

PROVIDING FOR 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; PROVIDING FOR 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; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 218) TO PROVIDE FOR THE EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND IN THE STATE OF ALASKA FOR THE CONSTRUCTION OF A ROAD BETWEEN KING COVE AND COLD BAY; AND FOR OTHER PURPOSES

July 18, 2017.—Referred to the House Calendar and ordered to be printed.

MS. CHENEY, from the Committee on Rules, submitted the following

## REPORT

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-28

and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those amendments printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part A of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2883, the Promoting Cross-Border Energy Infrastructure Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-29 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides for one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of H.R. 218, the King Cove Road Land Exchange Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-27 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part C of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part C of this report. The resolution provides for one motion to recommit with or without instructions.

Section 4 of the resolution provides that it shall be in order at any time on the legislative day of July 20, 2017, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule

XV, relating to the bill (H.R. 2825) to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

Section 5 of the resolution provides that the Committee on Appropriations may, at any time before 5 p.m. on Friday, July 21, 2017, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2018.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2910, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2910 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 2883, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2883 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 218, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 218 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part C of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

#### Rules Committee Record Vote No. 76

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #5 to H.R. 2883, offered by Rep. Castor (FL), which ensures that the complete length of border-crossing projects – not just the portion crossing the border – receive a thorough environmental review. Defeated: 3–6

Majority Members	Vote	Minority Members	Vote
Mr. Cole.....		Ms. Slaughter.....	Yea
Mr. Woodall.....		Mr. McGovern.....	Yea
Mr. Burgess.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Collins.....	Nay	Mr. Polis.....	
Mr. Byrne.....	Nay		
Mr. Newhouse.....			
Mr. Buck.....	Nay		
Ms. Cheney.....	Nay		
Mr. Sessions, Chairman.....	Nay		

#### Rules Committee Record Vote No. 77

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #7 to H.R. 2910, offered by Rep. Pallone (NJ), which prohibits the use of eminent domain for pipeline projects with a certificate of public convenience after the enactment of this bill. Defeated: 3–6

Majority Members	Vote	Minority Members	Vote
Mr. Cole.....		Ms. Slaughter.....	Yea
Mr. Woodall.....		Mr. McGovern.....	Yea
Mr. Burgess.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Collins.....	Nay	Mr. Polis.....	
Mr. Byrne.....	Nay		
Mr. Newhouse.....			
Mr. Buck.....	Nay		
Ms. Cheney.....	Nay		
Mr. Sessions, Chairman.....	Nay		

#### Rules Committee Record Vote No. 78

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #4 to H.R. 2910, offered by Rep. Watson Coleman (NJ), which requires that FERC find it in the public interest before allowing a holder of public convenience to exercise eminent domain. Defeated: 3-7

Majority Members	Vote	Minority Members	Vote
Mr. Cole.....		Ms. Slaughter.....	Yea
Mr. Woodall.....	Nay	Mr. McGovern.....	Yea
Mr. Burgess.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Collins.....	Nay	Mr. Polis.....	
Mr. Byrne.....	Nay		
Mr. Newhouse.....			
Mr. Buck.....	Nay		
Ms. Cheney.....	Nay		
Mr. Sessions, Chairman.....	Nay		

#### Rules Committee Record Vote No. 79

Motion by Mr. Burgess to report the rule. Adopted: 7-3

Majority Members	Vote	Minority Members	Vote
Mr. Cole.....		Ms. Slaughter.....	Nay
Mr. Woodall.....	Yea	Mr. McGovern.....	Nay
Mr. Burgess.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Collins.....	Yea	Mr. Polis.....	
Mr. Byrne.....	Yea		
Mr. Newhouse.....			
Mr. Buck.....	Yea		
Ms. Cheney.....	Yea		
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 2910 IN PART A MADE IN  
ORDER

1. Tsongas (MA), McGovern (MA), Beyer (VA): Shall not apply if any part of a pipeline facility that is a subject of the application is to be located on lands required under Federal, State, or local law to be managed for purposes of natural resource conservation or recreation. (10 minutes)
2. Lynch (MA): Directs FERC, in considering an application for an authorization or certificate covered by the bill, to consult with the Administrator of the Transportation Security Administration regarding the extent of the applicant's compliance with security guidance and best practice recommendations issued by TSA on pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures designed to ensure the public safety. (10 minutes)
3. Beyer (VA): Improves FERCs public comment and transparency process (10 minutes)

**SUMMARY OF THE AMENDMENTS TO H.R. 2883 IN PART B MADE IN  
ORDER**

1. Engel (NY): Ensures that permitting authority for cross-border pipelines remains with the Department of State. (10 minutes)
2. Tsongas (MA), McGovern (MA), Beyer (VA): States FERC may not issue a certificate of crossing if any part of the oil or natural gas pipeline project is to be located on lands required under Federal, State, or local law to be managed for purposes of natural resource conservation or recreation. (10 minutes)
3. Veasey (TX): Clarifies the applicability of the National Environmental Policy Act of 1969 (NEPA) to projects affected by the bill. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 218 IN PART C MADE IN  
ORDER

1. Tsongas (MA): Requires mitigation measures, previously adopted in P.L. 111-11, to ensure that impacts to migratory birds, wildlife, and wetlands are minimized. (10 minutes)
2. Young, Don (AK): Amends section 7 to conform the text of H.R. 218 with the Senate text, S. 101. (10 minutes)
3. Grijalva (AZ): Prohibits the Act from taking effect until \$20 Million in federal funds given to Alaska for transportation purposes in King Cove is repaid to the Federal Government. (10 minutes)



PART A—TEXT OF AMENDMENTS TO H.R. 2910 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
TSONGAS OF MASSACHUSETTS OR HER DESIGNEE, DEBATABLE  
FOR 10 MINUTES

