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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity.

IN THE HOUSE OF REPRESENTATIVES

Mrs. FEDORCHAK introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Cross-bor-
5 der Energy Infrastructure Act”.

1 **SEC. 2. STRENGTHENING NORTH AMERICAN ENERGY SECU-**
2 **RITY.**

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

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

14 (2) CERTIFICATE OF CROSSING.—

15 (A) REQUIREMENT.—Not later than 120
16 days after final action is taken, by the relevant
17 official or agency identified under subparagraph
18 (B), under the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
20 spect to a border-crossing facility for which a
21 person requests a certificate of crossing under
22 this subsection, the relevant official or agency,
23 in consultation with appropriate Federal agen-
24 cies, shall issue a certificate of crossing for the
25 border-crossing facility unless the relevant offi-
26 cial or agency finds that the construction, con-

1 nection, operation, or maintenance of the bor-
2 der-crossing facility is not in the public interest
3 of the United States.

4 (B) RELEVANT OFFICIAL OR AGENCY.—
5 The relevant official or agency referred to in
6 subparagraph (A) is—

7 (i) the Federal Energy Regulatory
8 Commission with respect to border-cross-
9 ing facilities consisting of oil or natural
10 gas pipelines; and

11 (ii) the Secretary of Energy with re-
12 spect to border-crossing facilities consisting
13 of electric transmission facilities.

14 (C) ADDITIONAL REQUIREMENT FOR
15 ELECTRIC TRANSMISSION FACILITIES.—In the
16 case of a request for a certificate of crossing for
17 a border-crossing facility consisting of an elec-
18 tric transmission facility, the Secretary of En-
19 ergy shall require, as a condition of issuing the
20 certificate of crossing under subparagraph (A),
21 that the border-crossing facility be constructed,
22 connected, operated, or maintained consistent
23 with all applicable policies and standards of—

24 (i) the Electric Reliability Organiza-
25 tion and the applicable regional entity; and

1 (ii) any Regional Transmission Orga-
2 nization or Independent System Operator
3 with operational or functional control over
4 the border-crossing facility.

5 (3) EXCLUSIONS.—This subsection shall not
6 apply to any construction, connection, operation, or
7 maintenance of a border-crossing facility for the im-
8 port or export of oil or natural gas, or the trans-
9 mission of electricity—

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

13 (B) if a Presidential permit (or similar
14 permit) for the construction, connection, oper-
15 ation, or maintenance has been issued pursuant
16 to any provision of law or Executive order; or

17 (C) if an application for a Presidential per-
18 mit (or similar permit) for the construction,
19 connection, operation, or maintenance is pend-
20 ing on the date of enactment of this Act, until
21 the earlier of—

22 (i) the date on which such application
23 is denied; or

1 (ii) two years after the date of enact-
2 ment of this Act, if such a permit has not
3 been issued by such date of enactment.

4 (4) EFFECT OF OTHER LAWS.—

5 (A) APPLICATION TO PROJECTS.—Nothing
6 in this subsection or subsection (e) shall affect
7 the application of any other Federal statute to
8 a project for which a certificate of crossing for
9 a border-crossing facility is requested under
10 this subsection.

11 (B) NATURAL GAS ACT.—Nothing in this
12 subsection or subsection (e) shall affect the re-
13 quirement to obtain approval or authorization
14 under sections 3 and 7 of the Natural Gas Act
15 for the siting, construction, or operation of any
16 facility to import or export natural gas.

17 (C) OIL PIPELINES.—Nothing in this sub-
18 section or subsection (e) shall affect the author-
19 ity of the Federal Energy Regulatory Commis-
20 sion with respect to oil pipelines under section
21 60502 of title 49, United States Code.

22 (b) IMPORTATION OR EXPORTATION OF NATURAL
23 GAS TO CANADA AND MEXICO.—Section 3(c) of the Nat-
24 ural Gas Act (15 U.S.C. 717b(c)) is amended by adding
25 at the end the following: “In the case of an application

1 for the importation of natural gas from, or the exportation
2 of natural gas to, Canada or Mexico, the Commission shall
3 grant the application not later than 30 days after the date
4 on which the Commission receives the complete applica-
5 tion.”.

