

Union Calendar No. 515

112TH CONGRESS
2^D SESSION

H. R. 3548

[Report No. 112-703, Part I]

To facilitate United States access to North American oil resources, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2011

Mr. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mrs. BLACKBURN, Mr. LATTA, Mr. MURPHY of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. REHBERG, Mr. BERG, Mr. HARRIS, Mr. PITTS, Mr. SULLIVAN, Mr. SHIMKUS, Mr. SCALISE, Mr. OLSON, Mr. GARDNER, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. BOUSTANY, Mr. GRIMM, Mr. BURGESS, Mr. THORNBERRY, Mr. CARTER, Mr. NEUGEBAUER, Ms. GRANGER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARLETTA, Mr. MARINO, Mr. KELLY, Mr. SCHOCK, Mr. LATOURETTE, Mr. MCCOTTER, Mr. DAVIS of Kentucky, Mr. TURNER of Ohio, Mr. PEARCE, Mr. GIBBS, Mr. MILLER of Florida, Mr. FORBES, Mr. MANZULLO, Mr. BARTON of Texas, and Mr. SHUSTER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure 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

DECEMBER 17, 2012

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 17, 2012

Additional sponsors: Mrs. ELLMERS, Mr. GUTHRIE, Mr. HUIZENGA of Michigan, Mr. MCKINLEY, Mr. COFFMAN of Colorado, Mr. COBLE, Mr. BROUN of Georgia, Mr. FLORES, Mr. LAMBORN, Mr. WALDEN, Mr. LONG, Mr. LANKFORD, Mr. DESJARLAIS, Mr. HULTGREN, Mr. JOHNSON of Ohio, Mr. BURTON of Indiana, Mr. GINGREY of Georgia, Mr. PALAZZO, Mr. MCCLINTOCK, Mr. FINCHER, Mr. COLE, Mr. ROSKAM, Mr. POE of Texas, Mr. CANSECO, Mr. PETRI, Mr. WESTMORELAND, Mr. KING of New York, Mr. CONAWAY, Mr. CHABOT, Mrs. MILLER of Michigan, Mr. BACHUS, Mr. MARCHANT, Mr. WILSON of South Carolina, Mr. HARPER, Mr. MACK, Mr. CASSIDY, Mrs. BONO MACK, Mr. CRENSHAW, Mr. CHAFFETZ, Mr. NUNES, Mr. SIMPSON, Mr. GERLACH, Mr. SENSENBRENNER, Mr. GRAVES of Missouri, Mr. GRIFFIN of Arkansas, Mr. DENHAM, Mr. CRAWFORD, Mr. AUSTIN SCOTT of Georgia, Mr. MCCAUL, Mr. LUCAS, Mr. BROOKS, Mr. HURT, Mr. JORDAN, Mr. ROKITA, Mr. MULVANEY, Mr. GOWDY, Mr. YODER, Mr. HENSARLING, Mrs. CAPITO, Mr. ROYCE, Mr. STIVERS, and Mrs. BACHMANN

DECEMBER 17, 2012

The Committees on Transportation and Infrastructure and Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on December 2, 2011]

A BILL

To facilitate United States access to North American oil resources, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “North American Energy*
5 *Access Act”.*

6 **SEC. 2. RESTRICTION.**

7 (a) *IN GENERAL.*—*No person may construct, operate,*
8 *or maintain the oil pipeline and related facilities described*
9 *in subsection (b) except in accordance with a permit issued*
10 *under this Act.*

11 (b) *PIPELINE.*—*The pipeline and related facilities re-*
12 *ferred to in subsection (a) are those described in the Final*
13 *Environmental Impact Statement for the Keystone XL*
14 *Pipeline Project issued by the Department of State on Au-*
15 *gust 26, 2011, including any modified version of that pipe-*
16 *line and related facilities.*

17 **SEC. 3. PERMIT.**

18 (a) *ISSUANCE.*—

19 (1) *BY FERC.*—*The Federal Energy Regulatory*
20 *Commission shall, not later than 30 days after receipt*
21 *of an application therefor, issue a permit without ad-*
22 *ditional conditions for the construction, operation,*
23 *and maintenance of the oil pipeline and related fa-*
24 *cilities described in section 2(b), to be implemented in*
25 *accordance with the terms of the Final Environ-*

1 *mental Impact Statement described in section 2(b).*
2 *The Commission shall not be required to prepare a*
3 *Record of Decision under section 1505.2 of title 40 of*
4 *the Code of Federal Regulations with respect to*
5 *issuance of the permit provided for in this section.*

6 (2) *ISSUANCE IN ABSENCE OF FERC ACTION.—If*
7 *the Federal Energy Regulatory Commission has not*
8 *acted on an application for a permit described in*
9 *paragraph (1) within 30 days after receiving such*
10 *application, the permit shall be deemed to have been*
11 *issued under this Act upon the expiration of such 30-*
12 *day period.*

13 (b) *MODIFICATION.—*

14 (1) *IN GENERAL.—The applicant for or holder of*
15 *a permit described in subsection (a) may make a sub-*
16 *stantial modification to the pipeline route or any*
17 *other term of the Final Environmental Impact State-*
18 *ment described in section 2(b) only with the approval*
19 *of the Federal Energy Regulatory Commission. The*
20 *Commission shall expedite consideration of any such*
21 *modification proposal.*

22 (2) *NEBRASKA MODIFICATION.—Within 30 days*
23 *after the date of enactment of this Act, the Federal*
24 *Energy Regulatory Commission shall enter into a*
25 *memorandum of understanding with the State of Ne-*

1 *braska for an effective and timely review under the*
2 *National Environmental Policy Act of 1969 of any*
3 *modification to the proposed pipeline route in Ne-*
4 *braska as proposed by the applicant for the permit*
5 *described in subsection (a). Not later than 30 days*
6 *after receiving approval of such proposed modifica-*
7 *tion from the Governor of Nebraska, the Commission*
8 *shall complete consideration of and approve such*
9 *modification.*

10 *(3) ISSUANCE IN ABSENCE OF FERC ACTION.—If*
11 *the Federal Energy Regulatory Commission has not*
12 *acted on an application for approval of a modifica-*
13 *tion described in paragraph (2) within 30 days after*
14 *receiving such application, such modification shall be*
15 *deemed to have been issued under this Act upon expi-*
16 *ration of the 30-day period.*

17 *(4) CONSTRUCTION DURING CONSIDERATION OF*
18 *NEBRASKA MODIFICATION.—While any modification*
19 *of the proposed pipeline route in Nebraska is under*
20 *consideration pursuant to paragraph (2), the holder*
21 *of the permit issued under subsection (a) may com-*
22 *mence or continue with construction of any portion*
23 *of the pipeline and related facilities described in sec-*
24 *tion 2(b) that is not within the State of Nebraska.*

1 **SEC. 4. RELATION TO OTHER LAW.**

2 (a) *GENERAL RULE.*—Notwithstanding Executive
3 Order 13337 (3 U.S.C. 301 note), Executive Order 11423
4 (3 U.S.C. 301 note), section 301 of title 3, United States
5 Code, and any other Executive Order or provision of law,
6 no presidential permits shall be required for the construc-
7 tion, operation, and maintenance of the pipeline and re-
8 lated facilities described in section 2(b) of this Act.

9 (b) *APPLICABILITY.*—Nothing in this Act shall affect
10 the application to the pipeline and related facilities de-
11 scribed in section 2(b) of—

12 (1) chapter 601 of title 49, United States Code;

13 or

14 (2) the authority of the Federal Energy Regu-
15 latory Commission to regulate oil pipeline rates and
16 services.

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