot be verified. This
2327 could result in lengthy construction delays while wasting
2328 already precious resources in the process. Beyond such
2329 delays, I have other serious reservations about the use of
2330 aerial and other remote surveys in the application and
2331 authorization process.

2332 The use of aerial surveys is bad for the environment.
2333 With aerial surveys, it is difficult to assess the presence
2334 of endangered plants and wildlife. It can also be difficult
2335 to identify certain types of sensitive and protected
2336 ecosystems, like wetlands.

2337 Aerial and remote surveys are also bad for property
2338 owners. Use of such data would effectively strip landowners
2339 as well as the local agencies of their ability to participate
2340 meaningfully in the pipeline siting process. Make no
2341 mistake, Mr. Chairman, approving the use of aerial and survey
2342 data for authorization of new gas projects will only serve to
2343 diminish the rights of property owners.

2344 I am sure we can all agree that natural gas projects

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2345 need to be planned, approved, and developed using the best
2346 available data. Data from aerial and remote surveys are
2347 simply too limited and flawed to meet this goal.

2348 I strongly support the amendment to strike this language
2349 from the bill and urge all of my constituents to do the same.

2350 I yield back.

2351 The Chairman. The gentleman yields back. Other members
2352 wishing to speak on the amendment? Seeing none, the vote
2353 occurs on the amendment offered by the -- a roll call is
2354 requested. Those in favor of the Rush amendment will vote
2355 aye. Those opposed will vote no.

2356 Mr. Rush. Pallone amendment. Pallone amendment.

2357 The Chairman. I am sorry. The Pallone amendment.

2358 Those in favor of the Pallone amendment, vote aye. Those
2359 opposed, vote no. And the clerk will call the roll.

2360 Ms. Giannangeli. Mr. Olson.

2361 Mr. Olson. No.

2362 Ms. Giannangeli. Mr. Olson votes no.

2363 Mr. Barton.

2364 Mr. Barton. No.

2365 Ms. Giannangeli. Mr. Barton votes no.

2366 Mr. Shimkus.

2367 Mr. Shimkus. No.

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2368 Ms. Giannangeli. Mr. Shimkus votes no.
2369 Mr. Murphy.
2370 Mr. Murphy. No.
2371 Ms. Giannangeli. Mr. Murphy votes no.
2372 Mr. Latta.
2373 Mr. Latta. No.
2374 Ms. Giannangeli. Mr. Latta votes no.
2375 Mr. Harper.
2376 Mr. Harper. No.
2377 Ms. Giannangeli. Mr. Harper votes no.
2378 Mr. McKinley.
2379 Mr. McKinley. No.
2380 Ms. Giannangeli. Mr. McKinley votes no.
2381 Mr. Kinzinger.
2382 [No response.]
2383 Mr. Griffith.
2384 Mr. Griffith. No.
2385 Ms. Giannangeli. Mr. Griffith votes no.
2386 Mr. Johnson.
2387 Mr. Johnson. No.
2388 Ms. Giannangeli. Mr. Johnson votes no.
2389 Mr. Long.
2390 [No response.]

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2391 Mr. Bucshon.
2392 Mr. Bucshon. No.
2393 Ms. Giannangeli. Mr. Bucshon votes no.
2394 Mr. Flores.
2395 Mr. Flores. No.
2396 Ms. Giannangeli. Mr. Flores votes no.
2397 Mr. Mullin.
2398 Mr. Mullin. No.
2399 Ms. Giannangeli. Mr. Mullin votes no.
2400 Mr. Hudson.
2401 Mr. Hudson. No.
2402 Ms. Giannangeli. Mr. Hudson votes no.
2403 Mr. Cramer.
2404 Mr. Cramer. No.
2405 Ms. Giannangeli. Mr. Cramer votes no.
2406 Mr. Walberg.
2407 Mr. Walberg. No.
2408 Ms. Giannangeli. Mr. Walberg votes no.
2409 Mr. Walden.
2410 Mr. Walden. No.
2411 Ms. Giannangeli. Mr. Walden votes no.
2412 Mr. Rush.
2413 Mr. Rush. Aye.

