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

The case of the Mountain Valley Pipeline demonstrated how the current FERC process has failed us and why this amendment is necessary. I recently wrote a letter to FERC on this very issue, asking that they initiate a supplemental environmental impact statement before moving forward with the issuance of a Certificate of Public Convenience and Necessity.

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

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

Even more ridiculous, the developers have continued to add more documents, even after FERC issued the final environmental impact statement. They have continued to add more documents, even after FERC issued the final environmental impact statement. This is not an isolated incident. For many, FERC’s recent decision to issue this final statement for the proposed Mountain Valley Pipeline is patterningly alarming.

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

Let’s fix this woefully incompetent process.

Local communities affected most by proposed energy infrastructure projects naturally have concerns regarding the projects moving forward.

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

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

If there are major changes offered after the public comment period is open, let’s make sure the public has the ability to weigh in with their proposals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Let’s make sure that the public comment period closes and then they give you the rest of the information, then, clearly, FERC has made the decision without all that, and the public has been cheated out of the ability to comment on what is going to happen to their land and to their homes. It is just not fair.

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

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

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

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

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

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

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. FLORES) having assumed the chair, Mr. DUNCAN of Tennessee, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2910) to provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act, and for other purposes, had come to no resolution thereon.

PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE ACT

RES

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

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

There was no objection.

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

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

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2883) to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity, with Mr. DUNCAN on the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.
The gentleman from Michigan (Mr. UPTON), and the gentlewoman from Florida (Ms. CASTOR), each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.  

Mr. UPTON. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise today in strong support of H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act.

This legislation continues the great tradition of bipartisan legislation coming out of the House Energy and Commerce Committee. Our focus has been and will continue to be building America’s infrastructure, creating jobs, and strengthening our economy.

I want to congratulate my colleagues and sponsors of this bill, particularly Mr. MULLIN and Mr. GENE GREEN, Republican and Democrat, for their work on this legislation.  

H.R. 2883 would establish coordinated procedures to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas, and the transmission of electricity. That is what the bill does.

The legislation would replace the requirements established under executive order that persons obtain a Presidential permit before constructing an oil and gas pipeline or electric transmission structure that will produce carbon pollution or for a cross-border pipeline that crosses the border between the U.S., Mexico, and Canada.

To date, Congress has not asserted its authority to establish proceedings for permitting cross-border energy infrastructure. In the absence of a statutorily directed process, agencies have made decisions regarding cross-border energy infrastructure within the context of their interpretation of a series of executive orders dating back to the 1960s.

Recent proposals, most notably the Keystone XL pipeline, have faced significant and unnecessary delays as a result of political interference in what should have been a straightforward review. There is bipartisan agreement that we should have a free flow of energy in North America.

This bill is going to level the playing field for energy infrastructure projects located at the international border. The legislation takes important steps to bring to the process and provide certainty to countries whom we already have a free trade agreement with and businesses that want to create jobs in the U.S. It is going to strengthen our effort to improve and update NAFTA and enhance our trilateral relationship.

It is time Congress exercised its constitutional authority to regulate commerce with foreign nations and replace the Presidential permit requirement with a more transparent, efficient, and effective review process. Establishing the cross-border permitting process in law would lead to more objective and timely decisions, which, in turn, is going to create the jobs, strengthen our Nation’s energy security, and support affordable and reliable energy for all Americans.

Again, I want to thank my colleagues for their efforts on this important legislation, and I reserve the balance of my time.

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

I rise in opposition to H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act. My Republican colleagues argue that we need more bills like H.R. 2883 to extract and transport more oil and gas as quickly as possible. But building a modern energy infrastructure for the 21st century requires a lot more than drilling wells, laying more pipelines, filling more railcars with crude oil, and putting more tankers on our highways.

A modern, 21st century energy infrastructure plan must address the carbon challenge. This is the biggest energy challenge that we face as a country. We cannot have a meaningful conversation about America’s energy infrastructure without also having a conversation about the changing climate. The bill allows the massive costs heaped on hardworking American families and businesses because of the change in climate. I am proud to represent the State of Florida, but here is what my neighbors are experiencing now: higher AC bills, more extreme weather events, heat waves, higher cost for flood insurance and property insurance, and property taxes that are having to go now to repair our water and wastewater infrastructure on the coast.

We have a rapidly diminishing window to act to reduce our carbon pollution before the catastrophic impacts of climate change are irreversible. The energy infrastructure decisions that we make today will impact on whether we can mitigate climate change in the future. We need to understand this risk before we lock in infrastructure that will produce carbon pollution for decades to come.

This bill’s supporters don’t like to be reminded of the daunting challenges of the changing climate. That is reflected in our discussion today, and, frankly, it is reflected in the glaring inaction of this Republican Congress to address climate change.

If enacted into law, H.R. 2883 would move us backwords in our fight for the clean energy economy and the jobs of the future. H.R. 2883 would rubber-stamp permits for pipelines to carry oil, natural gas, even tar sands crude into the United States.

Tar sands crude is the dirtiest fuel on the planet from a climate perspective, and this bill creates a permitting process for cross-border pipelines that make it difficult, if not impossible, for the Federal Government to say no to any of these projects.

This bill asserts that every cross-border energy project is always in the public interest. It is up to a project’s opponents to try to prove otherwise. The bill even allows the oil industry to make major modifications to its pipelines without getting any approval at all. That means, if a company wants to increase its pipeline or reverse an existing pipeline to carry more oil, natural gas, or tar sands crude into the United States, the company can do just that, no questions asked.

Building new pipelines or expanding existing ones could have a profound environmental impact, but the bill allows for no meaningful environmental review for a cross-border pipeline. The bill says the Federal Government can only examine the cross-border segment of the pipeline.

Who thought that up? That is very creative. It is almost hard to believe that this is what the bill does, but it is true. For the changing climate and the clean energy economy, and the jobs of the future with all of the jobs, consumer savings, and economic growth that would be possible.

This bill also provides more proof of what is plain: In this Republican-led Congress, it is, unfortunately, likely to go down in history as having failed to meet one of its greatest responsibilities of this time—the challenge of the changing climate. Our children and grandchildren will be poorer for it, and they will ask us, and especially my Republican colleagues, didn’t you act when you had the chance?

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

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

Ms. CASTOR of Florida. Mr. Chair, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chair, I want to be on record as saying that I am opposed to the promotion of Cross-Border Energy Infrastructure Act.

The gentleman from Michigan (Mr. UPTON) wants to say something.

Mr. UPTON. Mr. Chair, I reserve the balance of my time.
H6012

CONGRESSIONAL RECORD — HOUSE

July 19, 2017

forced to issue executive orders because Congress failed to act. Congress has the duty to regulate the commerce of the United States, and cross-border energy infrastructure projects fall well within that space.

