

**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.