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2414 Ms. Giannangeli. Mr. Rush votes aye.
2415 Mr. McNerney.
2416 Mr. McNerney. Aye.
2417 Ms. Giannangeli. Mr. McNerney votes aye.
2418 Mr. Peters.
2419 Mr. Peters. Aye.
2420 Ms. Giannangeli. Mr. Peters votes aye.
2421 Mr. Green.
2422 Mr. Green. Aye.
2423 Ms. Giannangeli. Mr. Green votes aye.
2424 Mr. Doyle.
2425 Mr. Doyle. Yes.
2426 Ms. Giannangeli. Mr. Doyle votes aye.
2427 Ms. Castor.
2428 Ms. Castor. Aye.
2429 Ms. Giannangeli. Ms. Castor votes aye.
2430 Mr. Sarbanes.
2431 Mr. Sarbanes. Aye.
2432 Ms. Giannangeli. Mr. Sarbanes votes aye.
2433 Mr. Welch.
2434 Mr. Welch. Aye.
2435 Ms. Giannangeli. Mr. Welch votes aye.
2436 Mr. Tonko.

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2437 Mr. Tonko. Aye.

2438 Ms. Giannangeli. Mr. Tonko votes aye.

2439 Mr. Loeb sack.

2440 Mr. Loeb sack. Aye.

2441 Ms. Giannangeli. Mr. Loeb sack votes aye.

2442 Mr. Schrader.

2443 Mr. Schrader. Aye.

2444 Ms. Giannangeli. Mr. Schrader votes aye.

2445 Mr. Kennedy.

2446 Mr. Kennedy. Aye.

2447 Ms. Giannangeli. Mr. Kennedy votes aye.

2448 Mr. Butterfield.

2449 Mr. Butterfield. Aye.

2450 Ms. Giannangeli. Mr. Butterfield votes aye.

2451 Mr. Pallone.

2452 Mr. Pallone. Aye.

2453 Ms. Giannangeli. Mr. Pallone votes aye.

2454 Chairman Upton.

2455 The Chairman. Votes no.

2456 Ms. Giannangeli. Chairman Upton votes no.

2457 The Chairman. Members wishing to change their vote or

2458 cast a vote? Seeing none, the clerk will report the tally.

2459 Ms. Giannangeli. Mr. Chairman, on that vote, there were

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2460 14 ayes and 17 noes.

2461 The Chairman. 14 ayes, 17 noes. The amendment offered
2462 by the gentleman from New Jersey is not accepted.

2463 Are there further amendments to the bill? The
2464 gentlelady from Florida has an amendment.

2465 Ms. Castor. I have an amendment at the desk, D-04,
2466 called Avoiding Wasteful Government Spending.

2467 [The amendment offered by Ms. Castor follows:]

2468 *****COMMITTEE INSERT 6*****

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2469 The Chairman. The clerk will report the title of the
2470 bill.

2471 Ms. Giannangeli. Amendment to H.R. 2910, offered by Ms.
2472 Castor.

2473 The Chairman. And the amendment will be considered as
2474 read. The staff will distribute the amendment, and the
2475 gentlelady is recognized for 5 minutes in support of her
2476 amendment.

2477 Ms. Castor. Thank you, Mr. Chairman. Members, the bill
2478 before us today aims to expedite the Federal Energy
2479 Regulatory Commission review of natural gas pipeline
2480 applications. Now, despite the fact that 90 percent of FERC
2481 natural gas pipeline projects are approved within 1 year, I
2482 do understand the desire for FERC and other agencies to be as
2483 efficient as possible.

2484 And I am not the only one that feels this way. Earlier
2485 this month the White House set up a new council to help
2486 project managers navigate the bureaucratic maze, saying that
2487 their council will also improve transparency by creating a
2488 new online dashboard, allowing everyone to easily track major
2489 projects through every state of the approval process.

2490 Now, I have raised this issue before, that this bill is
2491 redundant and unnecessary, because I am sure all members

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2492 recall that in 2015, in the overwhelmingly bipartisan FAST
2493 Act that was signed into law, the Congress directed the
2494 executive branch to set up the Federal Permitting Improvement
2495 Steering Council, or we call it FPISC, to improve timeliness,
2496 predictability, and transparency of federal environmental
2497 review and authorization process for major infrastructure
2498 projects, including interstate natural gas pipelines.

2499 The council is now getting organized. It will oversee
2500 permitting for over 30 major infrastructure projects that
2501 will all benefit from enhanced coordination, including
2502 establishment of a lead agency for the project, recommended
2503 performance schedules, and public project timelines, and
2504 greater transparency at all levels of review.

