
The Committee on Energy and Commerce
Internal Memorandum



February 3, 2012

MEMORANDUM

To: Members, Committee on Energy and Commerce

From: Committee Staff

Re: Full Committee Markup

The Committee on Energy and Commerce has scheduled a markup beginning on Monday, February 6, 2012. The markup agenda will cover H.R. 3548, the North American Energy Access Act. On Monday, February 6, the Committee will convene at 4:00 p.m. in 2322 Rayburn House Office Building for opening statements only. It will reconvene on Tuesday, February 7, at 12:00 p.m. in 2123 Rayburn House Office Building.

Members must submit any amendments they may have two hours before they are offered during the markup. Members may submit amendment by email to: peter.kielty@mail.house.gov. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

I. H.R. 3548, THE NORTH AMERICAN ENERGY ACCESS ACT

On December 2, 2011, Representative Terry introduced the "North American Energy Access Act." On January 25, 2012, the Subcommittee on Energy and Power held a legislative hearing on the bill. The hearing was reconvened on February 3, 2012. The bill includes the following provisions.

Section 1: This section provides the short title for the legislation, the "North American Energy Access Act."

Section 2: This section provides that no person may construct, operate, or maintain the oil pipeline described in the Final Environmental Impact Statement (FEIS) issued by the State Department on August 26, 2011, except with a permit issued under the Act.

Section 3:

Issuance of Permit. Subsection 3(a) provides that Federal Energy Regulatory Commission (FERC) is required to issue a permit for the construction of the pipeline if the application is for the pipeline described in the FEIS. FERC is required to issue a permit for the pipeline within 30 days of receiving an application. If FERC fails to act on the application within 30 days of receipt, the permit shall be deemed issued upon expiration of the 30 days.

Modifications Generally. Subsection 3(b) provides that the applicant may make a substantial modification to the pipeline only with the approval of FERC.

Nebraska Modification. Subsection 3(c) provides that FERC must enter into a memorandum of understanding with the State of Nebraska to complete a review, pursuant to the National Environmental Policy Act of 1969, of any modification to the proposed pipeline route in Nebraska. FERC is required to approve the modification within 30 days after receiving approval of the proposed modification from the Governor of Nebraska. The modification shall be deemed approved if FERC fails to act within 30 days of receiving the application for modification.

Section 4: This section provides that the permit issued pursuant to the Act is the only authority necessary to construct the pipeline. This section ensures that the pipeline remains subject to pipeline safety standards and FERC rate regulation, as applicable.

The Majority anticipates circulating amendments to the bill, together with an explanation of those amendments, prior to the markup.

II. STAFF CONTACTS

If you have any questions regarding this markup, please contact Patrick Currier or Garrett Golding at (202) 225-2927.