

NORTHERN ROUTE APPROVAL ACT

MAY 17, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3) to approve the construction, operation, and maintenance of the Keystone XL pipeline, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE OF LEGISLATION

H.R. 3 approves the construction, operation, and maintenance of the Keystone XL pipeline. The bill declares that a Presidential per-

mit shall not be required for the pipeline described in the application filed on May 4, 2012, by TransCanada Keystone Pipeline, L.P. (TransCanada) to the Department of State for the Keystone XL pipeline, including 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. It also deems the final environmental impact statement issued by the Secretary of State on August 26, 2011, coupled with such Final Evaluation Report, to satisfy all requirements of the National Environmental Policy Act of 1969 and of the National Historic Preservation Act. Furthermore, the legislation ensures that other permits necessary for construction to begin are approved in a timely fashion or deemed approved given the project's significant level of scrutiny and study.

BACKGROUND AND NEED FOR LEGISLATION

In September 2008, TransCanada Corp. applied to the U.S. Department of State for a Presidential Permit to cross the U.S.-Canada international border with the Keystone XL pipeline and carry oil sands from Alberta, Canada, to U.S. Gulf Coast refineries. After nearly three years of review, the State Department issued a Final Environmental Impact Statement for the project on August 26, 2011, finding no significant impacts to most resources along the corridor. On November 10, 2011, the State Department announced a decision to seek additional information about alternative pipeline routes and delayed issuance of the permit. On December 23, 2011, however, Congress took action by passing the Temporary Payroll Tax Cut Continuation Act of 2011, which required the President to grant the Keystone XL pipeline permit within 60 days of the law's enactment, unless the President determined that the pipeline was not in the national interest. On January 18, 2012, the State Department recommended that "the presidential permit for the proposed Keystone XL pipeline be denied," and that same day, the President did so.

Following the denial, on February 27, 2012, TransCanada informed the Department of State it would proceed with its Gulf Coast project from Cushing, Oklahoma to the Gulf Coast refineries. As that project had independent utility, it did not need a Presidential permit since it did not cross an international border. TransCanada then, on May 4, 2012, filed a new application with the State Department for the Northern Route from the border crossing in Montana to Steele City, Nebraska. TransCanada also submitted, on September 5, 2012, a new routing alternative to the Nebraska Department of Environmental Quality. On January 22, 2013, the Nebraska governor approved that new routing. After more review and study, the State Department issued a Draft Supplemental Environmental Impact Statement on March 1, 2013, for the Northern Route.

The State Department, 10 cooperating agencies, and the three requisite State environmental agencies have reviewed and studied the Keystone XL pipeline for nearly five years. The length and amount of review makes the project the most extensively studied pipeline project in the history of this country. In these studies the State Department found that the Keystone XL project will have no significant impact on the environment. Furthermore, in denying

the Keystone XL project in January 2012, the President specifically cited concerns with the project's routing through the Nebraska Sand Hills region. H.R. 3 incorporates the revised routing of the pipeline through Nebraska that avoids the Sand Hills Region and was approved by the Nebraska governor in January 2013.

Pipelines are both the safest and most efficient method of transporting oil. In addition, the Keystone XL Pipeline will have the highest safety standards of any pipeline ever constructed. The Pipeline and Hazardous Materials Safety Administration has recommended, and TransCanada has agreed to implement, 57 project-specific special conditions for construction of the project. H.R. 3 will ensure the Keystone XL Pipeline is approved in a timely manner with the highest level of safety to reduce the risks to the environment and the public.

Furthermore, the Keystone XL pipeline will generate significant economic impacts for the Nation. The State Department estimates the Keystone XL pipeline will produce 42,100 jobs. In addition, the State Department found this project will have a significant positive economic impact, including an estimated \$3.3 billion in direct expenditures and \$2.05 billion in earnings. These earnings, jobs, and economic impacts will happen because H.R. 3 moves the Keystone XL project forward.

The Keystone XL pipeline will also reduce our Nation's dependence upon overseas foreign oil and increase the diversity of the Nation's oil supplies. The State Department has found that the pipeline will transport 830,000 barrels per day of oil from Canada to the Gulf Coast, totaling nearly half of the country's current daily imports from the Middle East. Canada is already the Nation's largest and most reliable trading partner. Moreover, Canada is not a member of OPEC, and sourcing our energy needs with Canada, rather than Venezuela or the Middle East, is in our national interest. As the State Department has noted, "non-OPEC Canadian crude oil supplies advance the energy security of the United States, given Canada's close proximity, our free trade agreements, and our close bilateral relationship with this stable democracy." H.R. 3 will, therefore, aid in getting more oil into the market from a stable and reliable neighbor.