2505 It turns out that the White House pronouncement and the
2506 FPISC are the exact same council. And taking all of that
2507 into account, the bill before us is unnecessary and
2508 redundant. Increased coordination and transparency for
2509 infrastructure permitting is already covered by FPISC, so
2510 let's not add another layer here by adopting this bill.

2511 The committee would have benefitted from testimony from
2512 FPISC on any possible redundancies with H.R. 2910. However,
2513 the majority did not invite FPISC to testify on this bill,
2514 despite requests to hold additional hearings so members could

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2515 hear about their progress so far.

2516 So to eliminate this wasteful duplication, my amendment
2517 requires OMB to determine that the bill does not duplicate
2518 any existing federal efforts to improve the timeliness,
2519 predictability, and transparency of the federal environmental
2520 review and authorization process, and doesn't result in
2521 wasteful government spending.

2522 This is just an exercise in good government. If my
2523 Republican colleagues won't solicit input from federal
2524 agencies while drafting legislation, then taxpayers should
2525 not have to pay for their mistakes. If the provisions of
2526 this bill are unique, then the Act will go forward as is.
2527 But if OMB finds that these transparency and streamlining
2528 functions are already being done elsewhere, then the
2529 unnecessary and wasteful bill will not go into effect.

2530 So let's not set up a duplicative process with this
2531 bill. I urge my colleagues to adopt my common-sense
2532 amendment and yield back my time.

2533 The Chairman. The gentlelady yields --

2534 Ms. Castor. I will yield to Mr. Peters.

2535 Mr. Peters. I would like to thank the gentlelady. I
2536 just want to express some frustration. I will support this
2537 amendment, but I actually am someone who is interested in

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2538 dealing with the regulatory burden of duplicative
2539 environmental review. I actually practiced law in this
2540 field. I think there is a lot of room for improvement. I
2541 think we can still achieve the same high environmental
2542 standards.

2543 But the frustrating thing for me is that this bill only
2544 had -- the legislative language was only released to us
2545 Tuesday night. I didn't see it until this morning. I am
2546 more than willing to sit down with anyone and talk about how
2547 we could improve it, but Ms. Castor raises a good question
2548 about whether this is already taken care of.

2549 And I would like to have a conversation about, even on
2550 pipelines, which I am -- you know, there is no particular
2551 pipeline business in my district like there is in Mr. Green's
2552 -- I think we owe it to the economy to streamline these to
2553 the extent we can.

2554 I just feel like they have been really cut out of that
2555 process here. There is a real discussion to be had here, and
2556 the process that we have had here, the late -- this late
2557 notice and last-minute changes, this is much different from
2558 what we saw before. It really prevents that kind of
2559 discussion.

2560 So I am going to vote with Ms. Castor on this amendment.

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2561 I will vote against this bill, but I wanted to signal
2562 explicitly to my colleagues that I am willing to work on this
2563 in a serious way if you are interested.

2564 And I yield back.

2565 The Chairman. The gentlelady yields back her time. The
2566 gentleman from Texas, Mr. Flores.

2567 Mr. Flores. Move to strike the last word. Mr.
2568 Chairman, the amendment is really what is unnecessary. If we
2569 look at the Energy Policy Act of 2005, or I will just call it
2570 the EP Act, FERC has designated as the lead agency for
2571 coordinating necessary environmental reviews and associated
2572 federal authorizations.

2573 As the lead agency, FERC often coordinates with a
2574 variety of federal, state, and local governments, and Indian
2575 tribes to balance a wide range -- wide-ranging set of issues,
2576 including potential impacts on environmental and wildlife
2577 resources, land use, and property rights. That is what is
2578 under the EP Act.

2579 Unfortunately, the way that things have been
2580 implemented, and despite the increased authority that was
2581 given to FERC under the EP Act, there is growing evidence
2582 that pipeline infrastructure approvals are being
2583 unnecessarily delayed due to a lack of coordination or

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2584 insufficient action among the agencies coordinating the
2585 permitting process.

2586 There is a December 2012 study that found that since the
2587 enactment of the EP Act's permitting reforms, the occurrence
2588 of federal authorization delays exceeding 90 days has risen
2589 from 8 percent to 28 percent, while delays exceeding 180 days
2590 have risen from 3 percent to 20 percent. So that is the
2591 reason for the bill that we have in front of us today.

2592 The overwhelming majority of Americans support expanding
2593 infrastructure to ensure stable, affordable supplies of
2594 energy. Having sufficient supplies of natural gas is
2595 important to keeping electricity and home heating affordable
2596 and reliable, and infrastructure is a smart investment for
2597 energy security, job growth, and manufacturing.

