To approve the construction, operation, and maintenance of the Keystone XL pipeline, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2013

Mr. Terry (for himself, Mr. Matheson, Mr. Upton, Mr. Barrow of Georgia, Mr. Whitfield, Mr. Baca, Mr. Barton, Mr. Bilirakis, Mr. Bishop of Utah, Mrs. Blackburn, Mr. Bonner, Mr. Boustany, Mr. Bridenstine, Mr. Broun of Georgia, Mr. Bucshon, Mr. Brooks of Alabama, Mr. Burgess, Mrs. Capito, Mr. Carter, Mr. Cassidy, Mr. Chabot, Mr. Coble, Mr. Conaway, Mr. Cramer, Mr. Crawford, Mr. Culberson, Mr. Daines, Mr. Rodney Davis of Illinois, Mr. Duncan of South Carolina, Mrs. Ellmers, Mr. Fincher, Mr. Flores, Mr. Franks of Arizona, Mr. Gohmert, Mr. Gardner, Mr. Gingrey of Georgia, Ms. Granger, Mr. Graves of Missouri, Mr. Griffin of Arkansas, Mr. Griffith of Virginia, Mr. Guthrie, Mr. Harper, Mr. Harris, Mr. Huelskamp, Mr. Huizenga of Michigan, Mr. Hunter, Mr. Johnson of Ohio, Mr. Kinzinger of Illinois, Mr. Lance, Mr. Latta, Mr. Long, Mr. Luetkemeyer, Mrs. Lummis, Mr. Marchant, Mr. McCaul, Mr. McHenry, Mr. McKinley, Mr. Meehan, Mr. Murphy of Pennsylvania, Mr. Mullica, Mr. Mulvaney, Mrs. Noem, Mr. Nunes, Mr. Olson, Mr. Pearce, Mr. Pitts, Mr. Poe of Texas, Mr. Ribble, Mrs. McMorris Rodgers, Mr. Rogers of Michigan, Mr. Scalise, Mr. Shimkus, Mr. Shuster, Mr. Stivers, Mr. Thompson of Pennsylvania, Mr. Walden, Mrs. Walorski, Mr. Weber of Texas, Mr. Westmoreland, Mr. Womack, Mr. Young of Florida, Mr. Coffman, Mr. Bentivolio, and Ms. Foxx) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
A BILL

To approve the construction, operation, and maintenance of the Keystone XL pipeline, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Northern Route Ap-
proval Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) To maintain our Nation’s competitive edge and ensure an economy built to last, the United States must have fast, reliable, resilient, and envi-
ronmentally sound means of moving energy. In a global economy, we will compete for the world’s in-
vestments based in significant part on the quality of our infrastructure. Investing in the Nation’s infra-
structure provides immediate and long-term eco-

(2) The delivery of oil from Canada, a close ally not only in proximity but in shared values and ideals, to domestic markets is in the national inter-
est because of the need to lessen dependence upon insecure foreign sources.
(3) The Keystone XL pipeline would provide both short-term and long-term employment opportunities and related labor income benefits, such as government revenues associated with taxes.

(4) The State of Nebraska has thoroughly reviewed and approved the proposed Keystone XL pipeline reroute, concluding that the concerns of Nebraskans have had a major influence on the pipeline reroute and that the reroute will have minimal environmental impacts.

(5) The Department of State and other Federal agencies have over a long period of time conducted extensive studies and analysis of the technical aspects and of the environmental, social, and economic impacts of the proposed Keystone XL pipeline.

(6) The transportation of oil via pipeline is the safest and most economically and environmentally effective means of doing so.

(7) The Keystone XL is in much the same position today as the Alaska Pipeline in 1973 prior to congressional action. Once again, the Federal regulatory process remains an insurmountable obstacle to a project that is likely to reduce oil imports from insecure foreign sources.
SEC. 3. KEYSTONE XL PERMIT APPROVAL.

