

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1938) TO DIRECT THE PRESIDENT TO EXPEDITE THE CONSIDERATION AND APPROVAL OF THE CONSTRUCTION AND OPERATION OF THE KEYSTONE XL OIL PIPELINE, AND FOR OTHER PURPOSES

JULY 25, 2011.—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. 370]

The Committee on Rules, having had under consideration House Resolution 370, 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. 1938, the North American-Made Energy Security Act, under a structured rule. The resolution provides one hour of general debate with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, and 10 minutes 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 provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The resolution makes in order only those 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. All points of order against the amend-

ments printed in this report are waived. Finally, 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 against its consideration. The waiver of all points of order is prophylactic.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute, the Committee is not aware of any points of order against the committee amendment in the nature of a substitute. The waiver of all points of order is prophylactic.

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 against the amendments. The waiver of all points of order is prophylactic.

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. 120

Motion by Mr. McGovern to report an open rule. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Mr. McGovern	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Welch (VT), Cohen (TN): Would add language to the findings section that states that the Keystone XL pipeline would run through the Ogallala Aquifer and explains the risk involved with this route. (10 minutes)

2. Rush (IL): Would strike paragraph 15 of the findings section. (10 minutes)

3. Eshoo (CA): Would include a finding stating the PHMSA Administrator testified at a Congressional hearing and stated that the PHMSA had not done a study analyzing the risks associated with transporting diluted bitumen. Would also require PHMSA to complete a review of the risks associated with transporting diluted bitumen, and whether current pipeline regulations are sufficient. (10 minutes)

4. Christensen (VI): Would include a finding stating that the Supplemental Draft Environmental Impact Statement estimates that the Keystone XL pipeline would increase carbon pollution associated with United States fuel use by up to 23,000,000 metric tons of carbon dioxide. (10 minutes)

5. Cohen (TN): Would strike finding 16 and replaces it with language that outlines TransCanada's recent pipeline safety issues with the Keystone pipeline. (10 minutes)

6. Murphy, Christopher (CT), Cohen (TN), Welch (VT): Would add findings language noting that construction of the pipeline would permit a new source of oil exports to China and other nations. (10 minutes)

7. Rush (IL): Would extend the deadline for permit decision to 120 days after final environmental impact statement or until January 1, 2012. (10 minutes)

8. Hanabusa (HI): Would require that a Presidential Permit approving the construction and operation of the Keystone XL pipeline will not be issued unless the Secretary of Energy in consultation with the Pipeline and Hazardous Materials Safety Administration (PHMSA), certify that the applicant has calculated a worst-case oil spill scenario for the proposed pipeline; and has demonstrated to the satisfaction of the Secretary and the PHMSA that the applicant possesses the capability and technology to respond immediately and effectively to such a worst-case scenario. (10 minutes)

9. Johnson, Hank (GA): Would require 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)

10. Jackson Lee (TX): Would add a sense of Congress that the United States must decrease its dependence on oil from countries that are hostile to the interests of the United States of America and that Canada has long been a strong trading partner and increasing access to their energy resources will create jobs in the United States. (10 minutes)

11. Kucinich (OH): Would require an analysis of the effect of the proposed pipeline on manipulation of oil markets and increased gas prices for American consumers. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

Page 6, after line 24, insert the following new paragraph:

(18) The proposed Keystone XL pipeline would run through the Ogallala aquifer, risking an oil spill into one of the world's largest freshwater aquifers that provides 30 percent of the groundwater used for irrigation in the United States and drinking water for millions of Americans. Even a small, undetected leak from an underground rupture of the pipeline in the Nebraska Sandhills could pollute almost 5,000,000,000 gallons of groundwater—enough oil to pose serious health threats to anyone using the underlying Ogallala Aquifer for drinking water or agriculture.

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

Page 6, lines 10 through 13, strike paragraph (15) (and redesignate the subsequent paragraphs accordingly).

