

## COMMITTEE PRINT

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**[Showing the text of H.R. 1058, as forwarded by the Subcommittee on Energy, Climate, and Grid Security on February 28, 2023]**

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1   **SECTION 1. SHORT TITLE.**

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

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

6           (a) AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT AN INTERNATIONAL BOUNDARY OF THE UNITED STATES.—

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

17                   (2) CERTIFICATE OF CROSSING.—

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

official or agency identified under subparagraph (B), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

(B) RELEVANT OFFICIAL OR AGENCY.—

The relevant official or agency referred to in subparagraph (A) is—

(i) the Federal Energy Regulatory Commission with respect to border-crossing facilities consisting of oil or natural gas pipelines; and

(ii) the Secretary of Energy with respect to border-crossing facilities consisting of electric transmission facilities.

(C) ADDITIONAL REQUIREMENT FOR 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 Presidential permit (or similar  
24 permit) for the construction, connection, oper-

1           ation, or maintenance has been issued pursuant  
2           to any provision of law or Executive order; or

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

8                   (i) the date on which such application  
9                   is denied; or

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

13       (4) EFFECT OF OTHER LAWS.—

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

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

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

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

15 (c) TRANSMISSION OF ELECTRIC ENERGY TO CAN-  
16 ADA AND MEXICO.—

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

20 (2) CONFORMING AMENDMENTS.—

21 (A) STATE REGULATIONS.—Section 202(f)  
22 of the Federal Power Act (16 U.S.C. 824a(f))  
23 is amended by striking “insofar as such State  
24 regulation does not conflict with the exercise of

1 the Commission’s powers under or relating to  
2 subsection 202(e)’’.

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

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

24 (e) MODIFICATIONS TO EXISTING PROJECTS.—No  
25 certificate of crossing under subsection (a), or Presidential

1 permit (or similar permit), shall be required for a modi-  
2 fication to—

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

7 (2) an oil or natural gas pipeline or electric  
8 transmission facility for which a Presidential permit  
9 (or similar permit) has been issued pursuant to any  
10 provision of law or Executive order; or

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

14 (f) PROHIBITION ON REVOCATION OF PRESIDENTIAL  
15 PERMITS.—Notwithstanding any other provision of law,  
16 the President may not revoke a Presidential permit (or  
17 similar permit) issued pursuant to Executive Order No.  
18 13337 (3 U.S.C. 301 note), Executive Order No. 11423  
19 (3 U.S.C. 301 note), Executive Order No. 12038 (43 Fed.  
20 Reg. 4957), Executive Order No. 10485 (18 Fed. Reg.  
21 5397), or any other Executive order for the construction,  
22 connection, operation, or maintenance of an oil or natural  
23 gas pipeline or electric transmission facility, or any bor-  
24 der-crossing facility thereof, unless such revocation is au-  
25 thorized by an Act of Congress.

1 (g) EFFECTIVE DATE; RULEMAKING DEADLINES.—

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

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

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

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

18 (h) DEFINITIONS.—In this section:

19 (1) BORDER-CROSSING FACILITY.—The term  
20 “border-crossing facility” means the portion of an oil  
21 or natural gas pipeline or electric transmission facil-  
22 ity that is located at an international boundary of  
23 the United States.

24 (2) MODIFICATION.—The term “modification”  
25 includes a reversal of flow direction, change in own-



1       ership, change in flow volume, addition or removal  
2       of an interconnection, or an adjustment to maintain  
3       flow (such as a reduction or increase in the number  
4       of pump or compressor stations).

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

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

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

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