

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3301

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## AN ACT

To require approval for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from 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”.

6 **SEC. 2. FINDING.**

7        Congress finds that the United States should estab-  
8 lish a more uniform, transparent, and modern process for  
9 the construction, connection, operation, and maintenance  
10 of oil and natural gas pipelines and electric transmission  
11 facilities for the import and export of oil and natural gas  
12 and the transmission of electricity to and from Canada  
13 and Mexico, in pursuit of a more secure and efficient  
14 North American energy market.

15 **SEC. 3. AUTHORIZATION OF CERTAIN ENERGY INFRA-**  
16 **STRUCTURE PROJECTS AT THE NATIONAL**  
17 **BOUNDARY OF THE UNITED STATES.**

18        (a) AUTHORIZATION.—Except as provided in sub-  
19 section (c) and section 7, no person may construct, con-  
20 nect, operate, or maintain a cross-border segment of an  
21 oil pipeline or electric transmission facility for the import  
22 or export of oil or the transmission of electricity to or from  
23 Canada or Mexico without obtaining a certificate of cross-  
24 ing for the construction, connection, operation, or mainte-  
25 nance of the cross-border segment under this section.

1 (b) CERTIFICATE OF CROSSING.—

2 (1) REQUIREMENT.—Not later than 120 days  
3 after final action is taken under the National Envi-  
4 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
5 seq.) with respect to a cross-border segment for  
6 which a request is received under this section, the  
7 relevant official identified under paragraph (2), in  
8 consultation with appropriate Federal agencies, shall  
9 issue a certificate of crossing for the cross-border  
10 segment unless the relevant official finds that the  
11 construction, connection, operation, or maintenance  
12 of the cross-border segment is not in the public in-  
13 terest of the United States.

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

16 (A) the Secretary of State with respect to  
17 oil pipelines; and

18 (B) the Secretary of Energy with respect  
19 to electric transmission facilities.

20 (3) ADDITIONAL REQUIREMENT FOR ELECTRIC  
21 TRANSMISSION FACILITIES.—In the case of a request  
22 for a certificate of crossing for the construction, con-  
23 nection, operation, or maintenance of a cross-border  
24 segment of an electric transmission facility, the Sec-  
25 retary of Energy shall require, as a condition of

1 issuing the certificate of crossing for the request  
2 under paragraph (1), that the cross-border segment  
3 of the electric transmission facility be constructed,  
4 connected, operated, or maintained consistent with  
5 all applicable policies and standards of—

6 (A) the Electric Reliability Organization  
7 and the applicable regional entity; and

8 (B) any Regional Transmission Organiza-  
9 tion or Independent System Operator with  
10 operational or functional control over the cross-  
11 border segment of the electric transmission fa-  
12 cility.

13 (c) EXCLUSIONS.—This section shall not apply to any  
14 construction, connection, operation, or maintenance of a  
15 cross-border segment of an oil pipeline or electric trans-  
16 mission facility for the import or export of oil or the trans-  
17 mission of electricity to or from Canada or Mexico—

18 (1) if the cross-border segment is operating for  
19 such import, export, or transmission as of the date  
20 of enactment of this Act;

21 (2) if a permit described in section 6 for such  
22 construction, connection, operation, or maintenance  
23 has been issued;

1           (3) if a certificate of crossing for such construc-  
2           tion, connection, operation, or maintenance has pre-  
3           viously been issued under this section; or

4           (4) if an application for a permit described in  
5           section 6 for such construction, connection, oper-  
6           ation, or maintenance is pending on the date of en-  
7           actment of this Act, until the earlier of—

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

10                   (B) July 1, 2016.

11       (d) EFFECT OF OTHER LAWS.—

12           (1) APPLICATION TO PROJECTS.—Nothing in  
13           this section or section 7 shall affect the application  
14           of any other Federal statute to a project for which  
15           a certificate of crossing for the construction, connec-  
16           tion, operation, or maintenance of a cross-border  
17           segment is sought under this section.

18           (2) NATURAL GAS ACT.—Nothing in this sec-  
19           tion or section 7 shall affect the requirement to ob-  
20           tain approval or authorization under sections 3 and  
21           7 of the Natural Gas Act for the siting, construc-  
22           tion, or operation of any facility to import or export  
23           natural gas.

24           (3) ENERGY POLICY AND CONSERVATION  
25           ACT.—Nothing in this section or section 7 shall af-

1       fect the authority of the President under section  
2       103(a) of the Energy Policy and Conservation Act.

3   **SEC. 4. IMPORTATION OR EXPORTATION OF NATURAL GAS**  
4                   **TO CANADA AND MEXICO.**

5       Section 3(c) of the Natural Gas Act (15 U.S.C.  
6   717b(e)) is amended by adding at the end the following:  
7   “No order is required under subsection (a) to authorize  
8   the export or import of any natural gas to or from Canada  
9   or Mexico.”.

