

JULY 13, 2017

RULES COMMITTEE PRINT 115–29
TEXT OF H. R. 2883, PROMOTING CROSS-BORDER
ENERGY INFRASTRUCTURE ACT

[Showing the text of H.R. 2883 as ordered reported by the
Committee on Energy and Commerce.]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Promoting Cross-Bor-
3 der Energy Infrastructure Act”.

4 **SEC. 2. APPROVAL FOR BORDER-CROSSING FACILITIES.**

5 (a) AUTHORIZATION OF CERTAIN ENERGY INFRA-
6 STRUCTURE PROJECTS AT AN INTERNATIONAL BOUND-
7 ARY OF THE UNITED STATES.—

8 (1) AUTHORIZATION.—Except as provided in
9 paragraph (3) and subsection (e), no person may
10 construct, connect, operate, or maintain a border-
11 crossing facility for the import or export of oil or
12 natural gas, or the transmission of electricity, across
13 an international border of the United States without
14 obtaining a certificate of crossing for the border-
15 crossing facility under this subsection.

16 (2) CERTIFICATE OF CROSSING.—

17 (A) REQUIREMENT.—Not later than 120
18 days after final action is taken, by the relevant

1 official or agency identified under subparagraph
2 (B), under the National Environmental Policy
3 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
4 spect to a border-crossing facility for which a
5 person requests a certificate of crossing under
6 this subsection, the relevant official or agency,
7 in consultation with appropriate Federal agen-
8 cies, shall issue a certificate of crossing for the
9 border-crossing facility unless the relevant offi-
10 cial or agency finds that the construction, con-
11 nection, operation, or maintenance of the bor-
12 der-crossing facility is not in the public interest
13 of the United States.

14 (B) RELEVANT OFFICIAL OR AGENCY.—
15 The relevant official or agency referred to in
16 subparagraph (A) is—

17 (i) the Federal Energy Regulatory
18 Commission with respect to border-cross-
19 ing facilities consisting of oil or natural
20 gas pipelines; and

21 (ii) the Secretary of Energy with re-
22 spect to border-crossing facilities consisting
23 of electric transmission facilities.

24 (C) ADDITIONAL REQUIREMENT FOR
25 ELECTRIC TRANSMISSION FACILITIES.—In the

1 case of a request for a certificate of crossing for
2 a border-crossing facility consisting of an elec-
3 tric transmission facility, the Secretary of En-
4 ergy shall require, as a condition of issuing the
5 certificate of crossing under subparagraph (A),
6 that the border-crossing facility be constructed,
7 connected, operated, or maintained consistent
8 with all applicable policies and standards of—

9 (i) the Electric Reliability Organiza-
10 tion and the applicable regional entity; and

11 (ii) any Regional Transmission Orga-
12 nization or Independent System Operator
13 with operational or functional control over
14 the border-crossing facility.

15 (3) EXCLUSIONS.—This subsection shall not
16 apply to any construction, connection, operation, or
17 maintenance of a border-crossing facility for the im-
18 port or export of oil or natural gas, or the trans-
19 mission of electricity—

20 (A) if the border-crossing facility is oper-
21 ating for such import, export, or transmission
22 as of the date of enactment of this Act;

23 (B) if a permit described in subsection (d)
24 for the construction, connection, operation, or
25 maintenance has been issued; or

1 (C) if an application for a permit described
2 in subsection (d) for the construction, connec-
3 tion, operation, or maintenance is pending on
4 the date of enactment of this Act, until the ear-
5 lier of—

6 (i) the date on which such application
7 is denied; or

8 (ii) two years after the date of enact-
9 ment of this Act, if such a permit has not
10 been issued by such date.

11 (4) EFFECT OF OTHER LAWS.—

12 (A) APPLICATION TO PROJECTS.—Nothing
13 in this subsection or subsection (e) shall affect
14 the application of any other Federal statute to
15 a project for which a certificate of crossing for
16 a border-crossing facility is requested under
17 this subsection.

18 (B) NATURAL GAS ACT.—Nothing in this
19 subsection or subsection (e) shall affect the re-
20 quirement to obtain approval or authorization
21 under sections 3 and 7 of the Natural Gas Act
22 for the siting, construction, or operation of any
23 facility to import or export natural gas.

24 (C) OIL PIPELINES.—Nothing in this sub-
25 section or subsection (e) shall affect the author-

1 ity of the Federal Energy Regulatory Commis-
2 sion with respect to oil pipelines under section
3 60502 of title 49, United States Code.