Opponents of this bill argue the executive permitting process has worked well in the past. It is true that in the past the process has been proven effective. Unfortunately, cross-border decisions have now fallen victim to election-year-cycle politics.

We cannot build infrastructure in this country or on the continent based on who sits in the White House, whether they be Democrat or Republican. It is Congress’ responsibility to create regulatory rules by which infrastructure is constructed.

This bill will create a regulatory process at the Federal Energy Regulatory Commission, the Department of State, and the Department of Energy to permit cross-border infrastructure. It is not different than building roads, bridges, or railways. The Department of Transportation coordinates with the Federal Highway Administration to ensure projects are completed and the environment is protected. We will do the same thing for pipes and wires. We need to build electric transmission lines and pipelines to move resources from where they are to where they are needed.

The bill complies with the National Environmental Policy Act and requires a full environmental review of any cross-border facility including analysis of climate change impacts. More so, the entire length of the pipeline or electric transmission line will be reviewed for environmental impacts not just for the cross-border pipeline.

While there is some confusion on this issue, opponents of the bill talk about how we will gut the NEPA process—the National Environmental Policy Act. This is simply not the case. My colleague from Texas (Mr. VEURSEY) will offer a bipartisan amendment to the bill clarifying that the scope of the National Environmental Policy Act review shall not be limited in any way by this act.

The bill is about the future and how to meet energy demands for the 21st century. We should embrace the changes that are occurring in North America and harmonize our policies with those of our neighbors both to the north with Canada and to the south with Mexico, and this bill, if it becomes law, will do just that.

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

Mr. Chairman, we are here talking about how to take politics out of our infrastructure. As we just heard the gentleman from Texas (Mr. GENE GREEN), he said a lot about how to protect the environment; it doesn’t. We are talking about crossing a border and taking a situation that was held up for 8 years with the Keystone pipeline and making sure it has the transparent and consistent approach on how we regulate these permits.

The United States is a powerhouse around the world. We want to keep it that way. We want to compete freely in the global market and continue to positively benefit our economy. My bill, H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act, supports the construction of energy infrastructure across our North America borders.

Simply put, this bill takes the politics out of energy infrastructure projects. The construction of these border-crossing facilities should be done effectively and efficiently without getting caught up in our Nation’s politics. These facilities are used for importing and exporting oil, natural gas, and electricity that enhance the trade of our energy products that benefit our economy.

This bipartisan piece of legislation allows a transparent and efficient process to be followed the same way every time and for every project. Most importantly, it provides regulatory certainty to those charged with carrying out these projects.

Mr. MULLIN. I yield to the gentleman from Texas (Mr. GENE GREEN) of Texas. Mr. Chairman, I rise in support of H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act.

This bill would enact crucial reforms allowing efficient trade of energy products with our North American friends and allies. Unfortunately, the existing process has politicized vital cross-border energy infrastructure.

H.R. 2883 offers a narrowly crafted, sensible solution to this problem. This bill will create a process at the Federal Energy Regulatory Commission, State Department, and the Department of Energy to permit cross-border infrastructure projects.

This new procedure will bring regulatory certainty while ensuring these projects are environmentally sound and within public interest. These projects create jobs in my district in south Texas and across the country.

I congratulate and thank Mr. GENE GREEN and Mr. MULLIN for this important piece of legislation. Energy security, targeted regulatory reforms, and smart infrastructure investments are things we can all support, and we should all support.

Mr. Chairman, I urge a “yes” vote on this sensible bipartisan legislation.

Mr. MULLIN. Mr. Chairman, as you have heard, two of my colleagues from Texas have just come out, obviously, in support of this bill. There is not a lot that Texas and Oklahoma agree on, especially this time of the year when we enter football season. Other than that, we agree that Oklahoma is better at football than Texas.

Mr. GENE GREEN of Texas, Will the gentleman yield?

Mr. MULLIN. I yield to the gentleman from Texas (Mr. GENE GREEN) of Texas. Mr. Chairman, I want to thank Congresswoman MULLIN for partnering together.

Like he said, Texas and Oklahoma have a lot of things in common. We both are energy States. But believe me, the Red River does divide us on football.

Mr. MULLIN. Mr. Chairman, I include in the RECORD a letter from the International Union of Operating Engineers, a letter from Edison Electric Institute, a letter from the plains All American Pipeline all in support of this bill.

INTERNATIONAL UNION OF OPERATING ENGINEERS, AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, July 18, 2017.

HON. PAUL RYAN, Speaker of the House, Washington, D.C.

Hon. Nancy Pelosi, Minority Leader, Washington, D.C.

My bill, H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act, provides clear congressional authority to the process of evaluating transnational pipeline projects. Further, the IUOE endorses H.R. 2910, a bill Promoting Inter-Agency Coordination for Review of Natural Gas Pipelines.

We respectfully request that you support both of these pieces of legislation when they come to the floor of the House of Representatives this week.

The International Union of Operating Engineers represents 400,000 working men and women in the United States and Canada, thousands of whom build and maintain the nation’s energy infrastructure. We are one of four unions that are signatory to the North American Pipeline Agreement. Operating Engineers perform millions of hours of work on pipeline projects around the United States every year; millions of additional hours were performed on pipeline work by IUOE members in Canada.

North America’s energy network is inextricably linked. Eliminating legal and regulatory uncertainty regarding the permitting of cross-border energy facilities will promote investment and job creation in North America and that is why the IUOE supports H.R. 2883. Removing these regulatory barriers will ultimately increase the interconnection of the North American energy network and at the same time improve reliability, security, and affordability.

Today, the process for permitting this energy infrastructure lives only through Executive Order. North America’s energy future is simply too important to leave to the ambiguity and imprecision of administrative fiat.
Grating clear legislative authority and delegating responsibility to an agency experienced with the National Environmental Policy Act and permitting processes, the Federal Energy Regulatory Commission (FERC), rather than the Department of State, will increase the competency and capacity of the review of cross-border energy projects. It is a clear improvement for the administration of major project permitting.

Updating the American domestic permitting and regulatory framework for natural-gas pipelines is also essential. Several steps are necessary to achieve this reform, and H.R. 2910 is one of them. Domestic energy production provides good-paying jobs for members of the IUOE and other construction craftworkers and contractors who employ thousands of our members. Uncertainty and delay during environmental reviews, however, hinder the growth of jobs related to the nation’s energy infrastructure. Congress should give FERC additional tools to keep federal agencies accountable and maximize coordination in the permitting process.

H.R. 2910 requires reporting and transparency in the reviews of major projects. These requirements raise the bar for regulators and provides the public with a better understanding of the environmental impacts that are receiving particular rigor and examination—or perhaps needlessly delaying the overall project-review timeline. Democrats and Republicans supported similar reporting and transparency in the FAST Act. Enforcement of H.R. 2910 is a necessary step to help place the booming energy sector on a sound footing for the future.