10   **SEC. 5. TRANSMISSION OF ELECTRIC ENERGY TO CANADA**  
11                   **AND MEXICO.**

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

15       (b) CONFORMING AMENDMENTS.—

16           (1) STATE REGULATIONS.—Section 202(f) of  
17   the Federal Power Act (16 U.S.C. 824a(f)) is  
18   amended by striking “insofar as such State regula-  
19   tion does not conflict with the exercise of the Com-  
20   mission’s powers under or relating to subsection  
21   202(e)”.

22           (2) SEASONAL DIVERSITY ELECTRICITY EX-  
23   CHANGE.—Section 602(b) of the Public Utility Reg-  
24   ulatory Policies Act of 1978 (16 U.S.C. 824a–4(b))  
25   is amended by striking “the Commission has con-

1        ducted hearings and made the findings required  
2        under section 202(e) of the Federal Power Act” and  
3        all that follows through the period at the end and  
4        inserting “the Secretary has conducted hearings and  
5        finds that the proposed transmission facilities would  
6        not impair the sufficiency of electric supply within  
7        the United States or would not impede or tend to  
8        impede the coordination in the public interest of fa-  
9        cilities subject to the jurisdiction of the Secretary.”.

10 **SEC. 6. NO PRESIDENTIAL PERMIT REQUIRED.**

11        No Presidential permit (or similar permit) required  
12        under Executive Order No. 13337 (3 U.S.C. 301 note),  
13        Executive Order No. 11423 (3 U.S.C. 301 note), section  
14        301 of title 3, United States Code, Executive Order No.  
15        12038, Executive Order No. 10485, or any other Execu-  
16        tive order shall be necessary for the construction, connec-  
17        tion, operation, or maintenance of an oil or natural gas  
18        pipeline or electric transmission facility, or any cross-bor-  
19        der segment thereof.

20 **SEC. 7. MODIFICATIONS TO EXISTING PROJECTS.**

21        No certificate of crossing under section 3, or permit  
22        described in section 6, shall be required for a modification  
23        to the construction, connection, operation, or maintenance  
24        of an oil or natural gas pipeline or electric transmission  
25        facility—

1           (1) that is operating for the import or export  
2 of oil or natural gas or the transmission of elec-  
3 tricity to or from Canada or Mexico as of the date  
4 of enactment of the Act;

5           (2) for which a permit described in section 6 for  
6 such construction, connection, operation, or mainte-  
7 nance has been issued; or

8           (3) for which a certificate of crossing for the  
9 cross-border segment of the pipeline or facility has  
10 previously been issued under section 3.

11 **SEC. 8. EFFECTIVE DATE; RULEMAKING DEADLINES.**

12       (a) **EFFECTIVE DATE.**—Sections 3 through 7, and  
13 the amendments made by such sections, shall take effect  
14 on July 1, 2015.

15       (b) **RULEMAKING DEADLINES.**—Each relevant offi-  
16 cial described in section 3(b)(2) shall—

17           (1) not later than 180 days after the date of  
18 enactment of this Act, publish in the Federal Reg-  
19 ister notice of a proposed rulemaking to carry out  
20 the applicable requirements of section 3; and

21           (2) not later than 1 year after the date of en-  
22 actment of this Act, publish in the Federal Register  
23 a final rule to carry out the applicable requirements  
24 of section 3.



1 **SEC. 9. DEFINITIONS.**

2 In this Act—

3 (1) the term “cross-border segment” means the  
4 portion of an oil or natural gas pipeline or electric  
5 transmission facility that is located at the national  
6 boundary of the United States with either Canada or  
7 Mexico;

8 (2) the term “modification” includes a reversal  
9 of flow direction, change in ownership, volume ex-  
10 pansion, downstream or upstream interconnection,  
11 or adjustment to maintain flow (such as a reduction  
12 or increase in the number of pump or compressor  
13 stations);

14 (3) the term “natural gas” has the meaning  
15 given that term in section 2 of the Natural Gas Act  
16 (15 U.S.C. 717a);

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

19 (5) the terms “Electric Reliability Organiza-  
20 tion” and “regional entity” have the meanings given  
21 those terms in section 215 of the Federal Power Act  
22 (16 U.S.C. 824o); and

23 (6) the terms “Independent System Operator”  
24 and “Regional Transmission Organization” have the

1 meanings given those terms in section 3 of the Fed-  
2 eral Power Act (16 U.S.C. 796).

Passed the House of Representatives June 24, 2014.

Attest:

*Clerk.*



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