H.R. 3 recognizes all of the aforementioned benefits of the Keystone XL pipeline. The project's environmental impacts have been studied and found to have no significant impact on the environment; it will be the safest pipeline in the Nation's history; it will have significant economic impacts on the country; and it will enhance the Nation's energy independence.

HEARINGS

No hearings were held on H.R. 3.

LEGISLATIVE HISTORY AND CONSIDERATION

On March 15, 2013, Representative Lee Terry introduced H.R. 3, the Northern Route Approval Act, to expedite the approval of the Keystone XL pipeline. On May 16, 2013, the Committee on Transportation and Infrastructure met in open session and ordered the bill reported favorably to the House by record vote with a quorum present. The vote was 33 yeas, 24 nays and 1 member voting present.

An amendment was offered in Committee by Ranking Member Rahall, which was defeated by record vote. The vote was 25 yeas to 32 nays. The amendment would have struck section 3 from the bill.

An amendment was offered in Committee by Representative Bishop of New York, which was defeated by record vote. The vote was 27 yeas to 31 nays. The amendment would have required TransCanada to certify diluted bitumen is oil for the purposes of considering contributions to the Oil Spill Liability Trust Fund.

An amendment was offered in Committee by Representative Esty, which was defeated by record vote. The vote was 27 yeas to 31 nays. The amendment would have struck "operation, and maintenance" from section 7 of the bill.

An amendment was offered in Committee by Representative Cohen, which was defeated by record vote. The vote was 27 yeas to 31 nays. The amendment would have struck section 4 of the bill.

Another amendment was offered in Committee by Representative Cohen, which was withdrawn. The amendment would have required oil spill response plans for the project to be shared with the Governors in every state through which the pipeline is operated.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were a total of five record votes taken in connection with consideration of H.R. 3.

Record votes were taken on amendments offered in Committee by Representative Rahall, Representative Bishop of New York, Representative Esty, and Representative Cohen. The Committee disposed of these four amendments by record vote as follows:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
FULL COMMITTEE – ROLL CALL
U.S. HOUSE OF REPRESENTATIVE – 113TH CONGRESS

Number of Members: (25/32) Quorum: 31 Working Quorum: 20
Date: 5/16/13 Presiding: Shuster
Amendment or matter voted on: Rahall Amendment 13 to H.R. 3
Vote: 25-32

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Shuster				Mr. Meehan		X	
Mr. Rahall	X			Mr. Mica		X	
Mr. Barletta		X		Mr. Michaud	X		
Mr. Bishop	X			Ms. Miller (MI)		X	
Ms. Brown	X			Mr. Miller (CA)		X	
Dr. Bucshon		X		Mr. Mullin		X	
Ms. Bustos	X			Mr. Nadler	X		
Mrs. Capito				Mrs. Napolitano	X		
Mr. Capuano	X			Mr. Nolan	X		
Mr. Carson	X			Ms. Norton	X		
Mr. Coble		X		Mr. Perry		X	
Mr. Cohen	X			Mr. Petri		X	
Mr. Crawford		X		Mr. Radel		X	
Mr. Cummings	X			Mr. Ribble		X	
Mr. Daines		X		Mr. Rice		X	
Mr. Davis		X		Mr. Sires	X		
Mr. DeFazio	X			Mr. Southerland		X	
Mr. Denham		X		Ms. Titus	X		
Mr. Duncan		X		Mr. Walz	X		
Ms. Edwards	X			Mr. Webster		X	
Ms. Esty	X			Mr. Williams		X	
Mr. Farenthold		X		Mr. Young		X	
Ms. Frankel	X						
Mr. Garamendi	X						
Mr. Gibbs		X					
Mr. Graves		X					
Ms. Hahn	X						
Mr. Hanna		X					
Mr. Hunter		X					
Ms. Johnson	X						
Mrs. Kirkpatrick	X						
Mr. Larsen	X						
Mr. Lipinski							
Mr. LoBiondo		X					
Mr. Maloney		X					
Mr. Massie		X					
Mr. Meadows		X					