The International Union of Operating Engineers support H.R. 2883 and respectfully requests that you support the legislation this week when it comes before you.

Thank you for your consideration.

Sincerely,

JAMES T. CALLAHAN
General President

EDISON ELECTRIC INSTITUTE

HON. MARYKAYE MULLIN,
Member of Congress
Washington, DC.

Vice Chair, In Situ Oil Sands Alliance

DEAR CONGRESSMAN MULLIN AND CONGRESSWOMAN GREEN: I am writing on behalf of Plains All American Pipeline, L.P. in support of your legislation, H.R. 2930, the Promoting Cross-Border Energy Infrastructure Act.

This legislation will provide the needed reform of the existing Presidential Permit process for liquid pipeline projects crossing international borders. There is no authorizing statute from the Congress laying out the requirements for this program. There is no guidance in the law on what should be reviewed, and what can be exempted because it is too small to make a difference. There are no laws on what criteria to use, what to examine, or a time certain for completing a review. The unfortunate result of the lack of clear guidance is uncertainty and delay. In fact, the sum total of State Department rules and procedures for this process is one single page, so almost all applications can be dealt with subjectively, which results in a lack of certainty for our business.

Plains All American experienced this uncertainty first hand when we purchased seven pipelines crossing the U.S.-Canadian border. The guidelines used by the State Department triggered our need to apply for a new presidential permit in 2012. These pipelines already had an ownership name change permit approved by a decision no longer than 120 days after any applicable environmental review is complete.

Determination of National Interest: Lead agencies would be able to make national interest determination for cross border energy infrastructure projects but the assumption would be that because the energy projects are in the national interest unless determined otherwise by that lead agency.

Agency Decision-Making: By removing the requirements of a presidential permit, the relevant official or agency would serve as final authority, further streamlining the process while assuring that the lead agency is the Federal agency with relevant subject-matter expertise. The bill would designate the Secretary of Energy as the responsible official for natural gas pipelines and the Secretary of Energy for electric transmission lines. These agencies already have responsibility for evaluating aspects affecting the national interest with respect to these types of projects.

Streamlining of the approval process: New certificates of crossings and Presidential permits would not be required for modifications to existing border-crossing projects that are operating or for which approvals have previously been issued.

The Promoting Cross-Border Energy Infrastructure Act will serve to enhance the existing mutually beneficial U.S.-Canada energy partnership. Thank you for your consideration and support for the Act.

Sincerely,

PATRICIA NELSON
Vice Chair, In Situ Oil Sands Alliance

PLAINS ALL AMERICAN PIPELINE, L.P.
July 18, 2017.

HON. PAUL RYAN,
Speaker, House of Representatives
Washington, DC.

HON. NANCY PELOSI,
Majority Leader
Washington, DC.

HON. MARKWAYNE MULLIN
Member of Congress
Washington, DC.

HON. GENE GREEN,
Member of Congress
Washington, DC.

DEAR CHAIRPERSON UPTON AND RANKING MEMBER RUSH: The In Situ Oil Sands Alliance (IOSA) offers strong support for the Promoting Cross-Border Energy Infrastructure Act reintroduced this week by Congresswoman Markwayne Mullin (R-OK) and Congressman Gene Green (D-TX) and urges you to back its timely passage. The In Situ Oil Sands Alliance of Canadian oil sands developers dedicated to the responsible development of the resource using drilling technologies. We support this legislation and establishes greater predictability in the process of developing additional energy transportation links between our two countries which will serve a critical role in continuing towards North American energy independence and reducing dependence on unstable overseas suppliers. These links will help to ensure that growing Canadian oil sands developments are processed in a predictable, environmentally responsible and economically beneficial source of supply for the United States.

Historically, Canada and the United States have enjoyed a mutually beneficial energy trade relationship. The Canadian oil sands provide substantial economic benefits to the U.S. The jobs created in Canada, one job is created in the U.S. Nearly 1,600 U.S. companies directly supply the oil sands, representing $1.9 billion in sales in 2014 and 2015. Canada is the United States’ most trusted trading partner, providing 41% of U.S. oil imports in 2016. Canada’s oil sands represent the third largest reserves in the world and are well-positioned to provide a secure and affordable supply for American refining and consumption for years to come. However, the benefits accruing to the United States from Canadian oil sands development depend on sufficient energy transportation infrastructure capacity. The Promoting Cross-Border Energy Infrastructure Act proposes four key modernizations of the cross-border infrastructure regulatory process that can ensure the timely development of projects.

Introduction of a Definitive Decision Timeline: Introducing timing and development uncertainty currently absent from the approval process a decision no later than 120 days after any applicable environmental review is complete.

Determination of National Interest: Lead agencies would be able to make national interest determination for cross border energy infrastructure projects but the assumption would be that because the energy projects are in the national interest unless otherwise determined by that lead agency.

Agency Decision-Making: By removing the requirement for a presidential permit, the relevant official or agency would serve as final authority, further streamlining the process while assuring that the lead agency is the Federal agency with relevant subject-matter expertise. The bill would designate the Secretary of Energy as the responsible official for oil and natural gas pipelines and the Secretary of Energy for electric transmission lines. These agencies already have responsibility for evaluating aspects affecting the national interest with respect to these types of projects.

Mr. MULLIN. Once again, I understand that there is opposition to the bill because of a fear. But the true fear is: Are we willing to hold up the infrastructure needed of this country for political gain? For the record that we had from the previous administration, that is exactly what happened. It was political.
cross-border projects from meaningful envi-
ronmental review under the National Envi-
ronmental Policy Act (NEPA) by dramati-
cally narrowing the focus of that review. Under the current process and the NEPA review apply only to the cross-border segment of the project. Trans-boundary pipe-
lines and transmission lines are multi-billion dollar investments that stretch hundreds of miles, last for decades, and pose environmental risks well beyond their border crossings. However, contrary to NEPA, the bill precludes review of the project’s full impacts, such as oil spills and the consequences for landowners, public safety, drinking water, climate change, and wild-
life.

It eliminates the need to justify projects as in the national interest. The bill eliminates a process that has required the federal permitting agency must find the project to be in the national interest. In-
stead, the bill requires an agency to approve the project, unless it finds that the narrow segment that crosses the border “is not in the public interest of the United States.” By shifting the burden of proof to require a showing that the project is not in the public interest and sharply narrowing the focus of that inquiry, this provision makes it extremely difficult for an agency to ever deny a permit, and it largely eliminates the ability to approve a permit subject to protective
conditions. Large, complicated, risky projects like oil and gas pipelines and electric transmission facilities are precisely the types of activities that ought to be well-planned and reviewed before they are built. Failure to do so not only results in threats to public safety, but can also harm our economy and environment.