Notwithstanding Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, and any other Executive order or provision of law, no Presidential permit shall be required for the pipeline described in the application filed on May 4, 2012, by TransCanada Keystone Pipeline, L.P. to the Department of State for the Keystone XL pipeline, as supplemented to include the Nebraska reroute evaluated in the Final Evaluation Report issued by the Nebraska Department of Environmental Quality in January 2013 and approved by the Nebraska governor. The final environmental impact statement issued by the Secretary of State on August 26, 2011, coupled with the Final Evaluation Report described in the previous sentence, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

SEC. 4. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or of-
ficer with respect to issuance of a permit relating to
the construction or maintenance of the Keystone XL
pipeline, including any final order or action deemed
to be taken, made, granted, or issued;

(2) the constitutionality of any provision of this
Act, or any decision or action taken, made, granted,
or issued, or deemed to be taken, made, granted, or
issued under this Act; or

(3) the adequacy of any environmental impact
statement prepared under the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
or of any analysis under any other Act, with respect
to any action taken, made, granted, or issued, or
deemed to be taken, made, granted, or issued under
this Act.

(b) DEADLINE FOR FILING CLAIM.—A claim arising
under this Act may be brought not later than 60 days
after the date of the decision or action giving rise to the
claim.

(c) EXPEDITED CONSIDERATION.—The United
States Court of Appeals for the District of Columbia Cir-
cuit shall set any action brought under subsection (a) for
expedited consideration, taking into account the national
interest of enhancing national energy security by providing
access to the significant oil reserves in Canada that are
needed to meet the demand for oil.

SEC. 5. AMERICAN BURYING BEETLE.

(a) FINDINGS.—The Congress finds that—

(1) environmental reviews performed for the
Keystone XL pipeline project satisfy the require-
ments of section 7 of the Endangered Species Act of
1973 (16 U.S.C. 1536(a)(2)) in its entirety; and

(2) for purposes of that Act, the Keystone XL
pipeline project will not jeopardize the continued ex-
istence of the American burying beetle or destroy or
adversely modify American burying beetle critical
habitat.

(b) BIOLOGICAL OPINION.—The Secretary of the In-
terior is deemed to have issued a written statement setting
forth the Secretary’s opinion containing such findings
under section 7(b)(1)(A) of the Endangered Species Act
of 1973 (16 U.S.C. 1536(b)(1)(A)) and any taking of the
American burying beetle that is incidental to the construc-
tion or operation and maintenance of the Keystone XL
pipeline as it may be ultimately defined in its entirety,
shall not be considered a prohibited taking of such species
under such Act.
SEC. 6. RIGHT-OF-WAY AND TEMPORARY USE PERMIT.

The Secretary of the Interior is deemed to have granted or issued a grant of right-of-way and temporary use permit under section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as set forth in the application tendered to the Bureau of Land Management for the Keystone XL pipeline.

SEC. 7. PERMITS FOR ACTIVITIES IN NAVIGABLE WATERS.

(a) ISSUANCE OF PERMITS.—The Secretary of the Army, not later than 90 days after receipt of an application therefor, shall issue all permits under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and section 10 of the Act of March 3, 1899 (33 U.S.C. 403; commonly known as the Rivers and Harbors Appropriations Act of 1899), necessary for the construction, operation, and maintenance of the pipeline described in the May 4, 2012, application referred to in section 3, as supplemented by the Nebraska reroute. The application shall be based on the administrative record for the pipeline as of the date of enactment of this Act, which shall be considered complete.

(b) WAIVER OF PROCEDURAL REQUIREMENTS.—The Secretary may waive any procedural requirement of law or regulation that the Secretary considers desirable to waive in order to accomplish the purposes of this section.
(c) Issuance in Absence of Action by the Secretary.—If the Secretary has not issued a permit described in subsection (a) on or before the last day of the 90-day period referred to in subsection (a), the permit shall be deemed issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (33 U.S.C. 403), as appropriate, on the day following such last day.

(d) Limitation.—The Administrator of the Environmental Protection Agency may not prohibit or restrict an activity or use of an area that is authorized under this section.

SEC. 8. MIGRATORY BIRD TREATY ACT PERMIT.

The Secretary of the Interior is deemed to have issued a special purpose permit under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), as described in the application filed with the United States Fish and Wildlife Service for the Keystone XL pipeline on January 11, 2013.