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
FULL COMMITTEE – ROLL CALL
U.S. HOUSE OF REPRESENTATIVE – 113TH CONGRESS

Number of Members: (27/31) Quorum: 31 Working Quorum: 20
Date: 5/16/13 Presiding: Shuster
Amendment or matter voted on: Bishop Amendment Number 3 to H.R. 3
Vote: 27-31

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Shuster		X		Mr. Meehan		X	
Mr. Rahall	X			Mr. Mica		X	
Mr. Barletta		X		Mr. Michaud	X		
Mr. Bishop	X			Ms. Miller (MI)		X	
Ms. Brown	X			Mr. Miller (CA)		X	
Dr. Bucshon		X		Mr. Mullin		X	
Ms. Bustos	X			Mr. Nadler	X		
Mrs. Capito				Mrs. Napolitano	X		
Mr. Capuano	X			Mr. Nolan	X		
Mr. Carson	X			Ms. Norton	X		
Mr. Coble		X		Mr. Perry		X	
Mr. Cohen	X			Mr. Petri		X	
Mr. Crawford		X		Mr. Radel		X	
Mr. Cummings	X			Mr. Ribble		X	
Mr. Daines		X		Mr. Rice		X	
Mr. Davis		X		Mr. Sires	X		
Mr. DeFazio	X			Mr. Southerland		X	
Mr. Denham		X		Ms. Titus	X		
Mr. Duncan		X		Mr. Walz	X		
Ms. Edwards	X			Mr. Webster		X	
Ms. Esty	X			Mr. Williams		X	
Mr. Farenthold		X		Mr. Young		X	
Ms. Frankel	X						
Mr. Garamendi	X						
Mr. Gibbs		X					
Mr. Graves		X					
Ms. Hahn	X						
Mr. Hanna		X					
Mr. Hunter		X					
Ms. Johnson	X						
Mrs. Kirkpatrick	X						
Mr. Larsen	X						
Mr. Lipinski	X						
Mr. LoBiondo		X					
Mr. Maloney	X						
Mr. Massie		X					
Mr. Meadows		X					

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
 FULL COMMITTEE – ROLL CALL
 U.S. HOUSE OF REPRESENTATIVE – 113TH CONGRESS

Number of Members: (27/31) Quorum: 31 Working Quorum: 20
 Date: 5/16/13 Presiding: Shuster
 Amendment or matter voted on: Esty Amendment Number 954 to H.R. 3
 Vote: 27-31

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Shuster		X		Mr. Meehan		X	
Mr. Rahall	X			Mr. Mica		X	
Mr. Barletta		X		Mr. Michaud	X		
Mr. Bishop	X			Ms. Miller (MI)		X	
Ms. Brown	X			Mr. Miller (CA)		X	
Dr. Bucshon		X		Mr. Mullin		X	
Ms. Bustos	X			Mr. Nadler	X		
Mrs. Capito				Mrs. Napolitano	X		
Mr. Capuano	X			Mr. Nolan	X		
Mr. Carson	X			Ms. Norton	X		
Mr. Coble		X		Mr. Perry		X	
Mr. Cohen	X			Mr. Petri		X	
Mr. Crawford		X		Mr. Radel		X	
Mr. Cummings	X			Mr. Ribble		X	
Mr. Daines		X		Mr. Rice		X	
Mr. Davis		X		Mr. Sires	X		
Mr. DeFazio	X			Mr. Southerland		X	
Mr. Denham		X		Ms. Titus	X		
Mr. Duncan		X		Mr. Walz	X		
Ms. Edwards	X			Mr. Webster		X	
Ms. Esty	X			Mr. Williams		X	
Mr. Farenthold		X		Mr. Young		X	
Ms. Frankel	X						
Mr. Garamendi	X						
Mr. Gibbs		X					
Mr. Graves		X					
Ms. Hahn	X						
Mr. Hanna		X					
Mr. Hunter		X					
Ms. Johnson	X						
Mrs. Kirkpatrick	X						
Mr. Larsen	X						
Mr. Lipinski	X						
Mr. LoBiondo		X					
Mr. Maloney	X						
Mr. Massie		X					
Mr. Meadows		X					

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
 FULL COMMITTEE – ROLL CALL
 U.S. HOUSE OF REPRESENTATIVE – 113TH CONGRESS

Number of Members: (27/31) Quorum: 31 Working Quorum: 20
 Date: 5/16/13 Presiding: Shuster
 Amendment or matter voted on: Cohen Amendment Number 955 to H.R. 3
 Vote: 27-31