Instead of improving responsible siting, construction, and operation of oil and gas pipelines and electric transmission facilities, this bill goes in the opposite direction by forcing these projects through no matter what the costs may be. For these reasons, we urge you to oppose this bill.

Sincerely,

Gene Karpinski, President.

JULY 18, 2017.

Re Please Oppose H.R. 2883, the “Promoting Cross-Border Energy Infrastructure Act”.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations and our millions of members and supporters across the country, we write today to express our strong opposition to H.R. 2883, the “Promoting Cross-Border Energy Infrastructure Act.” This bill represents a fourth irresponsible attempt to pass the previously titled “North American Energy Policy Act” in as many years. For the reasons below, we are opposed to the passage of this legislation and its attempt to ram through permits for new cross-border oil and gas pipelines and electric transmission lines without meaningful envi-
ronmental review or public participation.


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position to H.R. 2883, the “Promoting Cross-
Border Energy Infrastructure Act.” This bill represents a fourth irresponsible attempt to pass the previously titled “North American Energy Policy Act” in as many years.

For the reasons below, we are opposed to the passage of this legislation and its attempt to ram through permits for new cross-border oil and gas pipelines and electric transmission lines without meaningful envi-
ronmental review or public participation.

Our reasons for opposing H.R. 2883 are as follows:

It is unnecessary and eliminates long-
standing procedure. Executive Order 13337 est-
ablished a longstanding process that has been used by both Republican and Demo-
ocratic administrations for decades to ensure that energy transmission projects crossing our international borders from Canada and Mexico are in the national interest.

It eliminates critical environmental and economic Act. H.R. 2883 eliminates the current requirement that proposed oil and natural gas pipelines and electric transmission lines that cross the U.S. border with Mexico or Canada obtain a presidential per-
m it, after an environmental review and de-
termination that the project is in the na-
tional interest.

It improperly narrows the scope of envi-
ronmental review. H.R. 2883 replaces existing processes with one that limits environ-
menta
l review to a narrow portion of the project, exempts certain types of projects from any permit requirement, and shifts the burden of proof to make it difficult to not approve a project.

It undermines the National Environmental Policy Act. The bill effectively exempts
It undermines the National Environmental Policy Act. The bill effectively exempts cross-border projects from meaningful environmental review under the National Environmental Policy Act (NEPA) by significantly narrowing the focus of that review. Under the bill, the permit requirement and NEPA review apply only to the cross-border segment of a project. Trans-boundary pipelines and transmission lines are multi-billion dollar infrastructure investments that stretch hundreds of miles, last for decades, and pose environmental risks well beyond their border crossings. However, contrary to NEPA, the bill precludes review of the project as a whole and the consequences for landowners, public safety, drinking water, climate change, and wildlife.

It eliminates the need to justify projects as in the national interest. The bill eliminates the requirement that to issue a permit, the federal permitting agency must find the project to be in the national interest. Instead, the bill requires an agency to approve the project, unless it finds that the narrow segment crosses the border “is not in the public interest of the United States.” By shifting the burden of proof to require a showing that the project is contrary to the public interest and sharply narrowing the focus on pipelines, this provision makes it extremely difficult for an agency to ever deny a permit, and it largely eliminates the ability to approve a permit subject to protective conditions.

Large, complicated, risky projects like oil and gas pipelines and electric transmission facilities are precisely the types of activities that ought to be well-planned and reviewed before they are built. Failure to do so not only results in threats to public safety, but can also harm our economy and environment.

Instead of improving responsible siting, construction, and operation of oil and gas pipelines and electric transmission facilities, this bill goes in the opposite direction by forcing these projects through no matter what the costs may be. For these reasons, we urge you to oppose this bill.

Sincerely,
330.org; Bold Alliance; Center for Biological Diversity; Clean Water Action; Defence Council for Public Interest Law; Environmental Media Association; Greenpeace USA; Indigenous Environmental Network; League of Conservation Voters; National Environmental Law Center; Oil Change International; Power Shift Network; Public Citizen; Seedlings; Sierra Club.

Ms. CASTOR of Florida. Mr. Chairman, H.R. 2893 eliminates the current requirement that proposed oil and natural gas pipelines and electric transmission lines that cross the U.S. border obtain a Presidential permit. That only happens after an environmental review and a determination that the project is in the national interest. I know this might be tempting to some of my colleagues, but I encourage you to have a closer look at what this bill really does.

The bill replaces this process with a new process that limits environmental review to a narrow portion of the project, just the portion that crosses the border. It exempts certain types of projects from any permit requirement and shifts the burden of proof to make it difficult to disapprove a project.

The bill also allows a project that is rejected under current law to reapply under the new, weaker process and exempts all modifications to existing cross-border projects from any requirement for Federal review or approval.

In essence, it grants a get-out-of-jail-free card, or, actually, I guess it is more akin to whatever you roll, you get to roll again. And if you don’t lose your $200. That is not okay for some international oil pipelines, natural gas pipelines, and electric transmission lines. These are major infrastructure projects, and we have got to maintain the meaningful review; otherwise, we are going to suffer significant incidents, accidents, fatalities, and more.

So let me close my remarks and my portion of the debate here today. I have enjoyed this debate, but I want to highlight again that the Congress is really missing an opportunity to address one of the most significant challenges that we face, and that is the challenge of climate change.

What is particularly troubling about this bill, as well, is it keeps the public in the dark. Think about it. If you live near a major international pipeline project, shouldn’t you have the right to participate and understand what such projects will be doing in your backyard?

The bill would allow and long-lived cross-border energy projects to be approved with no understanding or consideration of their environmental impact or to be exempted from any permitting requirements. The bill assumes that these projects are always in the public interest regardless of the merits. It is an unjustifiable giveaway. It elevates corporate profits over the public interest, and it is wrong.

The public, including communities and landowners directly affected by the projects, would have little or no information and no opportunity to object or request mitigating action except to the extent provided under limited State laws.

For all of these reasons, I urge a “no” vote on the bill.

Mr. Chairman, I yield the balance of my time to the gentlewoman from New Hampshire (Ms. Kuster).

Ms. KUSTER of New Hampshire. Mr. Chairman, I rise today in strong opposition to the bills we are considering today which would short-circuit the approval process of fossil fuel projects at the expense of our environment and private property owners.

In my home State of New Hampshire, Granite Staters are all too familiar with the problems of siting natural gas projects and the disruption this can cause for small rural towns.

In 2015, energy giant Kinder Morgan proposed a large natural gas pipeline project that would have cut through 17 New Hampshire towns in my district which are home to numerous environmentally sensitive areas that would have been negatively impacted by this project.

