

117TH CONGRESS
1ST SESSION

H. R. 575

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

JANUARY 28, 2021

Mr. MULLIN (for himself, Mr. WEBER of Texas, Mr. NEWHOUSE, Mr. MCKINLEY, Mr. BALDERSON, Mr. BILIRAKIS, Mr. MEUSER, Mr. BURGESS, Ms. STEFANIK, Mr. HILL, Mr. NORMAN, Mr. GOSAR, Mr. GROTHMAN, Mr. LAMALFA, Mr. STEUBE, Mr. JOHNSON of South Dakota, Mr. DUNCAN, Mr. BAIRD, Mr. JACKSON, Mr. STAUBER, Mr. LAMBORN, Mr. RESCHENTHALER, Mr. HUDSON, Mr. GOODEN of Texas, Mr. COLE, Mr. MURPHY of North Carolina, Mr. GIBBS, Mrs. BOEBERT, Mr. JOYCE of Pennsylvania, Mr. CHABOT, Mr. FALLON, Mr. WOMACK, Mr. MANN, Mr. GUEST, Mr. BABIN, Ms. HERRELL, Mr. AUSTIN SCOTT of Georgia, Mr. LATTA, Mr. HERN, Mr. STEWART, Mr. RUTHERFORD, Mr. PERRY, Mrs. BICE of Oklahoma, and Mr. KELLER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

6 **SEC. 2. STRENGTHENING NORTH AMERICAN ENERGY SECU-**
7 **RITY.**

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

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

19 (2) CERTIFICATE OF CROSSING.—

20 (A) REQUIREMENT.—Not later than 120
21 days after final action is taken, by the relevant
22 official or agency identified under subparagraph
23 (B), under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
25 spect to a border-crossing facility for which a

1 person requests a certificate of crossing under
2 this subsection, the relevant official or agency,
3 in consultation with appropriate Federal agen-
4 cies, shall issue a certificate of crossing for the
5 border-crossing facility unless the relevant offi-
6 cial or agency finds that the construction, con-
7 nection, operation, or maintenance of the bor-
8 der-crossing facility is not in the public interest
9 of the United States.

10 (B) RELEVANT OFFICIAL OR AGENCY.—

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

13 (i) the Federal Energy Regulatory
14 Commission with respect to border-cross-
15 ing facilities consisting of oil or natural
16 gas pipelines; and

17 (ii) the Secretary of Energy with re-
18 spect to border-crossing facilities consisting
19 of electric transmission facilities.

20 (C) ADDITIONAL REQUIREMENT FOR

21 ELECTRIC TRANSMISSION FACILITIES.—In the
22 case of a request for a certificate of crossing for
23 a border-crossing facility consisting of an elec-
24 tric transmission facility, the Secretary of En-
25 ergy shall require, as a condition of issuing the

1 certificate of crossing under subparagraph (A),
2 that the border-crossing facility be constructed,
3 connected, operated, or maintained consistent
4 with all applicable policies and standards of—

5 (i) the Electric Reliability Organiza-
6 tion and the applicable regional entity; and

7 (ii) any Regional Transmission Orga-
8 nization or Independent System Operator
9 with operational or functional control over
10 the border-crossing facility.

11 (3) EXCLUSIONS.—This subsection shall not
12 apply to any construction, connection, operation, or
13 maintenance of a border-crossing facility for the im-
14 port or export of oil or natural gas, or the trans-
15 mission of electricity—

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

19 (B) if a permit described in subsection (d)
20 for the construction, connection, operation, or
21 maintenance has been issued; or

22 (C) if an application for a permit described
23 in subsection (d) for the construction, connec-
24 tion, operation, or maintenance is pending on

1 the date of enactment of this Act, until the ear-
2 lier of—

3 (i) the date on which such application
4 is denied; or

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

8 (4) EFFECT OF OTHER LAWS.—

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

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

21 (C) OIL PIPELINES.—Nothing in this sub-
22 section or subsection (e) shall affect the author-
23 ity of the Federal Energy Regulatory Commis-
24 sion with respect to oil pipelines under section
25 60502 of title 49, United States Code.

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

10 (c) TRANSMISSION OF ELECTRIC ENERGY TO CAN-
11 ADA AND MEXICO.—

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

15 (2) CONFORMING AMENDMENTS.—

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

22 (B) SEASONAL DIVERSITY ELECTRICITY
23 EXCHANGE.—Section 602(b) of the Public Util-
24 ity Regulatory Policies Act of 1978 (16 U.S.C.
25 824a–4(b)) is amended by striking “the Com-

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

12 (d) NO PRESIDENTIAL PERMIT REQUIRED.—No
13 Presidential permit (or similar permit) required under Ex-
14 ecutive Order No. 13337 (3 U.S.C. 301 note), Executive
15 Order No. 11423 (3 U.S.C. 301 note), section 301 of title
16 3, United States Code, Executive Order No. 12038, Exec-
17 utive Order No. 10485, or any other Executive order shall
18 be necessary for the construction, connection, operation,
19 or maintenance of an oil or natural gas pipeline or electric
20 transmission facility, or any border-crossing facility there-
21 of.

22 (e) MODIFICATIONS TO EXISTING PROJECTS.—No
23 certificate of crossing under subsection (a), or permit de-
24 scribed in subsection (d), shall be required for a modifica-
25 tion to—

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

5 (2) an oil or natural gas pipeline or electric
6 transmission facility for which a permit described in
7 subsection (d) has been issued; or

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

11 (f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

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

16 (2) RULEMAKING DEADLINES.—Each relevant
17 official or agency described in subsection (a)(2)(B)
18 shall—

19 (A) not later than 180 days after the date
20 of enactment of this Act, publish in the Federal
21 Register notice of a proposed rulemaking to
22 carry out the applicable requirements of sub-
23 section (a); and

24 (B) not later than 1 year after the date of
25 enactment of this Act, publish in the Federal

1 Register a final rule to carry out the applicable
2 requirements of subsection (a).

3 (g) DEFINITIONS.—In this section—

4 (1) the term “border-crossing facility” means
5 the portion of an oil or natural gas pipeline or elec-
6 tric transmission facility that is located at an inter-
7 national boundary of the United States;

8 (2) the term “modification” includes a reversal
9 of flow direction, change in ownership, change in
10 flow volume, addition or removal of an interconnec-
11 tion, or an adjustment to maintain flow (such as a
12 reduction or increase in the number of pump or
13 compressor 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).

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