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Shuster		X		Mr. Meehan			X
Mr. Rahall	X			Mr. Mica			X
Mr. Barletta		X		Mr. Michaud	X		
Mr. Bishop	X			Ms. Miller (MI)			X
Ms. Brown	X			Mr. Miller (CA)			X
Dr. Bucshon		X		Mr. Mullin			X
Ms. Bustos	X			Mr. Nadler	X		
Mrs. Capito				Mrs. Napolitano	X		
Mr. Capuano	X			Mr. Nolan	X		
Mr. Carson	X			Ms. Norton	X		
Mr. Coble		X		Mr. Perry			X
Mr. Cohen	X			Mr. Petri			X
Mr. Crawford		X		Mr. Radel			X
Mr. Cummings	X			Mr. Ribble			X
Mr. Daines		X		Mr. Rice			X
Mr. Davis		X		Mr. Sires	X		
Mr. DeFazio	X			Mr. Southerland			X
Mr. Denham		X		Ms. Titus	X		
Mr. Duncan		X		Mr. Walz	X		
Ms. Edwards	X			Mr. Webster			X
Ms. Esty	X			Mr. Williams			X
Mr. Farenthold		X		Mr. Young			X
Ms. Frankel	X						
Mr. Garamendi	X						
Mr. Gibbs		X					
Mr. Graves		X					
Ms. Hahn	X						
Mr. Hanna		X					
Mr. Hunter		X					
Ms. Johnson	X						
Mrs. Kirkpatrick	X						
Mr. Larsen	X						
Mr. Lipinski	X						
Mr. LoBiondo		X					
Mr. Maloney	X						
Mr. Massie		X					
Mr. Meadows		X					

The final recorded vote was to order H.R. 3 favorably reported to the House. The votes were as follows:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
 FULL COMMITTEE – ROLL CALL
 U.S. HOUSE OF REPRESENTATIVE – 113TH CONGRESS

Number of Members: (33/24/1) Quorum: 31 Working Quorum: 20
 Date: 5/16/13 Presiding: Shuster
 Amendment or matter voted on: Ordering H.R. 3 Reported
 Vote: 33-24-1

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Shuster	X			Mr. Meehan	X		
Mr. Rahall		X		Mr. Mica	X		
Mr. Barletta	X			Mr. Michaud		X	
Mr. Bishop		X		Ms. Miller (MI)	X		
Ms. Brown		X		Mr. Miller (CA)	X		
Dr. Bucshon	X			Mr. Mullin	X		
Ms. Bustos	X			Mr. Nadler		X	
Mrs. Capito				Mrs. Napolitano		X	
Mr. Capuano		X		Mr. Nolan		X	
Mr. Carson		X		Ms. Norton		X	
Mr. Coble	X			Mr. Perry	X		
Mr. Cohen		X		Mr. Petri	X		
Mr. Crawford	X			Mr. Radel	X		
Mr. Cummings		X		Mr. Ribble	X		
Mr. Daines	X			Mr. Rice	X		
Mr. Davis	X			Mr. Sires		X	
Mr. DeFazio		X		Mr. Southerland	X		
Mr. Denham	X			Ms. Titus		X	
Mr. Duncan	X			Mr. Walz		X	
Ms. Edwards		X		Mr. Webster	X		
Ms. Esty		X		Mr. Williams	X		
Mr. Farenthold	X			Mr. Young	X		
Ms. Frankel		X					
Mr. Garamendi		X					
Mr. Gibbs	X						
Mr. Graves	X						
Ms. Hahn		X					
Mr. Hanna	X						
Mr. Hunter	X						
Ms. Johnson		X					
Mrs. Kirkpatrick		X					
Mr. Larsen		X					
Mr. Lipinski			X				
Mr. LoBiondo	X						
Mr. Maloney	X						
Mr. Massie	X						
Mr. Meadows	X						

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 3 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 17, 2013.

HONORABLE BILL SHUSTER, *Chairman,*
Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3, the Northern Route Approval Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 3—Northern Route Approval Act

H.R. 3 would specify various procedures pertaining to federal review and permitting of the proposed Keystone XL pipeline, which would be constructed by a private company to carry crude oil from Alberta, Canada, to destinations on the U.S. Gulf Coast. In particular, the bill would exempt the proposed project, which would cross international borders, from the existing requirement to obtain a Presidential permit. In addition, H.R. 3 would deem various actions by federal agencies involved with permitting decisions related to the proposed pipeline to be satisfied and certain federal permits to be granted.