Throughout the review process, I heard from thousands of my constituents whose concerns were not being heard by the Federal Energy Regulatory Commission.

Thanks to the commitment and tireless efforts of these advocates, Kinder Morgan eventually pulled the plug on the project, but there is so much more that needs to be done to give average citizens a seat at the table during FERC’s review process.

The bills we are considering today would do nothing to elevate the concerns of impacted communities during FERC proceedings, and these bills aim to jam through risky pipeline projects while constraining other agencies from concluding important environmental reviews.

We all know that FERC acts as a rubber stamp for fossil fuel projects, and the bills we are considering today further narrow the opportunities for private landowners to push back against projects and try to protect their land from eminent domain.

At a time when pipeline expansion has increased dramatically, we should be working on bipartisan solutions that increase public participation during FERC proceedings. That is why I have cosponsored legislation to create an Office of Public Participation within FERC that would level the playing field for average citizens and give them a seat at the table.

H.R. 2910, which we just debated, does nothing to achieve this goal and will only lead to more communities being left in the dark during FERC proceedings.

H.R. 2893 would eliminate the need for a Presidential permit for cross-border energy projects and dramatically narrow the environmental review to the narrow portion of the project that crosses the border. These cross-border projects are often hundreds of miles long. It simply makes no sense to conduct an environmental review on the small portion that crosses the border. That is just common sense.

For the good of our environment, for the good of our communities, and public lands, I urge my colleagues to oppose these harmful pieces of legislation.

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

Mr. MULLIN. Mr. Chairman, I actually have a couple of more speakers.

The CHAIR. Without objection, the gentlewoman from Florida may reclaim her time.

Mr. MULLIN. Mr. Chair, I was under the impression the other side had yielded back the balance of her time.

The CHAIR. The gentleman is correct, but by unanimous consent, the gentlewoman may reclaim the time.

Mr. MULLIN. Mr. Chair, I ask unanimous consent to allow the minority to reclaim the balance of her time.

The CHAIR. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MULLIN. Mr. Chair, I yield 2 minutes to the gentleman from Kansas (Mr. Marshall).
Mr. MARSHALL. Mr. Chairman, I rise today in support of H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act, introduced by my friend and Great Plains colleague to the south, MARKWAYNE MULLIN.

This bill could not come at a better time. We need to have discussions in this country about both our future as an energy leader and our trading relationship with Mexico and Canada, it is time to review bureaucratic permitting processes that constrain new energy transportation projects. This bill does just that. It improves streamlined permitting processes for pipelines and energy transmission equipment when they are crossing U.S. international borders.

Energy trade within North America is a nearly $150 billion business that provides significant benefits here at home. This bill shows that we can focus on protecting our environment and being an energy leader. It maintains full environmental reviews and continues compliance with the National Environmental Policy Act.

We saw how broken our current regulatory structure was when politics and personal interests nearly ended the Keystone XL pipeline without any regard to science, facts, or the livelihoods of the people who needed those jobs. This legislation will allow American entrepreneurs to stop fighting endless red tape and uncertain timetables and get back to doing what we do best: creating jobs, innovating, and making North America a leader in energy production.

Voters have told us time and time again to get the bureaucratic morass of Big Government out of the way. They have asked us to promote an all-of-the-above energy strategy that includes oil and gas and to unleash the power of American innovation. They have asked for good jobs and more energy security.

I thank my friend from Oklahoma for sponsoring this. I ask my colleagues to support H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act.

Ms. CASTOR of Florida. Mr. Chair, I yield the gentleman an additional 30 seconds.

Mr. MULLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN), my good friend.

Mr. GENE GREEN of Texas. Mr. Chair, there seems to be some confusion as to what this bill takes away from the National Environmental Policy Act enforcement. That is just not true. In fact, during a committee hearing in the Energy and Commerce Committee, we produced a Congressional Research Service report that said that nothing in this bill will take away the responsibility for the NEPA process, the National Environmental Policy Act.

To make sure that every inch of those pipelines will be studied for environmental purposes is not our intention. Our intention is just to move product.

We will go through all the efforts. Mr. Chair, I include in the RECORD a report from the Congressional Research Service that we got in committee.

(From the Congressional Research Service. MEMORANDUM

To: The Honorable Gene Green; Attention: Justin Ackley

From: Linda Luther, Analyst in Environmental Policy, ext. 7-6882

Subject: Scope of NEPA Review Required for Federal Agency Approvals

This memorandum responds to your request asking CRS to clarify the scope of an environmental review prepared by federal agencies under the National Environmental Policy Act (NEPA). More specifically, you asked CRS to identify the scope of environmental practices that a federal agency would be likely to evaluate before making a final decision on a request to approve certain energy infrastructure projects that would cross international borders. The United States issues the issuance of a “certificate of crossing” that would be required in the Promoting Cross-Border Energy Infrastructure Act (discussion draft released April 25, 2017). This memorandum identifies the range of environmental impacts that federal agencies currently evaluate and demonstrates compliance with NEPA. It also discusses current agency practices, for similar projects, that generally involve the evaluation of the environmental effects and are reviewed in the United States (i.e., impacts that may occur as a result of approving a cross-border energy infrastructure project). Information in this memorandum may be used or may have been used in other CRS products.

Before a federal agency can make a final decision on a proposed federal action, NEPA requires that agencies consider the effect of their action on the environment. The following are the five stages of the NEPA process:

1. Planning: In the planning stage, federal agencies must consider direct, indirect, and cumulative impacts of actions that are similar in nature to the proposed action. The stage of the process that occurs in the early planning stages of the action.

2. Draft Environmental Impact Statement: In the draft environmental impact statement stage, the agency must identify and describe potential environmental impacts of the proposed action. The stage of the process that occurs in the late planning stages of the action.

3. Final Environmental Impact Statement: In the final environmental impact statement stage, the agency must prepare a final environmental impact statement. The stage of the process that occurs in the early construction stage of the action.

4. Record of Decision: In the record of decision stage, the agency must prepare a record of decision. The stage of the process that occurs in the late construction stage of the action.

5. Environmental Assessment: In the environmental assessment stage, the agency must prepare an environmental assessment. The stage of the process that occurs in the late construction stage of the action.

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we will need that natural gas that Mexico will be producing when they work in northern Mexico.

So that is why we need to structuralize this, if we are really going to have a North American energy market for electric transmission like they do up in New England States or electric transmissions even along the border in Texas. I know they do the same thing in southern California. We need to have some certainty with our closest neighbors.

We have a free trade agreement with these two countries. It is already decided it is in our national interest. Why would we set aside energy as something different? That is why this bill is so important.

Mr. Chair, I urge a ‘yes’ vote for this legislation.

Ms. CASTOR of Florida. Mr. Chair, I reserve the balance of my time.

