



## Legislative Bulletin.....July 26, 2011

### Contents:

**Amendments to H.R. 1938**—North American-Made Energy Security Act

**Order of Business:** The bill and amendments to H.R. 1938 are scheduled to be considered on Tuesday, July 26, 2011, under a structured rule. The rule ([H.Res.370](#)) provides for one hour of debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill, provides for consideration of 11 amendments with 10 minutes for debate each, and provides for one motion to recommit with or without instructions.

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### AMENDMENTS MADE IN ORDER UNDER THE RULE

1. **Welch (D-VT)/Cohen (D-TN).** The amendment would add an additional finding to the bill that states “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. **Rush (D-IL).** The amendment would strike finding number 15 that states “analysis using the Environmental Protection Agency models shows that the Keystone XL pipeline will result in no significant change in total United States or global greenhouse gas emissions.”
3. **Eshoo (D-CA).** The amendment would add an additional finding to the bill that states “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.”

Additionally, the amendment would require the Pipeline and Hazardous Materials Safety Administration to complete a comprehensive review of the properties and characteristics of bitumen and liquid pipeline regulations to determine whether current regulations are

sufficient to regulate pipelines used for the transportation of tar sands crude oil. This report would have to be complete prior to the issuance of a final order granting or denying the Presidential Permit for the Keystone XL pipeline.

4. **Christensen (D-VI).** The amendment would add a new section to the findings that states “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. **Cohen (D-TN).** The amendment would replace language currently under finding number 16 to read “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. **Murphy (D-CT).** The amendment would replace language currently under finding number seven to read “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. **Rush (D-IL).** The amendment would increase the amount of time to issue a permit after the issuance of an Environmental Impact Statement from 30 days to 120 days and extend the deadline to issue a permit from November 1, 2011, to January 1, 2012.
8. **Hanabusa (D-HI).** The amendment requires the Secretary of Energy, in consultation with the Pipeline and Hazardous Materials Safety Administration, to certify the applicant has calculated the “worst-case” oil spill scenario and demonstrated to satisfaction that the applicant possesses the capability and technology to respond immediately and effectively to such worst-case oil spill scenario before a permit can be issued. The amendment provides a waiver 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. **Johnson (D-GA).** The amendment adds a new section to the bill to not allow final approval for construction of the pipeline until 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.
10. **Jackson-Lee (D-TX).** The amendment adds a sense of Congress at the end of the bill that states “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. Kucinich (D-OH).** The amendment prohibits the issuance of a Presidential Permit 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.