

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3548
OFFERED BY MR. TERRY OF NEBRASKA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “North American En-
3 ergy Access Act”.

4 SEC. 2. RESTRICTION.

5 (a) IN GENERAL.—No person may construct, oper-
6 ate, or maintain the oil pipeline and related facilities de-
7 scribed in subsection (b) except in accordance with a per-
8 mit issued under this Act.

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

15 SEC. 3. PERMIT.

16 (a) ISSUANCE.—

17 (1) BY FERC.—The Federal Energy Regulatory
18 Commission shall, not later than 30 days after re-

1 ceipt of an application therefor, issue a permit with-
2 out additional conditions for the construction, oper-
3 ation, and maintenance of the oil pipeline and re-
4 lated facilities described in section 2(b), to be imple-
5 mented in accordance with the terms of the Final
6 Environmental Impact Statement described in sec-
7 tion 2(b). The Commission shall not be required to
8 prepare a Record of Decision under section 1505.2
9 of title 40 of the Code of Federal Regulations with
10 respect to issuance of the permit provided for in this
11 section.

12 (2) ISSUANCE IN ABSENCE OF FERC ACTION.—
13 If the Federal Energy Regulatory Commission has
14 not acted on an application for a permit described
15 in paragraph (1) within 30 days after receiving such
16 application, the permit shall be deemed to have been
17 issued under this Act upon the expiration of such
18 30-day period.

19 (b) MODIFICATION.—

20 (1) IN GENERAL.—The applicant for or holder
21 of a permit described in subsection (a) may make a
22 substantial modification to the pipeline route or any
23 other term of the Final Environmental Impact
24 Statement described in section 2(b) only with the
25 approval of the Federal Energy Regulatory Commis-

1 sion. The Commission shall expedite consideration of
2 any such modification proposal.

3 (2) NEBRASKA MODIFICATION.—Within 30
4 days after the date of enactment of this Act, the
5 Federal Energy Regulatory Commission shall enter
6 into a memorandum of understanding with the State
7 of Nebraska for an effective and timely review under
8 the National Environmental Policy Act of 1969 of
9 any modification to the proposed pipeline route in
10 Nebraska as proposed by the applicant for the per-
11 mit described in subsection (a). Not later than 30
12 days after receiving approval of such proposed modi-
13 fication from the Governor of Nebraska, the Com-
14 mission shall complete consideration of and approve
15 such modification.

16 (3) ISSUANCE IN ABSENCE OF FERC ACTION.—
17 If the Federal Energy Regulatory Commission has
18 not acted on an application for approval of a modi-
19 fication described in paragraph (2) within 30 days
20 after receiving such application, such modification
21 shall be deemed to have been issued under this Act
22 upon expiration of the 30-day period.

23 (4) CONSTRUCTION DURING CONSIDERATION OF
24 NEBRASKA MODIFICATION.—While any modification
25 of the proposed pipeline route in Nebraska is under

1 consideration pursuant to paragraph (2), the holder
2 of the permit issued under subsection (a) may com-
3 mence or continue with construction of any portion
4 of the pipeline and related facilities described in sec-
5 tion 2(b) that is not within the State of Nebraska.

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

7 (a) GENERAL RULE.—Notwithstanding Executive
8 Order 13337 (3 U.S.C. 301 note), Executive Order 11423
9 (3 U.S.C. 301 note), section 301 of title 3, United States
10 Code, and any other Executive Order or provision of law,
11 no presidential permits shall be required for the construc-
12 tion, operation, and maintenance of the pipeline and re-
13 lated facilities described in section 2(b) of this Act.

14 (b) APPLICABILITY.—Nothing in this Act shall affect
15 the application to the pipeline and related facilities de-
16 scribed in section 2(b) of—

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

18 or

19 (2) the authority of the Federal Energy Regu-
20 latory Commission to regulate oil pipeline rates and
21 services.

