

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3062**  
**OFFERED BY M**\_\_ . \_\_\_\_\_

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**4 SEC. 2. STRENGTHENING NORTH AMERICAN ENERGY SECURITY.**  
5

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

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

17           (2) CERTIFICATE OF CROSSING.—

1           (A) REQUIREMENT.—Not later than 120  
2           days after final action is taken, by the relevant  
3           official or agency identified under subparagraph  
4           (B), under the National Environmental Policy  
5           Act of 1969 (42 U.S.C. 4321 et seq.) with re-  
6           spect to a border-crossing facility for which a  
7           person requests a certificate of crossing under  
8           this subsection, the relevant official or agency,  
9           in consultation with appropriate Federal agen-  
10          cies, shall issue a certificate of crossing for the  
11          border-crossing facility unless the relevant offi-  
12          cial or agency finds that the construction, con-  
13          nection, operation, or maintenance of the bor-  
14          der-crossing facility is not in the public interest  
15          of the United States.

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

- 19               (i) the Federal Energy Regulatory  
20               Commission with respect to border-cross-  
21               ing facilities consisting of oil or natural  
22               gas pipelines; and  
23               (ii) the Secretary of Energy with re-  
24               spect to border-crossing facilities consisting  
25               of electric transmission facilities.

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

11 (i) the Electric Reliability Organiza-  
12 tion and the applicable regional entity; and

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

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

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

1 (B) if a Presidential permit (or similar  
2 permit) for the construction, connection, oper-  
3 ation, or maintenance has been issued pursuant  
4 to any provision of law or Executive order; or

5 (C) if an application for a Presidential per-  
6 mit (or similar permit) for the construction,  
7 connection, operation, or maintenance is pend-  
8 ing on the date of enactment of this Act, until  
9 the earlier of—

10 (i) the date on which such application  
11 is denied; or

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

15 (4) EFFECT OF OTHER LAWS.—

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

22 (B) NATURAL GAS ACT.—Nothing in this  
23 subsection or subsection (e) shall affect the re-  
24 quirement to obtain approval or authorization  
25 under sections 3 and 7 of the Natural Gas Act

1 for the siting, construction, or operation of any  
2 facility to import or export natural gas.

3 (C) OIL PIPELINES.—Nothing in this sub-  
4 section or subsection (e) shall affect the author-  
5 ity of the Federal Energy Regulatory Commis-  
6 sion with respect to oil pipelines under section  
7 60502 of title 49, United States Code.

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

17 (c) TRANSMISSION OF ELECTRIC ENERGY TO CAN-  
18 ADA AND MEXICO.—

19 (1) REPEAL OF REQUIREMENT TO SECURE  
20 ORDER.—Section 202(e) of the Federal Power Act  
21 (16 U.S.C. 824a(e)) is repealed.

22 (2) CONFORMING AMENDMENTS.—

23 (A) STATE REGULATIONS.—Section 202(f)  
24 of the Federal Power Act (16 U.S.C. 824a(f))  
25 is amended by striking “insofar as such State

1 regulation does not conflict with the exercise of  
2 the Commission's powers under or relating to  
3 subsection 202(e)".

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

19 (d) NO PRESIDENTIAL PERMIT REQUIRED.—No  
20 Presidential permit (or similar permit) shall be required  
21 pursuant to any provision of law or Executive order for  
22 the construction, connection, operation, or maintenance of  
23 an oil or natural gas pipeline or electric transmission facil-  
24 ity, or any border-crossing facility thereof.

1 (e) MODIFICATIONS TO EXISTING PROJECTS.—No  
2 certificate of crossing under subsection (a), or Presidential  
3 permit (or similar permit), shall be required for a modi-  
4 fication 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 Presidential permit  
11 (or similar permit) has been issued pursuant to any  
12 provision of law or Executive order; or

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

16 (f) PROHIBITION ON REVOCATION OF PRESIDENTIAL  
17 PERMITS.—Notwithstanding any other provision of law,  
18 the President may not revoke a Presidential permit (or  
19 similar permit) issued pursuant to Executive Order No.  
20 13337 (3 U.S.C. 301 note), Executive Order No. 11423  
21 (3 U.S.C. 301 note), Executive Order No. 12038 (42  
22 U.S.C. 7151 note), Executive Order No. 10485 (15 U.S.C.  
23 717b note), or any other Executive order for the construc-  
24 tion, connection, operation, or maintenance of an oil or  
25 natural gas pipeline or electric transmission facility, or

1 any border-crossing facility thereof, unless such revocation  
2 is authorized by an Act of Congress.

3 (g) EFFECTIVE DATE; RULEMAKING DEADLINES.—

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

8 (2) RULEMAKING DEADLINES.—Each relevant  
9 official or agency described in subsection (a)(2)(B)  
10 shall—

11 (A) not later than 180 days after the date  
12 of enactment of this Act, publish in the Federal  
13 Register notice of a proposed rulemaking to  
14 carry out the applicable requirements of sub-  
15 section (a); and

16 (B) not later than 1 year after the date of  
17 enactment of this Act, publish in the Federal  
18 Register a final rule to carry out the applicable  
19 requirements of subsection (a).

20 (h) DEFINITIONS.—In this section:

21 (1) BORDER-CROSSING FACILITY.—The term  
22 “border-crossing facility” means the portion of an oil  
23 or natural gas pipeline or electric transmission facil-  
24 ity that is located within 1,000 feet of the inter-  
25 national boundary of the United States, measured



1 from the point at which the facility crosses such  
2 boundary into the United States.

3 (2) MODIFICATION.—The term “modification”  
4 includes a reversal of flow direction, change in own-  
5 ership, change in flow volume, addition or removal  
6 of an interconnection, or an adjustment to maintain  
7 flow (such as a reduction or increase in the number  
8 of pump or compressor stations).

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

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

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

19 (6) INDEPENDENT SYSTEM OPERATOR; RE-  
20 GIONAL TRANSMISSION ORGANIZATION.—The terms  
21 “Independent System Operator” and “Regional  
22 Transmission Organization” have the meanings  
23 given those terms in section 3 of the Federal Power  
24 Act (16 U.S.C. 796).

