

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3) TO APPROVE THE
CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE KEYSTONE
XL PIPELINE, AND FOR OTHER PURPOSES

MAY 21, 2013.—Referred to the House Calendar and ordered to be printed

Mr. WEBSTER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 228]

The Committee on Rules, having had under consideration House Resolution 228, by a nonrecord vote, 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. 3, the Northern Route Approval Act, under a structured rule. The resolution provides 90 minutes of general debate equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Transportation and Infrastructure, Energy and Commerce, and Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-11 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in 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 this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

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

Although the resolution waives of all points of order against the amendment in the nature of a substitute made in order as original text for the purpose of amendment, 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 this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Weber, Randy (TX): Adds to the findings in Section 2 highlighting the State Department's scientific and environmental findings which conclude that the Keystone XL pipeline is a safe and environmentally sound project. (10 minutes)

2. Waxman (CA): Adds a finding that "the reliance on oil sands crudes for transportation fuels would likely result in an increase in incremental greenhouse gas emissions" in the United States, resulting in additional greenhouse gas emissions equal to 4.3 million passenger vehicles. Also provides that the bill will not go into effect unless the President finds that TransCanada or tar sands producers will fully offset the additional greenhouse gas emissions. (10 minutes)

3. Johnson, Hank (GA): Requires a study on the health impacts of increased air pollution in communities surrounding the refineries that will transport diluted bitumen through the proposed Keystone XL pipeline. (10 minutes)

4. Connolly (VA): Requires a threat assessment of pipeline vulnerabilities to terrorist attack and corrective actions necessary to protect the pipeline from such an attack and to mitigate any resulting spill. (10 minutes)

5. Rahall (WV), DeFazio (OR): Strikes section 3 of the bill (Keystone XL Permit Approval). Section 3 eliminates the requirement for a Presidential Permit to construct the Keystone XL pipeline across an international border. Section 3 further deems the new application for the Keystone XL pipeline approved, based on a final environmental impact statement issued by the U.S. Department of State for a different pipeline route. (10 minutes)

6. Esty (CT): Removes the mandate to allow one specifically named company to never receive appropriate oversight through the permit process for operation and/or maintenance—in perpetuity, while allowing construction permit fast-track. (10 minutes)

7. Jackson Lee (TX): Lengthens the time period for filing a claim under the Act from 60 days to 1 year. (10 minutes)

8. Chu (CA), Polis (CO), Connolly (VA): Requires the GAO to conduct a study and prepare a report of the Keystone XL pipeline to determine the total projected costs of pipeline spill cleanup, including the potential impacts of a petroleum spill on public health and the environment and the quantity and quality of water available for agricultural and municipal purposes. (10 minutes)

9. Cohen (TN): Requires TransCanada to submit its oil spill response plan, and any updates to the plan, to the Governors of each

State in which the Keystone XL pipeline operates. TransCanada is required to develop such a plan under current law and regulations; only certain Federal agencies receive and review the plan. (10 minutes)

10. Holt (NJ): Increases American energy independence by requiring that all oil and refined fuels transported through the Keystone XL Pipeline be used here in the United States and not exported, unless the President finds that an exception is required by law or in the national interest. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

Page 2, line 18, strike “pipeline.” and insert “pipeline, and—

(A) the Department of State assessments found that the Keystone XL pipeline “is not likely to impact the amount of crude oil produced from the oil sands” and that “approval or denial of the proposed project is unlikely to have a substantial impact on the rate of development in the oil sands”;

(B) the Department of State found that incremental life-cycle greenhouse gas emissions associated with the Keystone XL project are estimated in the range of 0.07 to 0.83 million metric tons of carbon dioxide equivalents, with the upper end of this range representing twelve one-thousandths of one percent of the 6,702 million metric tons of carbon dioxide emitted in the United States in 2011; and

(C) after extensive evaluation of potential impacts to land and water resources along the Keystone XL pipeline’s 875 mile proposed route, the Department of State found that “The analyses of potential impacts associated with construction and normal operation of the proposed Project suggest that there would be no significant impacts to most resources along the proposed Project route (assuming Keystone complies with all laws and required conditions and measures).”.

Page 2, line 21, strike “of doing so.” and insert “of doing so, and—

(A) transportation of oil via pipeline has a record of unmatched safety and environmental protection, and the Department of State found that “Spills associated with the proposed Project that enter the environment expected to be rare and relatively small”, and that “there is no evidence of increased corrosion or other pipeline threat due to viscosity” of diluted bitumen oil that will be transported by the Keystone XL pipeline; and

(B) plans to incorporate 57 project-specific special conditions related to the design, construction, and operations of the Keystone XL pipeline led the Department of State to find that the pipeline will have “a degree of safety over any other typically constructed domestic oil pipeline”.