Mr. MULLIN. Mr. Chair, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act, introduced by my friend and Western Caucus member MARKWAYNE MULLIN.

H.R. 2883 streamlines the permitting process for pipelines and electricity transmission equipment that crosses the United States’ international borders.

Energy trade between the U.S., Mexico, and Canada is nearly a $150 billion business that provides significant benefits to America. This bill will prevent another Keystone XL-like delay and takes politics out of the decision-making process.

Cross-border oil and gas pipelines and cross-border electrical transmission facilities should not be held up by government bureaucracies. Without this legislation, important projects that provide benefits to our economy will continue to incur unnecessary delays and government red tape.

Edison Electric Institute supports H.R. 2883, stating:

Timely decisions for the siting and permitting of energy infrastructure are essential to building more resilient infrastructure that electric companies need to deliver reliable, affordable, safe, and increasingly clean energy to Americans.

The National Taxpayers Union supports the bill, stating:

This legislation would streamline the arduous cross-border permitting process for energy facilities that stretch across the borders we share with Mexico and Canada.

The current Presidential permit regime is far from clear and can leave projects in regulatory limbo for years to come. Creating a consolidated and standardized approval process would increase the congressional accountability provided for in Article I, section 8 of the Constitution.

The bill requires a full environmental review and complies with NEPA. This legislation makes so much sense that even labor unions support it. Let’s fulfill our constitutional obligations, streamline important energy infrastructure projects, and advance a true all-of-the-above energy strategy.

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

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

Mr. Chair, I strongly urge the Members of this body to oppose this misguided bill so that the Congress can turn its attention to the most daunting challenge of our time: climate change, our clean energy future, and the clean energy economy and all of the jobs it entails.

Mr. Chair, again, I urge a ‘no’ vote, and I yield back the balance of my time.

Mr. MULLIN. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, this bill has absolutely no effect on any environmental law. The bill expressly provides that approval of a project under this act does not affect the application of any other Federal law or law or regulation. Under construction, operation, or maintenance of a project, The Congressional Research Service has reviewed the legislation and has confirmed that fact.

My point is, other than the fact that they just want to oppose this because maybe, people oppose fossil fuels as a whole, this makes sense. This is a bill that moves forward. As we stated earlier, it takes politics out of our permitting process. It brings structure and certainty to those that are providing our infrastructure needs.

Mr. Chair, I urge my colleagues to vote ‘yes,’ and I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

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

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-29.

That amendment in the nature of a substitute shall be considered as read.

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

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. GENERAL PROVISIONS. SECTION 1. SHORT TITLE. This Act may be cited as the ‘‘Promoting Cross-Border Energy Infrastructure Act’’.

SEC. 2. APPLICATION FOR BORDER-CROSSING FACILITIES.

(a) AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT AN INTERNATIONAL BOUNDARY. (1) AUTHORIZATION.—Except as provided in paragraph (3) and subsection (e), no person may construct, connect, operate, or maintain a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity, across an international border of the United States without obtaining a certificate of crossing for the border-crossing facility under this subsection.

(b) CERTIFICATE OF CROSSING.—(1) REQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency identified under subparagraph (B), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

(c) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for a border-crossing facility consisting of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing under subparagraph (A), that the border-crossing facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(i) the Electric Reliability Organization and the applicable regional entity; and

(ii) any Regional Transmission Organization or Independent System Operator with respect to a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity.

(d) EFFECT OF OTHER LAWS.—(1) SUBSECTION (A), (B), (C), AND (D) OF SECTION 7 OF THE PROPERLY ADMINISTRATED ACT OF 1969.—(A) R EQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency referred to in subparagraph (A), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

(e) EFFECT OF OTHER LAWS.—(1) SUBSECTION (A), (B), (C), AND (D) OF SECTION 7 OF THE PROPERLY ADMINISTRATED ACT OF 1969.—(A) R EQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency referred to in subparagraph (A), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

(f) RESOLUTION OF DISPUTES.—In the case of a request for a certificate of crossing under subsection (A), the Secretary of Energy shall—

(i) resolve any dispute by negotiation within 90 days after the date on which the certificate of crossing is issued; and

(ii) if the parties to the dispute are unable to reach an agreement within 30 days of the date of the commencement of the negotiation under clause (i), refer the dispute to a neutral arbiter.

(g) EFFECT OF OTHER LAWS.—(1) SUBSECTION (A), (B), (C), AND (D) OF SECTION 7 OF THE PROPERLY ADMINISTRATED ACT OF 1969.—(A) R EQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency referred to in subparagraph (A), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

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of the Natural Gas Act (15 U.S.C. 717(b)) is amended by adding at the end the following:

"In the case of an application for the importation of natural gas from, or the exportation of natural gas to, Canada or Mexico, the Commission shall grant the application not later than 30 days after the date on which the Commission receives the complete application.".

(c) TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.—

(1) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 301(b) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking "insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)."

(B) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-4(b)) is amended by striking "the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act" and all that follows through the period at the end of "it is not necessary to hold any additional hearings and findings required under section 202(e) of the Federal Power Act that are a prerequisite to a determination of the public interest.

Section 1906 of the Energy Independence and Security Act of 2007 (42 U.S.C. 16316) is amended by striking "section 202(e) of the Federal Power Act" and all that follows through the period at the end of "Secretary to the extent provided in this Act.".

(ii) The Secretary of Energy's powers under or relating to section 202(e) of the Federal Power Act (16 U.S.C. 824a-4) in the matter of determining whether to approve or reject an application for an alternative interconnection, or an adjustment to main- tain flow (such as a reduction or increase in the number of pump or compressor stations); (iii) the term "natural gas" has the meaning given in section 2 of the Natural Gas Act (15 U.S.C. 1574a); (iv) the term "oil" means petroleum or a petroleum product; (v) the terms "Electric Reliability Organization" and "regional entity" have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824a); and (vi) the terms "transmission system operator" and "Regional Transmission Organization" have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

The CHAIR. No amendment to that enactment that changes the nature of a substitute shall be in order except those printed in part B of House Report 115–235. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

1615 AMENDMENT NO. 1 OFFERED BY MR. ENGEL.

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

Mr. ENGEL. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, after line 16, insert the following:

(i) the Secretary of State with respect to border-crossing facilities consisting of oil pipelines:

Page 2, line 17, strike "(i)" and insert "(ii)".

Page 2, line 21, strike "(ii)" and insert "(iii)".

The CHAIR. Pursuant to House Resolution 454, the gentleman from New York (Mr. ENGEL) and a Member opposed each will have 15 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, since 1968, oil pipelines that cross international borders have been reviewed and approved by the Department of State. That is the permitting cross-border oil pipelines. FERC is an independent agency made up of a bipartisan commission that regulates interstate transmission of electricity, natural gas, and oil. FERC also has processes to build liquefied natural gas terminals, interstate natural gas pipelines, and cross-border natural gas facilities.