2598 This amendment would jeopardize those investments, and
2599 the jobs that come with it, so I urge a no vote on the
2600 amendment and a yes vote on the underlying bill.

2601 And I yield back.

2602 The Chairman. The gentleman yields back. Other
2603 members? The gentleman from New Jersey is recognized for 5
2604 minutes.

2605 Mr. Pallone. Thank you, Mr. Chairman. I don't want to
2606 keep arguing this because I know we are almost at the end of

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2607 the markup, and actually getting done sooner than I thought
2608 we would be.

2609 But, you know, I just don't understand how, you know,
2610 when we know that -- and it has been said many times that
2611 nearly 90 percent of pipeline projects are approved in less
2612 than a year -- why there is any, you know, notion out there
2613 that there is going to be -- that there are significant
2614 delays.

2615 And it -- you know, we are basically saying on our side
2616 that, you know, we want to make sure that there is proper
2617 review, and, in this case, that the bill has a critical flaw
2618 because it seems that it is largely duplicative of the
2619 streamlining provision included in the FAST Act, which was
2620 passed on a bipartisan basis last Congress.

2621 The FAST Act authorized the Federal Permitting
2622 Improvement Steering Council to improve the timeliness,
2623 predictability, and transparency of the federal environmental
2624 review and authorization process for major infrastructure
2625 projects, including natural gas pipelines. The council is
2626 overseeing permitting for 32 major infrastructure projects,
2627 including 7 interstate natural gas pipeline projects, and
2628 that process sets up enhanced coordination by establishing a
2629 lead agency for the project, recommended performance

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2630 schedules, and public project timetables, and increased
2631 transparency throughout the review process.

2632 And when we have a legislative hearing on a
2633 substantially different form of this bill, FERC testified
2634 that a number of provisions in the bill will duplicate
2635 efforts of the council. I just can't -- I have to believe
2636 that this bill is just -- is not only a solution in search of
2637 a problem; it is a solution to non-existent problem that was
2638 already solved by the FAST Act.

2639 And so I encourage all of my colleagues to support this
2640 amendment, so that we can get a determination as to whether
2641 this bill is truly duplicative of other federal efforts. And
2642 I expect that it is, so I would urge a vote in support of the
2643 Castor amendment.

2644 I yield back.

2645 The Chairman. The gentleman yields back. Other members
2646 wishing to speak on the bill? Seeing -- on the amendment?
2647 Seeing none, the vote occurs on the -- a roll call vote is
2648 requested. Those in favor of the Castor amendment will vote
2649 aye. Those opposed will vote no. And the clerk will call
2650 the roll.

2651 Ms. Giannangeli. Mr. Olson.

2652 Mr. Olson. No.

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2653 Ms. Giannangeli. Mr. Olson votes no.
2654 Mr. Barton.
2655 Mr. Barton. No.
2656 Ms. Giannangeli. Mr. Barton votes no.
2657 Mr. Shimkus.
2658 Mr. Shimkus. No.
2659 Ms. Giannangeli. Mr. Shimkus votes no.
2660 Mr. Murphy.
2661 Mr. Murphy. No.
2662 Ms. Giannangeli. Mr. Murphy votes no.
2663 Mr. Latta.
2664 Mr. Latta. No.
2665 Ms. Giannangeli. Mr. Latta votes no.
2666 Mr. Harper.
2667 [No response.]
2668 Mr. McKinley.
2669 Mr. McKinley. No.
2670 Ms. Giannangeli. Mr. McKinley votes no.
2671 Mr. Kinzinger.
2672 [No response.]
2673 Mr. Griffith.
2674 Mr. Griffith. No.
2675 Ms. Giannangeli. Mr. Griffith votes no.

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2676 Mr. Johnson.
2677 Mr. Johnson. No.
2678 Ms. Giannangeli. Mr. Johnson votes no.
2679 Mr. Long.
2680 [No response.]
2681 Mr. Bucshon.
2682 Mr. Bucshon. No.
2683 Ms. Giannangeli. Mr. Bucshon votes no.
2684 Mr. Flores.
2685 Mr. Flores. No.
2686 Ms. Giannangeli. Mr. Flores votes no.
2687 Mr. Mullin.
2688 Mr. Mullin. No.
2689 Ms. Giannangeli. Mr. Mullin votes no.
2690 Mr. Hudson.
2691 Mr. Hudson. No.
2692 Ms. Giannangeli. Mr. Hudson votes no.
2693 Mr. Cramer.
2694 Mr. Cramer. No.
2695 Ms. Giannangeli. Mr. Cramer votes no.
2696 Mr. Walberg.
2697 Mr. Walberg. No.
2698 Ms. Giannangeli. Mr. Walberg votes no.