IR

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**28**

**OFFERED BY MS. TSONGAS OF MASSACHUSETTS**

Page 12, after line 9, add the following:

1       (h) LIMITATION ON APPLICATION.—This section  
2 shall not apply to any application for an authorization  
3 under section 3 of the Natural Gas Act or a certificate  
4 of public convenience and necessity under section 7 of such  
5 Act with respect to which any part of a pipeline facility  
6 that is a subject of the application is to be located on lands  
7 required under Federal, State, or local law to be managed  
8 for purposes of natural resource conservation or recre-  
9 ation.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LYNCH  
OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

5

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**28**

**OFFERED BY MR. LYNCH OF MASSACHUSETTS**

Page 12, after line 9, add the following:

**1 SEC. 3. PIPELINE SECURITY.**

2 In considering an application for an authorization  
3 under section 3 of the Natural Gas Act or a certificate  
4 of public convenience and necessity under section 7 of such  
5 Act, the Federal Energy Regulatory Commission shall  
6 consult with the Administrator of the Transportation Se-  
7 curity Administration regarding the applicant's compli-  
8 ance with security guidance and best practice rec-  
9 ommendations of the Administration regarding pipeline  
10 infrastructure security, pipeline cybersecurity, pipeline  
11 personnel security, and other pipeline security measures.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEYER  
OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**  
**28**  
**OFFERED BY MR. BEYER OF VIRGINIA**

Page 12, after line 9, add the following:

1       (g) SUPPLEMENTAL ENVIRONMENTAL IMPACT  
2 STATEMENTS.—

3           (1) IN GENERAL.—In conducting a project-re-  
4 lated NEPA review, the Commission shall prepare a  
5 supplement to a draft environmental impact state-  
6 ment or a final environmental impact statement if—

7           (A) the Commission makes a substantial  
8 change in the proposed action that is relevant  
9 to environmental concerns; or

10          (B) there are significant new cir-  
11 cumstances or information relevant to environ-  
12 mental concerns and bearing on the application  
13 for authorization under section 3 of the Natural  
14 Gas Act or a certificate of public convenience  
15 and necessity under section 7 of such Act with  
16 respect to which the project-related NEPA re-  
17 view is being conducted, or its impacts.

18          (2) MITIGATION PLANS.—In conducting a  
19 project-related NEPA review, if a draft environ-

1        mental impact statement does not include informa-  
2        tion about mitigation plans for adverse impacts that  
3        cannot reasonably be avoided, the Commission shall  
4        prepare a supplement to the draft environmental im-  
5        pact statement that includes such information.





PART B—TEXT OF AMENDMENTS TO H.R. 2883 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ENGEL  
OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**29**

**OFFERED BY Mr. Engel**

Page 2, after line 16, insert the following:

- 1 (i) the Secretary of State with respect
- 2 to border-crossing facilities consisting of oil
- 3 pipelines;

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

Page 2, line 19, strike “oil or”.

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



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
TSONGAS OF MASSACHUSETTS OR HER DESIGNEE, DEBATABLE  
FOR 10 MINUTES

IR

**AMENDMENT TO RULES COMMITTEE PRINT 115-  
29  
OFFERED BY MS. TSONGAS OF MASSACHUSETTS**

Page 3, after line 14, insert the following:

1                   (D) ADDITIONAL REQUIREMENT FOR OIL  
2                   AND NATURAL GAS PIPELINE FACILITIES.—In  
3                   the case of a request for a certificate of cross-  
4                   ing for a border-crossing facility consisting of  
5                   an oil or natural gas pipeline facility, the Fed-  
6                   eral Energy Regulatory Commission may not  
7                   issue a certificate of crossing under subpara-  
8                   graph (A) if any part of the oil or natural gas  
9                   pipeline project is to be located on lands re-  
10                  quired under Federal, State, or local law to be  
11                  managed for purposes of natural resource con-  
12                  servation or recreation.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
VEASEY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

42

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**29**

**OFFERED BY MR. VEASEY OF TEXAS**

Page 5, after line 3, insert the following:

1 (D) SCOPE OF NEPA REVIEW.—Nothing in  
2 this Act, or the amendments made by this Act,  
3 shall affect the scope of any review required to  
4 be conducted under section 102 of the National  
5 Environmental Policy Act of 1969 with respect  
6 to a project for which a certificate of crossing  
7 for a border-crossing facility is requested under  
8 this subsection.



PART C—TEXT OF AMENDMENTS TO H.R. 218 MADE IN ORDER



1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
TSONGAS OF MASSACHUSETTS OR HER DESIGNEE, DEBATABLE  
FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**27**

**OFFERED BY** Ms. Tsongas

Page 6, after line 18, insert the following:

**1 SEC. 7. MITIGATION PLAN.**

2       The requirements related to mitigation under section  
3 6403(e) of the Omnibus Public Land Management Act of  
4 2009 (Public Law 111-11; 123 Stat. 1180) shall apply  
5 to the road constructed in the road corridor.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG  
OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**27**

**OFFERED BY MR. YOUNG OF ALASKA**

Page 6, line 21, insert “(including the issuance of any permit that may be required from any Federal agency to construct the road)” after “under this Act”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

3R

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**27**

**OFFERED BY MR. GRIJALVA OF ARIZONA**

Page 6, after line 24, insert the following:

**1 SEC. 8. TAXPAYER FAIRNESS.**

2       This Act shall not take effect until the State of Alas-  
3 ka has repaid to the United States the \$20,000,000 in  
4 Federal funds appropriated and paid to the State of Alas-  
5 ka under section 353(a) of the Department of the Interior  
6 and Related Agencies Appropriations Act, 1999 (Public  
7 Law 105-277).