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

Page 3, after line 2, insert the following new paragraph:

(8) The Draft Supplemental Environmental Impact Statement for the Keystone XL Project issued by the Department of State on March 1, 2013, finds that “the reliance on oil sands crudes for transportation fuels would likely result in an increase in incremental greenhouse gas emissions” in comparison to the greenhouse gas emissions from the crude oils used in the United States, as measured over the full life-cycle of the fuels. The Draft Supplemental Environmental Impact Statement finds that based on the quantity of tar sands crude to be transported by the Keystone XL pipeline, there could be up to 20.8 million metric tons of carbon dioxide-equivalent emissions additional per year, which is equivalent to the annual emissions from 4,312,500 passenger vehicles.

At the end of the bill, add the following new section:

SEC. 9. OFFSETTING CLIMATE CHANGE IMPACTS.

This Act shall not become effective unless the President finds that the additional greenhouse gas emissions from the increased use of tar sands crude referenced in section 2(8) will be fully offset by TransCanada or tar sands producers through an equal quantity of additional greenhouse gas emissions reductions each year.

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

Page 3, line 4, insert “(a) IN GENERAL.—” before “Notwithstanding Executive”.

Page 3, after line 21, insert the following new subsection:

(f) REQUIRED STUDY.—Notwithstanding subsection (a), final approval of construction and operation of the Keystone XL pipeline shall not occur until the President has determined that the appropriate Federal agency has completed a study of the health impacts of increased air pollution in communities near refineries that will process up to 830,000 barrels per day of tar sands crude transported through the Keystone XL pipeline, including an assessment of the cumulative air pollution impacts on these communities, many of which already experience unhealthy levels of air pollution.

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

Page 3, line 4, insert “(a) IN GENERAL.—” before “Notwithstanding Executive Order”.

Page 3, after line 21, insert the following new subsection:

(b) THREAT ASSESSMENT.—Subsection (a) shall not apply until the Pipeline and Hazardous Materials Safety Administration, in consultation with the Department of Homeland Security, conducts a study of the vulnerabilities of the pipeline to terrorist attack and certifies that the necessary protections have been put in place so that the pipeline would withstand such an attack and a spill resulting from such an attack.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RAHALL OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 3 of the committee print (and redesignate subsequent sections accordingly).

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ESTY OF CONNECTICUT OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 6, strike “or maintenance”.

Page 5, line 23, strike “or operation and maintenance”.

Page 6, beginning on line 18, strike “, operation, and maintenance”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 21, strike “60 days” and insert “1 year”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHU OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 7, after line 23, insert the following:

SEC. 9. POTENTIAL IMPACTS OF PIPELINE SPILL.

(a) STUDY.— The Comptroller General of the United States shall conduct a study of the Keystone XL pipeline project to determine—

(1) the total projected costs of cleanup activities that would be required in the event of a discharge of oil and hazardous substances from the project; and

(2) the potential impacts of such a discharge on—

(A) public health;

(B) the environment; and

(C) the quantity and quality of water available for agricultural and municipal purposes.

(b) REPORT.—The Comptroller General shall submit to Congress a report containing the findings of the study required under subsection (a).

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 7, after line 23, insert the following:

SEC. 9. OIL SPILL RESPONSE PLAN DISCLOSURE.

(a) IN GENERAL.—Any pipeline owner or operator required under Federal law to develop an oil spill response plan for the Keystone XL pipeline shall make such plan available to the Governor of each State in which such pipeline operates to assist with emergency response preparedness.

(b) UPDATES.—A pipeline owner or operator required to make available to a Governor a plan under subsection (a) shall make available to such Governor any update of such plan not later than 7 days after the date on which such update is made.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF
NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new section:

SEC. 9. ENERGY SECURITY.

This Act shall not take effect until the President determines that any crude oil and bitumen transported by the Keystone XL pipeline, and all refined petroleum products whose origin was via importation of crude oil or bitumen by the Keystone XL pipeline, will be entered into domestic commerce for use as a fuel, or for the manufacture of another product, in the United States, except in the following situations:

- (1) Where the President determines that providing an exception is in the national interest.
- (2) Where providing an exception is necessary under the Constitution, a law, or an international agreement.