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2699 Mr. Walden.

2700 Mr. Walden. No.

2701 Ms. Giannangeli. Mr. Walden votes no.

2702 Mr. Rush.

2703 Mr. Rush. Aye.

2704 Ms. Giannangeli. Mr. Rush votes aye.

2705 Mr. McNerney.

2706 Mr. McNerney. Aye.

2707 Ms. Giannangeli. Mr. McNerney votes aye.

2708 Mr. Peters.

2709 Mr. Peters. Aye.

2710 Ms. Giannangeli. Mr. Peters votes aye.

2711 Mr. Green.

2712 Mr. Green. No.

2713 Ms. Giannangeli. Mr. Green votes no.

2714 Mr. Doyle.

2715 Mr. Doyle. Yes.

2716 Ms. Giannangeli. Mr. Doyle votes aye.

2717 Ms. Castor.

2718 Ms. Castor. Aye.

2719 Ms. Giannangeli. Ms. Castor votes aye.

2720 Mr. Sarbanes.

2721 Mr. Sarbanes. Aye.

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2722 Ms. Giannangeli. Mr. Sarbanes votes aye.
2723 Mr. Welch.
2724 Mr. Welch. Aye.
2725 Ms. Giannangeli. Mr. Welch votes aye.
2726 Mr. Tonko.
2727 Mr. Tonko. Aye.
2728 Ms. Giannangeli. Mr. Tonko votes aye.
2729 Mr. Loeb sack.
2730 Mr. Loeb sack. Aye.
2731 Ms. Giannangeli. Mr. Loeb sack votes aye.
2732 Mr. Schrader.
2733 Mr. Schrader. Aye.
2734 Ms. Giannangeli. Mr. Schrader votes aye.
2735 Mr. Kennedy.
2736 Mr. Kennedy. Aye.
2737 Ms. Giannangeli. Mr. Kennedy votes aye.
2738 Mr. Butterfield.
2739 Mr. Butterfield. Aye.
2740 Ms. Giannangeli. Mr. Butterfield votes aye.
2741 Mr. Pallone.
2742 Mr. Pallone. Aye.
2743 Ms. Giannangeli. Mr. Pallone votes aye.
2744 Chairman Upton.

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2745 The Chairman. Votes no.

2746 Ms. Giannangeli. Chairman Upton votes no.

2747 The Chairman. Members wishing to change their vote or

2748 cast a vote? Mr. Harper, I was --

2749 Mr. Harper. Votes no.

2750 Ms. Giannangeli. Mr. Harper votes no.

2751 The Chairman. Other members? Seeing none, the clerk

2752 will report the tally.

2753 Ms. Giannangeli. Mr. Chairman, on that vote, there were

2754 13 ayes and 18 noes.

2755 The Chairman. 13 ayes, 18 noes. The amendment is not

2756 agreed to.

2757 Are there further amendments to the bill? Seeing none,

2758 the vote occurs on -- the question occurs on forwarding

2759 H.R. 2910 to the full committee. All those in favor -- a

2760 roll call vote is requested. The clerk will call the roll.

2761 Ms. Giannangeli. Mr. Olson.

2762 Mr. Olson. Aye.

2763 Ms. Giannangeli. Mr. Olson votes aye.

2764 Mr. Barton.

2765 Mr. Barton. Aye.

2766 Ms. Giannangeli. Mr. Barton votes aye.

2767 Mr. Shimkus.

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2768 Mr. Shimkus. Aye.

2769 Ms. Giannangeli. Mr. Shimkus votes aye.

2770 Mr. Murphy.

2771 [No response.]

2772 Mr. Latta.

2773 Mr. Latta. Aye.

2774 Ms. Giannangeli. Mr. Latta votes aye.

2775 Mr. Harper.

2776 Mr. Harper. Aye.

2777 Ms. Giannangeli. Mr. Harper votes aye.

2778 Mr. McKinley.

2779 Mr. McKinley. Aye.

2780 Ms. Giannangeli. Mr. McKinley votes aye.

2781 Mr. Kinzinger.

2782 [No response.]

