

112TH CONGRESS
2D SESSION

H. R. 3811

To approve the Keystone XL pipeline project permit.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2012

Mr. POE of Texas (for himself, Mr. BOREN, Mr. BARTON of Texas, Mr. CULBERSON, Mr. FARENTHOLD, Mr. SESSIONS, Mr. OLSON, Mr. BOUSTANY, Mr. MARCHANT, Mr. SCALISE, Mr. McCAUL, and Mr. ROHRABACHER) 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 Keystone XL pipeline project permit.

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 “Keystone For a Secure
5 Tomorrow Act”.

6 **SEC. 2. FINDING.**

7 The Congress finds that the delivery of oil from Al-
8 berta, Canada, to domestic markets in the United States
9 is in the national interest of the United States, and the

1 earliest possible completion of the Keystone XL pipeline
2 will best serve the national interest.

3 **SEC. 3. KEYSTONE XL PIPELINE PERMIT APPROVAL.**

4 (a) PERMIT APPROVAL.—The permit described in
5 subsection (b) is hereby approved.

6 (b) DESCRIPTION OF PERMIT.—The permit approved
7 under subsection (a) is the permit with respect to certain
8 energy-related facilities and land transportation crossings
9 on the international boundaries of the United States for
10 the Keystone XL pipeline project, an application for which
11 was filed on September 19, 2008 (including amendments).

12 (c) REQUIREMENTS.—The permit granted under sub-
13 section (a) shall require the following:

14 (1) The permittee shall comply with all applica-
15 ble Federal and State laws (including regulations)
16 and all applicable industrial codes regarding the con-
17 struction, connection, operation, and maintenance of
18 the United States facilities.

19 (2) The permittee shall take all appropriate
20 measures to prevent or mitigate any adverse envi-
21 ronmental impact or disruption of historic properties
22 in connection with the construction, operation, and
23 maintenance of the United States facilities.

1 (3) For the purpose of the permit approved
2 under subsection (a) (regardless of any modifications
3 under subsection (d))—

4 (A) the final environmental impact state-
5 ment issued by the Secretary of State on Au-
6 gust 26, 2011, satisfies all requirements of the
7 National Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.) and section 106 of the Na-
9 tional Historic Preservation Act (16 U.S.C.
10 470f);

11 (B) any modification required by the Sec-
12 retary of State to the Plan described in para-
13 graph (4)(A) shall not require supplementation
14 of the final environmental impact statement de-
15 scribed in that paragraph; and

16 (C) no further Federal environmental re-
17 view shall be required.

18 (4) The construction, operation, and mainte-
19 nance of the facilities shall be in all material re-
20 spects similar to that described in the application
21 described in subsection (b) and in accordance with—

22 (A) the construction, mitigation, and rec-
23 lamation measures agreed to by the permittee
24 in the Construction Mitigation and Reclamation
25 Plan found in appendix B of the final environ-

1 mental impact statement issued by the Sec-
2 retary of State on August 26, 2011, subject to
3 the modification described in subsection (d);

4 (B) the special conditions agreed to be-
5 tween the permittee and the Administrator of
6 the Pipeline Hazardous Materials Safety Ad-
7 ministration of the Department of Transpor-
8 tation found in appendix U of the final environ-
9 mental impact statement described in subpara-
10 graph (A);

11 (C) if the modified route submitted by the
12 Governor of Nebraska under subsection
13 (d)(3)(B) crosses the Sand Hills region, the
14 measures agreed to by the permittee for the
15 Sand Hills region found in appendix H of the
16 final environmental impact statement described
17 in subparagraph (A); and

18 (D) the stipulations identified in appendix
19 S of the final environmental impact statement
20 described in subparagraph (A).

21 (5) Other requirements that are standard in-
22 dustry practice or commonly included in Federal
23 permits that are similar to a permit approved under
24 subsection (a).

1 (d) MODIFICATION.—The permit approved under
2 subsection (a) shall require—

3 (1) the reconsideration of routing of the Key-
4 stone XL pipeline within the State of Nebraska;

5 (2) a review period during which routing within
6 the State of Nebraska may be reconsidered and the
7 route of the Keystone XL pipeline through the State
8 altered with any accompanying modification to the
9 Plan described in subsection (c)(4)(A); and

10 (3) the President—

11 (A) to coordinate review with the State of
12 Nebraska and provide any necessary data and
13 reasonable technical assistance material to the
14 review process required under this subsection;
15 and

16 (B) to approve the route within the State
17 of Nebraska that has been submitted to the
18 Secretary of State by the Governor of Ne-
19 braska.

20 (e) EFFECT OF NO APPROVAL.—If the President
21 does not approve the route within the State of Nebraska
22 submitted by the Governor of Nebraska under subsection
23 (d)(3)(B) not later than 10 days after the date of submis-
24 sion, the route submitted by the Governor of Nebraska
25 under subsection (d)(3)(B) shall be considered approved,

1 pursuant to the terms of the permit approved under sub-
2 section (a) that meets the requirements of subsection (c)
3 and this subsection, by operation of law.

4 (f) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing
5 in this section alters the Federal, State, or local processes
6 or conditions in effect on the date of enactment of this
7 Act that are necessary to secure access from private prop-
8 erty owners to construct the Keystone XL pipeline.

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