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

JUNE 12, 2017

Mr. MULLIN (for himself and Mr. GENE GREEN of Texas) 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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Promoting Cross-Bor-
SEC. 2. APPROVAL FOR BORDER-CROSSING FACILITIES.

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

(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.

(2) CERTIFICATE OF CROSSING.—

(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 bor-
der-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 re-
spect to border-crossing facilities consisting
of electric transmission facilities.

(C) Additional requirement for
electric transmission facilities.—In the
case of a request for a certificate of crossing for
a border-crossing facility consisting of an elec-
tric transmission facility, the Secretary of En-
ergy shall require, as a condition of issuing the
certificate of crossing under subparagraph (A),
that the border-crossing facility be constructed,
connected, operated, or maintained consistent
with all applicable policies and standards of—

(i) the Electric Reliability Organiza-
tion and the applicable regional entity; and
(ii) any Regional Transmission Organization or Independent System Operator with operational or functional control over the border-crossing facility.

(3) EXCLUSIONS.—This subsection shall not apply to any construction, connection, operation, or maintenance of a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity—

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

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

(C) if an application for a permit described in subsection (d) for the construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

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

(ii) two years after the date of enactment of this Act, if such a permit has not been issued by such date of enactment.
(4) EFFECT OF OTHER LAWS.—

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

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

(C) OIL PIPELINES.—Nothing in this subsection or subsection (e) shall affect the authority of the Federal Energy Regulatory Commission with respect to oil pipelines under section 60502 of title 49, United States Code.

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

(c) Transmission of Electric Energy to Canada and Mexico.—

(1) Repeal of requirement to secure order.—Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(2) Conforming amendments.—

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

(B) 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 sup-
ply within the United States or would not im-
pede or tend to impede the coordination in the
public interest of facilities subject to the juris-
diction of the Secretary.”.

(d) No Presidential Permit Required.—No
Presidential permit (or similar permit) required under Ex-
cutive Order No. 13337 (3 U.S.C. 301 note), Executive
Order No. 11423 (3 U.S.C. 301 note), section 301 of title
3, United States Code, Executive Order No. 12038, Exec-
utive Order No. 10485, or any other Executive order shall
be necessary for the construction, connection, operation,
or maintenance of an oil or natural gas pipeline or electric
transmission facility, or any border-crossing facility there-
of.

(e) Modifications to Existing Projects.—No
certificate of crossing under subsection (a), or permit de-
scribed in subsection (d), shall be required for a modifica-
tion to—

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

(2) an oil or natural gas pipeline or electric
transmission facility for which a permit described in
subsection (d) has been issued; or
(3) a border-crossing facility for which a certificate of crossing has previously been issued under subsection (a).

(f) Effective Date; Rulemaking Deadlines.—

(1) Effective Date.—Subsections (a) through (e), and the amendments made by such subsections, shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) Rulemaking Deadlines.—Each relevant official or agency described in subsection (a)(2)(B) shall—

(A) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (a); and

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

(g) Definitions.—In this section—

(1) the term “border-crossing facility” means the portion of an oil or natural gas pipeline or electric transmission facility that is located at an international boundary of the United States;
(2) the term “modification” includes a reversal of flow direction, change in ownership, change in flow volume, addition or removal of an interconnection, or an adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations);

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

(4) the term “oil” means petroleum or a petroleum product;

(5) 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

(6) 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).