4 (b) IMPORTATION OR EXPORTATION OF NATURAL
5 GAS TO CANADA AND MEXICO.—Section 3(c) of the Nat-
6 ural Gas Act (15 U.S.C. 717b(c)) is amended by adding
7 at the end the following: “In the case of an application
8 for the importation of natural gas from, or the exportation
9 of natural gas to, Canada or Mexico, the Commission shall
10 grant the application not later than 30 days after the date
11 on which the Commission receives the complete applica-
12 tion.”.

13 (c) TRANSMISSION OF ELECTRIC ENERGY TO CAN-
14 ADA AND MEXICO.—

15 (1) REPEAL OF REQUIREMENT TO SECURE
16 ORDER.—Section 202(e) of the Federal Power Act
17 (16 U.S.C. 824a(e)) is repealed.

18 (2) CONFORMING AMENDMENTS.—

19 (A) STATE REGULATIONS.—Section 202(f)
20 of the Federal Power Act (16 U.S.C. 824a(f))
21 is amended by striking “insofar as such State
22 regulation does not conflict with the exercise of
23 the Commission’s powers under or relating to
24 subsection 202(e)”.

1 (B) SEASONAL DIVERSITY ELECTRICITY
2 EXCHANGE.—Section 602(b) of the Public Util-
3 ity Regulatory Policies Act of 1978 (16 U.S.C.
4 824a–4(b)) is amended by striking “the Com-
5 mission has conducted hearings and made the
6 findings required under section 202(e) of the
7 Federal Power Act” and all that follows
8 through the period at the end and inserting
9 “the Secretary has conducted hearings and
10 finds that the proposed transmission facilities
11 would not impair the sufficiency of electric sup-
12 ply within the United States or would not im-
13 pede or tend to impede the coordination in the
14 public interest of facilities subject to the juris-
15 diction of the Secretary.”.

16 (d) NO PRESIDENTIAL PERMIT REQUIRED.—No
17 Presidential permit (or similar permit) required under Ex-
18 ecutive Order No. 13337 (3 U.S.C. 301 note), Executive
19 Order No. 11423 (3 U.S.C. 301 note), section 301 of title
20 3, United States Code, Executive Order No. 12038, Exec-
21 utive Order No. 10485, or any other Executive order shall
22 be necessary for the construction, connection, operation,
23 or maintenance of an oil or natural gas pipeline or electric
24 transmission facility, or any border-crossing facility there-
25 of.

1 (e) MODIFICATIONS TO EXISTING PROJECTS.—No
2 certificate of crossing under subsection (a), or permit de-
3 scribed in subsection (d), shall be required for a modifica-
4 tion to—

5 (1) an oil or natural gas pipeline or electric
6 transmission facility that is operating for the import
7 or export of oil or natural gas or the transmission
8 of electricity as of the date of enactment of this Act;

9 (2) an oil or natural gas pipeline or electric
10 transmission facility for which a permit described in
11 subsection (d) has been issued; or

12 (3) a border-crossing facility for which a certifi-
13 cate of crossing has previously been issued under
14 subsection (a).

15 (f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

16 (1) EFFECTIVE DATE.—Subsections (a)
17 through (e), and the amendments made by such sub-
18 sections, shall take effect on the date that is 1 year
19 after the date of enactment of this Act.

20 (2) RULEMAKING DEADLINES.—Each relevant
21 official or agency described in subsection (a)(2)(B)
22 shall—

23 (A) not later than 180 days after the date
24 of enactment of this Act, publish in the Federal
25 Register notice of a proposed rulemaking to

1 carry out the applicable requirements of sub-
2 section (a); and

3 (B) not later than 1 year after the date of
4 enactment of this Act, publish in the Federal
5 Register a final rule to carry out the applicable
6 requirements of subsection (a).

7 (g) DEFINITIONS.—In this section—

8 (1) the term “border-crossing facility” means
9 the portion of an oil or natural gas pipeline or elec-
10 tric transmission facility that is located at an inter-
11 national boundary of the United States;

12 (2) the term “modification” includes a reversal
13 of flow direction, change in ownership, change in
14 flow volume, addition or removal of an interconnec-
15 tion, or an adjustment to maintain flow (such as a
16 reduction or increase in the number of pump or
17 compressor stations);

18 (3) the term “natural gas” has the meaning
19 given that term in section 2 of the Natural Gas Act
20 (15 U.S.C. 717a);

21 (4) the term “oil” means petroleum or a petro-
22 leum product;

23 (5) the terms “Electric Reliability Organiza-
24 tion” and “regional entity” have the meanings given

1 those terms in section 215 of the Federal Power Act
2 (16 U.S.C. 824o); and

3 (6) the terms “Independent System Operator”
4 and “Regional Transmission Organization” have the
5 meanings given those terms in section 3 of the Fed-
6 eral Power Act (16 U.S.C. 796).