2783 Mr. Griffith.

2784 Mr. Griffith. Aye.

2785 Ms. Giannangeli. Mr. Griffith votes aye.

2786 Mr. Johnson.

2787 Mr. Johnson. Aye.

2788 Ms. Giannangeli. Mr. Johnson votes aye.

2789 Mr. Long.

2790 [No response.]

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2791 Mr. Bucshon.
2792 Mr. Bucshon. Aye.
2793 Ms. Giannangeli. Mr. Bucshon votes aye.
2794 Mr. Flores.
2795 Mr. Flores. Aye.
2796 Ms. Giannangeli. Mr. Flores votes aye.
2797 Mr. Mullin.
2798 Mr. Mullin. Aye.
2799 Ms. Giannangeli. Mr. Mullin votes aye.
2800 Mr. Hudson.
2801 Mr. Hudson. Aye.
2802 Ms. Giannangeli. Mr. Hudson votes aye.
2803 Mr. Cramer.
2804 Mr. Cramer. Aye.
2805 Ms. Giannangeli. Mr. Cramer votes aye.
2806 Mr. Walberg.
2807 Mr. Walberg. Aye.
2808 Ms. Giannangeli. Mr. Walberg votes aye.
2809 Mr. Walden.
2810 Mr. Walden. No. Aye.
2811 Ms. Giannangeli. Mr. Walden votes aye.
2812 Mr. Rush.
2813 Mr. Rush. No.

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2814 Ms. Giannangeli. Mr. Rush votes no.
2815 Mr. McNerney.
2816 Mr. McNerney. No.
2817 Ms. Giannangeli. Mr. McNerney votes no.
2818 Mr. Peters.
2819 Mr. Peters. No.
2820 Ms. Giannangeli. Mr. Peters votes no.
2821 Mr. Green.
2822 Mr. Green. No.
2823 Ms. Giannangeli. Mr. Green votes no.
2824 Mr. Doyle.
2825 Mr. Doyle. No.
2826 Ms. Giannangeli. Mr. Doyle votes no.
2827 Ms. Castor.
2828 Ms. Castor. No.
2829 Ms. Giannangeli. Ms. Castor votes no.
2830 Mr. Sarbanes.
2831 Mr. Sarbanes. No.
2832 Ms. Giannangeli. Mr. Sarbanes votes no.
2833 Mr. Welch.
2834 Mr. Welch. No.
2835 Ms. Giannangeli. Mr. Welch votes no.
2836 Mr. Tonko.

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2837 Mr. Tonko. No.

2838 Ms. Giannangeli. Mr. Tonko votes no.

2839 Mr. Loeb sack.

2840 Mr. Loeb sack. No.

2841 Ms. Giannangeli. Mr. Loeb sack votes no.

2842 Mr. Schrader.

2843 Mr. Schrader. No.

2844 Ms. Giannangeli. Mr. Schrader votes no.

2845 Mr. Kennedy.

2846 Mr. Kennedy. No.

2847 Ms. Giannangeli. Mr. Kennedy votes no.

2848 Mr. Butterfield.

2849 Mr. Butterfield. No.

2850 Ms. Giannangeli. Mr. Butterfield votes no.

2851 Mr. Pallone.

2852 Mr. Pallone. No.

2853 Ms. Giannangeli. Mr. Pallone votes no.

2854 Chairman Upton.

2855 The Chairman. Votes aye.

2856 Ms. Giannangeli. Chairman Upton votes aye.

2857 The Chairman. Other members wishing to -- how is Mr.

2858 Murphy recorded?

2859 Ms. Giannangeli. Mr. Murphy is not recorded.

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

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2860 Mr. Murphy. Votes aye.

2861 Ms. Giannangeli. Mr. Murphy votes aye.

2862 The Chairman. Other members wishing to change their
2863 vote or cast a vote? Seeing none, the vote -- the clerk will
2864 report the tally.

2865 Ms. Giannangeli. Mr. Chairman, on that vote, there were
2866 17 ayes and 14 noes.

2867 The Chairman. 17 ayes, 14 noes. The question on
2868 forwarding the bill to the full committee is approved. And,
2869 without objection, the staff is authorized to make technical
2870 and conforming changes to the legislation approved by the
2871 subcommittee today. So ordered.

2872 Without objection, the subcommittee stands adjourned.
2873 Thank you.

2874 [Whereupon, at 12:14 p.m., the subcommittee was
2875 adjourned.]