6 (c) TRANSMISSION OF ELECTRIC ENERGY TO CAN-
7 ADA AND MEXICO.—

8 (1) REPEAL OF REQUIREMENT TO SECURE
9 ORDER.—Section 202(e) of the Federal Power Act
10 (16 U.S.C. 824a(e)) is repealed.

11 (2) CONFORMING AMENDMENTS.—

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

18 (B) SEASONAL DIVERSITY ELECTRICITY
19 EXCHANGE.—Section 602(b) of the Public Util-
20 ity Regulatory Policies Act of 1978 (16 U.S.C.
21 824a–4(b)) is amended by striking “the Com-
22 mission has conducted hearings and made the
23 findings required under section 202(e) of the
24 Federal Power Act” and all that follows
25 through the period at the end and inserting

1 “the Secretary has conducted hearings and
2 finds that the proposed transmission facilities
3 would not impair the sufficiency of electric sup-
4 ply within the United States or would not im-
5 pede or tend to impede the coordination in the
6 public interest of facilities subject to the juris-
7 diction of the Secretary.”.

8 (d) NO PRESIDENTIAL PERMIT REQUIRED.—No
9 Presidential permit (or similar permit) shall be required
10 pursuant to any provision of law or Executive order for
11 the construction, connection, operation, or maintenance of
12 an oil or natural gas pipeline or electric transmission facil-
13 ity, or any border-crossing facility thereof.

14 (e) MODIFICATIONS TO EXISTING PROJECTS.—No
15 certificate of crossing under subsection (a), or Presidential
16 permit (or similar permit), shall be required for a modi-
17 fication to—

18 (1) an oil or natural gas pipeline or electric
19 transmission facility that is operating for the import
20 or export of oil or natural gas or the transmission
21 of electricity as of the date of enactment of this Act;

22 (2) an oil or natural gas pipeline or electric
23 transmission facility for which a Presidential permit
24 (or similar permit) has been issued pursuant to any
25 provision of law or Executive order; or

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

4 (f) PROHIBITION ON REVOCATION OF PRESIDENTIAL
5 PERMITS.—Notwithstanding any other provision of law,
6 the President may not revoke a Presidential permit (or
7 similar permit) issued pursuant to Executive Order No.
8 13337 (3 U.S.C. 301 note), Executive Order No. 11423
9 (3 U.S.C. 301 note), Executive Order No. 12038 (42
10 U.S.C. 7151 note), Executive Order No. 10485 (15 U.S.C.
11 717b note), or any other Executive order for the construc-
12 tion, connection, operation, or maintenance of an oil or
13 natural gas pipeline or electric transmission facility, or
14 any border-crossing facility thereof, unless such revocation
15 is authorized by an Act of Congress.

16 (g) EFFECTIVE DATE; RULEMAKING DEADLINES.—

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

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

24 (A) not later than 180 days after the date
25 of enactment of this Act, publish in the Federal

1 Register notice of a proposed rulemaking to
2 carry out the applicable requirements of sub-
3 section (a); and

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

8 (h) DEFINITIONS.—In this section:

9 (1) BORDER-CROSSING FACILITY.—The term
10 “border-crossing facility” means the portion of an oil
11 or natural gas pipeline or electric transmission facil-
12 ity that is located at an international boundary of
13 the United States.

14 (2) MODIFICATION.—The term “modification”
15 includes a reversal of flow direction, change in own-
16 ership, change in flow volume, addition or removal
17 of an interconnection, or an adjustment to maintain
18 flow (such as a reduction or increase in the number
19 of pump or compressor stations).

20 (3) NATURAL GAS.—The term “natural gas”
21 has the meaning given that term in section 2 of the
22 Natural Gas Act (15 U.S.C. 717a).

23 (4) OIL.—The term “oil” means petroleum or
24 a petroleum product.

1 (5) ELECTRIC RELIABILITY ORGANIZATION; RE-
2 GIONAL ENTITY.—The terms “Electric Reliability
3 Organization” and “regional entity” have the mean-
4 ings given those terms in section 215 of the Federal
5 Power Act (16 U.S.C. 824o).

6 (6) INDEPENDENT SYSTEM OPERATOR; RE-
7 GIONAL TRANSMISSION ORGANIZATION.—The terms
8 “Independent System Operator” and “Regional
9 Transmission Organization” have the meanings
10 given those terms in section 3 of the Federal Power
11 Act (16 U.S.C. 796).