CBO estimates that implementing H.R. 3 would have no significant impact on the federal budget. Based on information from affected agencies, CBO estimates that the proposed changes to administrative procedures would not significantly affect federal spending for such activities relative to current law. The bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On May 1, 2013, CBO transmitted a cost estimate for H.R. 3 as ordered reported by the House Committee on Energy and Commerce on April 17, 2013. On May 2, 2013, CBO transmitted a cost estimate for H.R. 3 as ordered reported by the House Committee on Natural Resources. All three versions of the legislation are identical, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to expedite the approval of the Keystone XL pipeline by deeming the already completed environmental reviews sufficient under Federal law, deeming the necessary permits approved, and placing time limits on permitting processes and judicial reviews.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(j) of H. Res. 5, 113th Cong. (2013), the Committee finds that no provision of H.R. 3 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(k) of H. Res. 5, 113th Cong. (2013), the Committee estimates that enacting H.R. 3 does not specifically direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3 does not preempt any state, local, or tribal law. H.R. 3 preserves the rights and permitting authority of states through which the Keystone XL pipeline will be constructed.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title; Northern Route Approval Act

This section provides the title of the bill.

Section 2. Findings

In this section, Congress finds that: (1) investing in the national infrastructure will boost the Nation's competitive edge in energy, (2) importing oil from our ally Canada will be in the national interest by lessening our dependency on foreign oil, (3) the Keystone XL pipeline will provide thousands of new job opportunities with labor-related benefits, (4) Nebraska has reviewed and approved the re-route, (5) the Department of State and other agencies have conducted studies and analyses of Keystone's environmental, economic, and social impacts, (6) pipeline transportation of oil is the safest and more economically and environmentally effective means, and (7) Keystone XL is in the same position as the Alaska Pipeline in 1973 prior to Congressional action and burdened by bureaucracy.

Section 3. Keystone XL permit approval

This section declares that no Presidential Permit is needed for TransCanada's Keystone XL Pipeline as submitted in an application filed on May 4, 2012 to the Department of State, and supplemented by the Final Evaluation Report issued by the Nebraska Department of Environmental Quality. This section also states that the Final Environmental Impact Statement issued by the Secretary of State on August 26, 2011, along with the Final Evaluation Report, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

Section 4. Judicial review

Subsection (a) gives original and exclusive jurisdiction (except for review by the Supreme Court on writ of certiorari) to the U.S. Court of Appeals for the District of Columbia Circuit to resolve

challenges regarding the validity of federal agency or officer's final order for the construction or maintenance of Keystone XL; the constitutionality of any provision in the Act; and the adequacy of any environmental impact statement prepared under NEPA.

Subsection (b) sets a 60-day deadline for filing any claims under this Act.

Subsection (c) requires expedited consideration by the U.S. Court of Appeals for the District of Columbia Circuit for any action brought under subsection (a), taking into account the national interest of energy security.

Section 5. American burying beetle

Subsection (a) finds that: (1) environmental reviews of the Keystone XL project satisfy all the requirements of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)); and (2) the Keystone XL project will not jeopardize the American burying beetle's existence or modify or destroy its critical habitat.

Subsection (b) deems the Secretary of the Interior to have issued a written statement setting forth the biological opinion that the Act is not a prohibited taking of the American burying beetle under the Endangered Species Act of 1973.

Section 6. Right-of-way and temporary use permit

This section deems the Secretary of the Interior to have granted a 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.).

Section 7. Permits for activities in navigable waters

Subsection (a) requires the Secretary of the Army to 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) necessary for construction of Keystone XL within 90 days of receipt of the application.

Subsection (b) gives the Secretary the authority to waive any procedural requirements in order to accomplish the purposes of this section.

Subsection (c) deems the permit required under subsection (a) issued, if the Secretary of the Army does not issue such permit within the timeframe required under subsection (a).

Subsection (d) limits the Administrator of the Environmental Protection Agency from prohibiting or restricting any activity or use of an area under this section.

Section 8. Migratory Bird Treaty Act permit

This section deems the special purpose permit under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), as described in the application with the U.S. Fish and Wildlife Service for the Keystone XL pipeline on January 11, 2013, issued.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 3 makes no changes in existing law.