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

Mr. MULLIN. Mr. Chair, H.R. 2883 was designed by the Federal Energy Regulatory Commission, the lead agency of the permitting cross-border oil pipelines.

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

Mr. ENGEL. Mr. Chair, I raise an amendment that changes the cross-border permitting process with much-needed consistency and transparency. The gentleman from New York is concerned with the failures of the past and reinjecting the bipartisan politics into the process.

Mr. ENGEL. Mr. Chairman, I urge a "no" on this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The question was taken; and the Chair announced that the nays have it.

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

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

AMENDMENT NO. 2 OFFERED BY MS. TSONGAS

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 115-335.

Ms. TSONGAS. Mr. Chairman, I have an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 14, insert the following:

(D) ADDITIONAL REQUIREMENT FOR OIL AND NATURAL GAS PIPELINE FACILITIES.—In the case of a request for a certificate of crossing for a border-crossing facility consisting of an oil or natural gas pipeline facility, the Federal Energy Regulatory Commission may not issue a certificate of crossing under subparagraph (A) if any part of the oil or natural gas pipeline would be located on lands required under Federal, State, or local law to be managed for purposes of natural resource conservation or recreation.

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

Ms. TSONGAS. Mr. Chairman, my amendment protects a robust public review process for any proposed pipeline that seeks to cross protected conservation and recreation lands, this time for pipelines that includes a crossing with Canada or Mexico. The legislation before us today, with its narrowly defined environmental reviews and limited public input, puts treasured public resources at risk.

My home State of Massachusetts, like many areas around the country, faces real energy challenges. We need careful and strategic long-term planning in order to lower energy prices and increase reliability and resiliency.

However, as with H.R. 2883 that we considered earlier this afternoon, H.R. 2883 moves us in the wrong direction. In fact, it doesn’t allow any careful or strategic planning when it comes to fossil fuel pipelines.

Cross-border and natural gas pipeline interests should not be permitted to cavalierly tread on public lands, lands expressly set aside by Federal taxpayers, State and local communities for the benefit of conservation and public recreation.

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

The potential negative environmental impacts of an oil or natural gas pipeline are too great to risk such treasured investments by Federal taxpayers and State and local communities, and we should not quickly forego the essential public review process that has helped ensure these public treasures are available to future generations.

Mr. Chairman, I urge support for my amendment, and I reserve the balance of my time.

Mr. MULLIN. Mr. Chairman, I claim the time in opposition.

The Chair recognizes the gentleman from Oklahoma is recognized for 5 minutes.

Mr. MULLIN. Mr. Chairman, I reserve the balance of my time for closing.

Ms. TSONGAS. Mr. Chairman, I don’t have any additional speakers.

I would just like to say that energy infrastructure is critical to our economy, yet we cannot simply give the fossil fuel industry a carte blanche to build pipelines that adversely impact conservation and recreation lands.

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

Mr. MULLIN. Mr. Chair, I yield 2 minutes to my colleague from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chair, I rise in opposition to this amendment. In the United States today, there is 150 million acres of protected land set aside in the National Wildlife Refuge System for protected designation of America’s fish, wildlife, and plants.

Conservation efforts like the National Wildlife Refuge System build up America’s great conservation legacy that began with Teddy Roosevelt. Ensuring that future generations of Americans have access to these great traditions must be our priority as a body going forward.

In this 150 million acres of National Wildlife Refuge System land, though, there currently stretches 1.339 miles of pipeline already. Protecting our natural resources and building much-needed infrastructure are not mutually exclusive goals.

These pipelines are already there. They are not destroying the lands or their ecosystem or prohibiting the American people from enjoying access to this public land. Companies must pay the government for use of the land for pipelines. That money, in turn, goes into acquiring more land for conservation efforts and recreational use.

The Department of Transportation’s review of safety accidents conducted under President Obama’s administration showed that in addition to providing a substantial cost advantage, pipelines result in fewer spillage incidents and personal injuries than either road or rail.

A coal-fired power plants continue to shut down, the demand for natural gas, a lower emission alternative, is going to keep going up. Whether the gas is produced in Canada, Alaska, North Dakota, Pennsylvania, or the Gulf of Mexico, it will be used all over the country, and we need to ensure that a regulatory framework is in place that allows us to get this supply to where it is needed.

The amendment is a backhander way to prevent any pipelines or electrical transmission infrastructure from being built.

Mr. Chair, I urge my colleagues to vote “no” on this amendment.

Mr. MULLIN. Mr. Chair, H.R. 2883 strikes a right balance for wise management of our multiuse public lands and natural resources. The amendment would upset this careful balance.

Mr. Chair, I urge a “no” vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR (Mr. WEBER of Texas). The question is on the amendment offered by the gentlewoman from Massachusetts (Ms. TSONGAS).

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

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

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

AMENDMENT NO. 3 OFFERED BY MR. GENE GREEN OF TEXAS

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

Mr. GENE GREEN of Texas. Mr. Chair, as the designee of Mr. VEASEY, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, after line 3, insert the following:

(D) SCOPE OF NEPA REVIEW.—Nothing in this Act, or the amendments made by this Act, shall preclude the scope of any review required under section 102(2)(C)(ii) of the National Environmental Policy Act of 1969 with respect to a project for which a certificate of crossing for a border-crossing facility is requested under this subsection.

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

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chair, again, this is Congressman VEASEY’s idea, and I am doing it for him because he couldn’t be here.

Our intent when crafting the bill was never to reduce or limit the National Environmental Policy Act applicability when considering whether to approve a cross-border project.

Before a Federal agency can make a final determination on a proposed Federal action, the National Environmental Policy Act requires that the agency identify the proposal’s effects on the quality of human environment and whether these effects will be significant.

To make this determination, Federal agencies identify and evaluate the direct and indirect cumulation of effects of the proposal. Direct effects are the impacts caused by the project occurring at the same time and place. Indirect effects are the impacts that are long-term time or further removed but still reasonably foreseeable. And cumulative effects are impacts on the environment that result with incremental
impacts on the action, regardless of what person or agency undertakes that action. The Federal agencies currently implement NEPA. The requirement to identify all three of these impacts has required the analysis of impacts to include jurisdiction beyond the section of the project, but any new facility or structure constructed within the United States.

Our office had the bill analyzed by the experts at the Congressional Research Office, who confirmed that the underlying bill did not in any way limit the scope of future National Environmental Policy Act reviews under it. Under our language, they will continue to involve reviews of the entire project, not just that part that crosses the border section.

With that said, I have heard concerns from Members who are worried that the bill will limit the NEPA in some way. I am happy to support this bipartisan amendment with my colleagues, Mr. VEASEY, who unequivocally states that nothing in this act or the amendments made by this act shall affect the scope of any review required to be conducted by the National Environmental Policy Act of 1969.