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

Page 6, after line 24, insert the following new paragraph:

(18) Recent oil pipeline spills, such as the May 2011 leak of 21,000 gallons of crude from TransCanada's existing Keystone pipeline in North Dakota, have raised serious concerns about the risks associated with pipelines carrying diluted bitumen. At a June 16, 2011, hearing on pipeline safety held by the Subcommittee on Energy and Power of the Committee on Energy and Commerce, Cynthia L. Quarterman, Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, testified that the Pipeline and Hazardous Materials Safety Administration had not done a study analyzing the risks associated with transporting diluted bitumen.

Page 7, line 19, insert "Notwithstanding the previous sentence, prior to the issuance of a final order granting or denying the Presidential Permit for the Keystone XL pipeline, the Pipeline and Hazardous Materials Safety Administration shall complete a comprehensive review of the properties and characteristics of bitumen and the hazardous liquid pipeline regulations to determine whether current regulations are sufficient to regulate pipelines used for the transportation of tar sands crude oil." after "November 1, 2011."

4. AN AMENDMENT TO BE OFFERED BY DELEGATE CHRISTENSEN OF THE VIRGIN ISLANDS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, after line 24, insert the following new paragraph:

(18) The Supplemental Draft Environmental Impact Statement estimates that the Keystone XL pipeline would increase carbon pollution associated with United States fuel use by up to 23,000,000 metric tons of carbon dioxide equivalent per year, which is equivalent to the annual emissions from an extra 4,500,000 passenger vehicles.

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

Page 6, lines 14 through 17, amend paragraph (16) to read as follows:

(16) TransCanada Corporation's first wholly owned oil pipeline in the United States is the recently built Keystone I, which spilled 12 times in the United States and 21 times in Canada in less than one year of operation. Despite claims that it is "the safest pipeline ever built", Keystone was recently shut down by the United States Government because it was deemed a "threat to life, property, and the environment".

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

Page 4, lines 18 through 23, amend paragraph (7) to read as follows:

(7) Consultants employed by Canadian tar sands companies have publicly stated that without the Keystone XL pipeline, Canada's tar sands will be "landlocked" and unable to be exported overseas. There are significant barriers to construction of a pipeline to ports on the West Coast of Canada. The Keystone XL pipeline, which would service Port Arthur and the Port of Houston, would allow tar sands crude to be exported. Permitting the pipeline would provide an export route to China where none now exists.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUSH OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 7, line 14, strike "30 days" and insert "120 days".

Page 7, lines 18 and 19, strike "November 1, 2011" and insert "January 1, 2012".

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

Page 7, after line 23, insert the following new subsection:

"(e) WORST-CASE DISCHARGE SCENARIO CERTIFICATION.—

"(1) IN GENERAL.—No Presidential Permit shall be issued approving the construction and operation of the Keystone XL pipeline unless the Secretary of Energy, in consultation with the Pipeline and Hazardous Materials Safety Administration, certifies that the applicant—

"(A) has calculated a worst-case oil spill scenario for the proposed pipeline; and

"(B) has demonstrated to the satisfaction of the Secretary and the Pipeline and Hazardous Materials Safety Administration that the applicant possesses the capability and technology to respond immediately and effectively to such worst-case oil spill scenario.

"(2) WAIVER.—The Secretary of Energy, in consultation with the Pipeline and Hazardous Materials Safety Administration, may waive the requirement under paragraph (1) if the applicant has already completed a worst-case discharge scenario analysis and established that it possesses the capability and technology to respond immediately and effectively to such worst-case oil spill scenario.

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

Page 7, after line 23, insert the following new subsection:

(e) REQUIRED STUDY.—Notwithstanding subsections (a) and (e), 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.

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

Page 7, after line 23, insert the following new subsection:

(e) SENSE OF CONGRESS.—It is the sense of Congress that the United States must decrease its dependence on oil from countries which are hostile to the interests of the United States. Canada has long been a strong trading partner, and increased access to their energy resources will create jobs in the United States.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUCINICH OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 7, after line 23, insert the following new subsection:

(e) MANIPULATION OF OIL MARKETS.—The President shall not issue a final order granting or denying the Presidential Permit for the Keystone XL pipeline until the Secretary of Energy, in consultation with the Federal Trade Commission, has certified that permitting the pipeline would not lead to manipulation of the United States oil market that would be detrimental to United States consumers.