[DISCUSSION DRAFT]

113TH CONGRESS  
1ST Session  
H. R. _____

To require approval for the construction and operation of oil or gas pipelines and electric transmission facilities across the national boundary of the United States for the import or export of oil, gas, or electricity to or from the United States, Canada, or Mexico, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. Upton (for himself and Mr. Gene Green of Texas) introduced the following bill; which was referred to the Committee on

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A BILL

To require approval for the construction and operation of oil or gas pipelines and electric transmission facilities across the national boundary of the United States for the import or export of oil, gas, or electricity to or from the United States, Canada, or Mexico, and for other purposes.

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 “North American En-
5 ergy Infrastructure Act”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the United States should establish a more uniform, transparent, and modern process for the construction and operation of oil or gas pipelines and electric transmission facilities for the import or export of oil, gas, or electricity to or from Canada and Mexico, in pursuit of a more secure and efficient North American energy market.

SEC. 3. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS THAT CROSS THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) Authorization.—Except as provided in subsection (d), no person may construct or operate an oil or gas pipeline or electric transmission facility across the national boundary of the United States for the import or export of oil, gas, or electricity to or from the United States, Canada, or Mexico without obtaining approval of the construction or operation under this section.

(b) Approval.—

(1) Requirement.—Not later than 120 days after receiving a request for approval of construction or operation under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall approve the request unless the relevant official finds that the con-
struction or operation is not in the national security interests of the United States.

(2) RELEVANT OFFICIAL.—The relevant official referred to in paragraph (1) is—

(A) the Secretary of Commerce with respect to oil pipelines;

(B) the Federal Energy Regulatory Commission with respect to gas pipelines; and

(C) the Secretary of Energy with respect to electric transmission facilities.

(3) APPROVAL NOT MAJOR FEDERAL ACTION.—An approval of construction or operation under paragraph (1) shall not be construed to constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—

(A) IN GENERAL.—In the case of a request for approval of the construction or operation of an electric transmission facility, the Secretary of Energy shall require, as a condition of approval of the request under paragraph (1), that the electric transmission facility be constructed or operated consistent with all policies and
standards of the Electric Reliability Organization and any regional entity, Regional Transmission Organization, and Independent System Operator determined appropriate by the Secretary of Energy.

(B) Definitions.—For the purposes of this paragraph—

(i) the terms “Electric Reliability Organization” and “regional entity” have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o); and

(ii) the terms “Independent System Operator” and “Regional Transmission Organization” have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(c) No Other Approval Required.—No Presidential permit (or similar permit) required under Executive Order 13337 (3 U.S.C. 301 note), Executive Order 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, Executive Order 12038, Executive Order 10485 or any other Executive Order, shall be necessary for construction or operation to which this section applies.
(d) EXCLUSIONS TO COVERED CONSTRUCTION AND OPERATION.—This section shall not apply to any construction or operation described in subsection (a)—

(1) of a pipeline or electric transmission facility that is operating across the national boundary of the United States for the import or export of oil, gas, or electricity to or from the United States, Canada, or Mexico as of the date of enactment of this Act;

(2) that has received a permit described in subsection (c) prior to the date of enactment of this Act; or

(3) that has previously been approved under this section.

(e) MODIFICATIONS TO EXISTING PROJECTS.—No approval under this section, or permit described in subsection (c), shall be required for modifications to construction or operation described in paragraph (1), (2), or (3) of subsection (d), including reversal of flow direction, change in ownership, volume expansion, downstream or upstream interconnection, or adjustments to maintain flow (such as a reduction or increase in the number of pump stations).

(f) EFFECT OF OTHER LAWS.—Nothing in this section shall affect the application of any other Federal stat-
ute to a project for which approval of construction or operation is sought under this section.

SEC. 4. NO DOE AUTHORIZATION REQUIRED FOR IMPORTATION OR EXPORTATION OF NATURAL GAS UNDER NATURAL GAS ACT.

Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by inserting ``(1)'' before ``For purposes of subsection (a)''; and

(2) by adding at the end the following new paragraph:

``(2) Notwithstanding any other provision of this section, no order of the Commission is required under subsection (a) to authorize the export or import of any natural gas to or from the United States, Canada, or Mexico across the national boundary of the United States.``.

SEC. 5. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.

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

(b) CONFORMING AMENDMENTS.—

(1) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking ``insofar as such State regula-
tion does not conflict with the exercise of the Commission’s powers under or relating to subsection 202(e).

(2) Seasonal diversity electricity exchange.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking “the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act” and all that follows through the period at the end and inserting “the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.”.