

113TH CONGRESS  
1ST SESSION

# H. R. 3301

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2013

Mr. UPTON (for himself, Mr. GENE GREEN of Texas, Mr. BARTON, Mr. COLLINS of New York, Mr. COSTA, Mr. CRAMER, Mr. CUELLAR, Mr. GALLEGO, Mr. HINOJOSA, Mr. MATHESON, Mrs. McMORRIS RODGERS, Mr. PETERSON, Mr. POMPEO, Mr. TERRY, Mr. VELA, and Mr. WHITFIELD) 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

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## A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “North American En-  
3 ergy Infrastructure Act”.

4 **SEC. 2. FINDING.**

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

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

16 (a) AUTHORIZATION.—Except as provided in sub-  
17 sections (d) and (e), no person may construct, connect,  
18 operate, or maintain an oil or natural gas pipeline or elec-  
19 tric transmission facility at the national boundary of the  
20 United States for the import or export of oil, natural gas,  
21 or electricity to or from Canada or Mexico without obtain-  
22 ing approval of the construction, connection, operation, or  
23 maintenance under this section.

24 (b) APPROVAL.—

25 (1) REQUIREMENT.—Not later than 120 days  
26 after receiving a request for approval of construc-

1       tion, connection, operation, or maintenance under  
2       this section, the relevant official identified under  
3       paragraph (2), in consultation with appropriate Fed-  
4       eral agencies, shall approve the request unless the  
5       relevant official finds that the construction, connec-  
6       tion, operation, or maintenance is not in the national  
7       security interests of the United States.

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

10               (A) the Secretary of Commerce with re-  
11       spect to oil pipelines;

12               (B) the Federal Energy Regulatory Com-  
13       mission with respect to natural gas pipelines;  
14       and

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

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

23               (4) ADDITIONAL REQUIREMENT FOR ELECTRIC  
24       TRANSMISSION FACILITIES.—In the case of a request  
25       for approval of the construction, connection, oper-

1        ation, or maintenance of an electric transmission fa-  
2        cility, the Secretary of Energy shall require, as a  
3        condition of approval of the request under paragraph  
4        (1), that the electric transmission facility be con-  
5        structed, connected, operated, or maintained con-  
6        sistent with all applicable policies and standards  
7        of—

8                    (A) the Electric Reliability Organization  
9                    and the applicable regional entity; and

10                    (B) any Regional Transmission Organiza-  
11                    tion or Independent System Operator with  
12                    operational or functional control over the elec-  
13                    tric transmission facility.

14        (c) NO OTHER APPROVAL REQUIRED.—No Presi-  
15        dential permit (or similar permit) required under Execu-  
16        tive Order 13337 (3 U.S.C. 301 note), Executive Order  
17        11423 (3 U.S.C. 301 note), section 301 of title 3, United  
18        States Code, Executive Order 12038, Executive Order  
19        10485, or any other Executive Order shall be necessary  
20        for construction, connection, operation, or maintenance to  
21        which this section applies.

22        (d) EXCLUSIONS.—This section shall not apply to  
23        any construction, connection, operation, or maintenance of  
24        an oil or natural gas pipeline or electric transmission facil-  
25        ity at the national boundary of the United States for the

1 import or export of oil, natural gas, or electricity to or  
2 from Canada or Mexico—

3 (1) if the pipeline or facility is operating at  
4 such national boundary for such import or export as  
5 of the date of enactment of this Act;

6 (2) if a permit described in subsection (c) for  
7 such construction, connection, operation, or mainte-  
8 nance has been issued;

9 (3) if approval of such construction, connection,  
10 operation, or maintenance has previously been ob-  
11 tained under this section; or

12 (4) if an application for a permit described in  
13 subsection (c) for such construction, connection, op-  
14 eration, or maintenance is pending on the date of  
15 enactment of this Act, until the earlier of—

16 (A) the date on which such application is  
17 denied; or

18 (B) July 1, 2016.

19 (e) MODIFICATIONS TO EXISTING PROJECTS.—No  
20 approval under this section, or permit described in sub-  
21 section (c), shall be required for modifications to construc-  
22 tion, connection, operation, or maintenance described in  
23 paragraph (1), (2), or (3) of subsection (d), including re-  
24 versal of flow direction, change in ownership, volume ex-  
25 pansion, downstream or upstream interconnection, or ad-

1 justments to maintain flow (such as a reduction or in-  
2 crease in the number of pump or compressor stations).

3 (f) EFFECT OF OTHER LAWS.—Nothing in this sec-  
4 tion shall affect the application of any other Federal stat-  
5 ute to a project for which approval of construction, con-  
6 nection, operation, or maintenance is sought under this  
7 section.

8 (g) DEFINITIONS.—In this section—

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

12 (2) the term “oil” means petroleum or a petro-  
13 leum product;

14 (3) the terms “Electric Reliability Organiza-  
15 tion” and “regional entity” have the meanings given  
16 those terms in section 215 of the Federal Power Act  
17 (16 U.S.C. 824o); and

18 (4) the terms “Independent System Operator”  
19 and “Regional Transmission Organization” have the  
20 meanings given those terms in section 3 of the Fed-  
21 eral Power Act (16 U.S.C. 796).

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

24 Section 3(c) of the Natural Gas Act (15 U.S.C.  
25 717b(c)) is amended by adding at the end the following:

1 “No order is required under subsection (a) to authorize  
2 the export or import of any natural gas to or from Canada  
3 or Mexico.”.

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

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

9 (b) **CONFORMING AMENDMENTS.**—

10 (1) **STATE REGULATIONS.**—Section 202(f) of  
11 the Federal Power Act (16 U.S.C. 824a(f)) is  
12 amended by striking “insofar as such State regula-  
13 tion does not conflict with the exercise of the Com-  
14 mission’s powers under or relating to subsection  
15 202(e)”.

16 (2) **SEASONAL DIVERSITY ELECTRICITY EX-**  
17 **CHANGE.**—Section 602(b) of the Public Utility Reg-  
18 ulatory Policies Act of 1978 (16 U.S.C. 824a–4(b))  
19 is amended by striking “the Commission has con-  
20 ducted hearings and made the findings required  
21 under section 202(e) of the Federal Power Act” and  
22 all that follows through the period at the end and  
23 inserting “the Secretary has conducted hearings and  
24 finds that the proposed transmission facilities would  
25 not impair the sufficiency of electric supply within

1 the United States or would not impede or tend to  
2 impede the coordination in the public interest of fa-  
3 cilities subject to the jurisdiction of the Secretary.”.

4 **SEC. 6. EFFECTIVE DATE; RULEMAKING DEADLINES.**

5 (a) **EFFECTIVE DATE.**—Sections 3, 4, and 5, and the  
6 amendments made by such sections, shall take effect on  
7 July 1, 2015.

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

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

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

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