I support this good faith amendment—and like I said earlier, it is belts and suspenders, but sometimes we need to pass legislation—and I urge my colleagues to do so as well.

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

Mr. MULLIN. Mr. Chair, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Oklahoma is recognized for 5 minutes.

Mr. MULLIN. Mr. Chair, I rise in support of the gentleman’s amendment, which would clarify the intent of the legislation not to affect the application of any other Federal laws that are applicable to the construction, operation, or maintenance of the project.

Despite the talking points used by some of my friends, nothing in this bill would exempt a project from complying with applicable environmental laws or restrict the scope of environmental review.

The gentleman from Texas’ amendment makes this abundantly clear. H.R. 2883 would lead to a more objective and timely decision, create jobs, strengthen our Nation’s energy security, and support affordable and reliable energy for all Americans.

Mr. Chair, I urge a ‘yes’ vote, and I yield back the balance of my time.

The Acting CHAIR. The question is—

[Recess Vote]

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 246, not voting 5, as follows:

[Roll No. 385]

AYES—182

Abraham, Aderhold, Amash, Amodei, Arrington, Bacon, Banks (IN), Barletta, Barton, Bergman, Bilirakis, Bishop (MI), Black, Blackburn, Bost, Brady (PA), Brady (TX), Brat, Bridenstine, Brooks (AL), Brooks (IN), Buchanan, Bush, Budd, Burgess, Byrne, Carter (NV), Carter (GA), Carter (TX), Chabot, Coffman, Cole, Collins (GA), Collins (NY), Comer, Comstock, Coney, Corea, Costa, Costello (PA), Cramer, Crank, Cuellar, Cullers, Culberson, Davis (FL), Davidson, Davis, Rodney, Dent, Dent, DeSantis, DeSantis, DeLauro, Dreibergs, Diaz-Balart, Donovan, Duffy, Duncan (SC), Duncan (TN), Emmer, Espanol, Estes, Ester, Evans, Foster, McNeer, Torres, Tsongas, Vargas, Vargas, Visclosky

NOES—246

Abraham, Aderhold, Amash, Amodei, Arrington, Bacon, Banks (IN), Barletta, Barton, Bergman, Bilirakis, Bishop (MI), Black, Blackburn, Bost, Brady (PA), Brady (TX), Brat, Bridenstine, Brooks (AL), Brooks (IN), Buchanan, Bush, Budd, Burgess, Byrne, Carter (NV), Carter (GA), Carter (TX), Chabot, Coffman, Cole, Collins (GA), Collins (NY), Comer, Comstock, Coney, Corea, Costa, Costello (PA), Cramer, Crank, Cuellar, Cullers, Culberson, Davis (FL), Davidson, Davis, Rodney, Dent, Dent, DeSantis, DeSantis, DeLauro, Dreibergs, Diaz-Balart, Donovan, Duffy, Duncan (SC), Duncan (TN), Emmer, Espanol, Estes, Ester, Evans, Foster, McNeer, Torres, Tsongas, Vargas, Vargas, Visclosky

NOT VOTING—5

Ms. STEFANIK, Messrs. VELA, GOTHIEIMER, PALAZZO, BURGESSES,
The result of the vote was announced as above recorded.

Stated against: Mr. HUDSON. Mr. Chair, I was unavoidably detained from the House floor. Had I been present, I would have voted "nay" on rollocoll No. 396 (Tsongas Amendment to H.R. 2833).

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RODNEY DAVID) of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2833) to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity, and, pursuant to House Resolution 454, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole House?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. O’HALLERAN. Mr. Speaker, I have a motion to reconvene at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. O’HALLERAN. I am opposed.

THE SPEAKER pro tempore. The Clerk will record the motion to recommit.

The Clerk read as follows:

Mr. O’HALLERAN moves to recommit the bill H.R. 2883 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

Page 3, after line 14, insert the following:

(D) AMERICAN IRON AND STEEL.—As a condition of issuing a certificate of crossing under subparagraph (A), the relevant official or agency shall require that all of the iron and steel products used in the construction, connection, operation, and maintenance of the border-crossing facility are produced in the United States, as determined by the relevant official or agency in a manner consistent with United States obligations under international agreements.

Mr. MULLIN (during the reading). Mr. Speaker, I ask unanimous consent
Mr. O’HALLERAN. Mr. Speaker, the amendment mirrors the spirit of that executive order by applying to all projects which are 100 percent American-made materials. They can be approved.

Mr. Speaker, there are 750,000 jobs on the line. It’s time for Congress to get serious about fixing this crumbling infrastructure and roads.

Mr. Speaker, hardworking families have seen firsthand the failure to address our crumbling infrastructure and roads. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 232, not voting 8.

Mr. Speaker, I yield back the balance of my time.
The vote was taken by electronic device, and there were—yeas 254, nays 5, as follows:

NAY—5

Barr (CA) Bennet Berman Biaggi Biggs Biggs (FL) Bishop (GA) Bishop (MI) Bishop (UT) Brady (PA) Brady (TX) Brandel Brandenburger Brat Brooks (AL) Brooks (IN) Buchanan Buck Bucshon Buckingham Carter (GA) Carter (TX) Chabot Cheney Coffman Collins (GA) Collins (NY) Comer

NAY—175

Adams Aguilar Barragan Beatty Beyer Blumenauer Blunt Rochester Boenig Boyle, Brendan Brown (MD) Brown (RI) Burgess Byrne Calvert Cheney Coffman Collins (GA) Collins (NY) Comer

NOT VOTING—8

Cummings Polito Reed Napolitano Rogers (KY) Ruoso Schakowsky Soto Smith (WA) Smucker Thompson (CA) Thompson (M-8)

H6023

Tuttle Velázquez Visclosky Waik Walton (SC) Wasserman Schultz Vargas

NOT VOTING—4

Cummings Napolitano Labrador Scalsie

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

So the bill was passed. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES ACT

Accordingly, the House resolved itself into the Committee of the Whole on the state of the Union for the further consideration of the bill (H.R. 2910) to provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act, and for other purposes, with Mr. WEBER of Texas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3 printed in part A of House Report 115-235 offered by the gentleman from Virginia (Mr. BEYER) had been postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

Mr. BEYER of Virginia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. TSONGAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Massachusetts (Ms. TSONGAS) on which further proceedings were postponed and on which the yeas prevailed by vote and on which the nays voted.

The Clerk will redesignate the amendment.

Mr. HENEGAN of Tennessee in the chair.

The Chair will move to consider the bill.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 115-235 which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. TSONGAS of Massachusetts.

Amendment No. 3 by Mr. BEYER of Virginia.