

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

**AMENDMENT TO H.R. 1938, AS REPORTED
OFFERED BY MS. HANABUSA OF HAWAII**

Page 7, after line 23, insert the following new sub-
section:

1 “(e) WORST-CASE DISCHARGE SCENARIO CERTIFI-
2 CATION.—

3 “(1) IN GENERAL.—No Presidential Permit
4 shall be issued approving the construction and oper-
5 ation of the Keystone XL pipeline unless the Sec-
6 retary of Energy, in consultation with the Pipeline
7 and Hazardous Materials Safety Administration,
8 certifies that the applicant—

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

11 “(B) has demonstrated to the satisfaction
12 of the Secretary and the Pipeline and Haz-
13 ardous Materials Safety Administration that
14 the applicant possesses the capability and tech-
15 nology to respond immediately and effectively to
16 such worst-case oil spill scenario.

17 “(2) WAIVER.—The Secretary of Energy, in
18 consultation with the Pipeline and Hazardous Mate-
19 rials Safety Administration, may waive the require-

1 ment under paragraph (1) if the applicant has al-
2 ready completed a worst-case discharge scenario
3 analysis and established that it possesses the capa-
4 bility and technology to respond immediately and ef-
5 fectively to such worst-case oil spill scenario.

