

119TH CONGRESS
1ST SESSION

S. 1485

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 SENATE OF THE UNITED STATES

APRIL 10, 2025

Mr. HOEVEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 “North American En-
5 ergy Act”.

6 **SEC. 2. APPROVAL FOR BORDER-CROSSING FACILITIES.**

7 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE FEDERAL AGENCIES.—The
2 term “appropriate Federal agencies” means the Sec-
3 retary of Defense, the Attorney General, the Sec-
4 retary of the Interior, the Secretary of Commerce,
5 the Secretary of Transportation, the Secretary of
6 Energy, the Secretary of Homeland Security, the
7 Administrator of the Environmental Protection
8 Agency, and, for applications concerning the border
9 with Mexico, the United States Commissioner of the
10 International Boundary and Water Commission.

11 (2) BORDER-CROSSING FACILITY.—The term
12 “border-crossing facility” means—

13 (A) the portion of an oil pipeline between
14 an international boundary and the first main-
15 line valve on the United States side of an inter-
16 national boundary; and

17 (B) the portion of a natural gas pipeline or
18 electric transmission facility that is located at
19 an international boundary of the United States.

20 (3) ELECTRIC RELIABILITY ORGANIZATION; RE-
21 GIONAL ENTITY.—The terms “Electric Reliability
22 Organization” and “regional entity” have the mean-
23 ings given those terms in section 215 of the Federal
24 Power Act (16 U.S.C. 824o).

1 (4) INDEPENDENT SYSTEM OPERATOR; RE-
 2 REGIONAL TRANSMISSION ORGANIZATION.—The terms
 3 “Independent System Operator” and “Regional
 4 Transmission Organization” have the meanings
 5 given those terms in section 3 of the Federal Power
 6 Act (16 U.S.C. 796).

7 (5) MODIFICATION.—The term “modification”
 8 includes a reversal of flow direction, change in own-
 9 ership, change in flow volume, change in product de-
 10 livered, addition or removal of an interconnection, or
 11 an adjustment to regulate flow (such as a reduction
 12 or increase in the number of pump or compressor
 13 stations or valves).

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

17 (7) OIL.—The term “oil” means petroleum or
 18 a petroleum product.

19 (b) AUTHORIZATION OF CERTAIN ENERGY INFRA-
 20 STRUCTURE PROJECTS AT AN INTERNATIONAL BOUND-
 21 ARY OF THE UNITED STATES.—

22 (1) AUTHORIZATION.—Except as provided in
 23 paragraph (3) and subsection (f), no person may
 24 construct, connect, or operate, a border-crossing fa-
 25 cility for the import or export of oil or natural gas,

1 or the transmission of electricity, across an inter-
2 national border of the United States without obtain-
3 ing a certificate of crossing for the border-crossing
4 facility under this subsection.

5 (2) CERTIFICATE OF CROSSING.—

6 (A) REQUIREMENT.—Not later than 90
7 days after final action is taken, by the relevant
8 official or agency identified under subparagraph
9 (B), under the National Environmental Policy
10 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
11 spect to a border-crossing facility for which a
12 person requests a certificate of crossing under
13 this subsection, the relevant official or agency,
14 in consultation with appropriate Federal agen-
15 cies, shall issue a certificate of crossing for the
16 border-crossing facility unless the relevant offi-
17 cial or agency finds that the construction, con-
18 nection, or operation, of the border-crossing fa-
19 cility is not in the public interest of the United
20 States.

21 (B) RELEVANT OFFICIAL OR AGENCY.—

22 The relevant official or agency referred to in
23 subparagraph (A) is—

24 (i) the Federal Energy Regulatory
25 Commission with respect to border-cross-

1 ing facilities consisting of oil or natural
2 gas pipelines; and

3 (ii) the Secretary of Energy with re-
4 spect to border-crossing facilities consisting
5 of electric transmission facilities.

6 (C) ADDITIONAL REQUIREMENT FOR
7 ELECTRIC TRANSMISSION FACILITIES.—In the
8 case of a request for a certificate of crossing for
9 a border-crossing facility consisting of an elec-
10 tric transmission facility, the Secretary of En-
11 ergy shall require, as a condition of issuing the
12 certificate of crossing under subparagraph (A),
13 that the border-crossing facility be constructed,
14 connected, operated, or maintained consistent
15 with all applicable policies and standards of—

16 (i) the Electric Reliability Organiza-
17 tion and the applicable regional entity; and

18 (ii) any Regional Transmission Orga-
19 nization or Independent System Operator
20 with operational or functional control over
21 the border-crossing facility.

22 (3) EXCLUSIONS.—This subsection shall not
23 apply to any construction, connection, operation, or
24 maintenance of a border-crossing facility for the im-

1 port or export of oil or natural gas, or the trans-
2 mission of electricity—

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

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

9 (C) if an application for a permit described
10 in subsection (e) for the construction, connec-
11 tion, operation, or maintenance is pending on
12 the date of enactment of this Act, until the ear-
13 lier of—

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

16 (ii) 2 years after the date of enact-
17 ment of this Act, if such a permit has not
18 been issued by such date.

19 (4) EFFECT OF OTHER LAWS.—

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

1 (B) NATURAL GAS ACT.—Nothing in this
2 subsection or subsection (f) shall affect the re-
3 quirement to obtain approval or authorization
4 under sections 3 and 7 of the Natural Gas Act
5 (15 U.S.C. 717b, 717f) for the siting, construc-
6 tion, or operation of any facility to import or
7 export natural gas.

8 (C) OIL PIPELINES.—Nothing in this sub-
9 section or subsection (f) shall affect the author-
10 ity of the Federal Energy Regulatory Commis-
11 sion with respect to oil pipelines under section
12 60502 of title 49, United States Code.

13 (D) SCOPE OF NEPA REVIEW.—Nothing in
14 this Act, or the amendments made by this Act,
15 shall affect the scope of any review required to
16 be conducted under section 102 of the National
17 Environmental Policy Act of 1969 (42 U.S.C.
18 4332) with respect to a project for which a cer-
19 tificate of crossing for a border-crossing facility
20 is requested under this subsection.

21 (c) IMPORTATION OR EXPORTATION OF NATURAL
22 GAS TO CANADA AND MEXICO.—Section 3(c) of the Nat-
23 ural Gas Act (15 U.S.C. 717b(c)) is amended by adding
24 at the end the following: “In the case of an application
25 for the importation of natural gas from, or the exportation

1 of natural gas to, Canada or Mexico, the Commission shall
 2 grant the application not later than 30 days after the date
 3 on which the Commission receives the complete applica-
 4 tion.”.

5 (d) TRANSMISSION OF ELECTRIC ENERGY TO CAN-
 6 ADA AND MEXICO.—

7 (1) REPEAL OF REQUIREMENT TO SECURE
 8 ORDER.—Section 202(e) of the Federal Power Act
 9 (16 U.S.C. 824a(e)) is repealed.

10 (2) CONFORMING AMENDMENTS.—

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

17 (B) SEASONAL DIVERSITY ELECTRICITY
 18 EXCHANGE.—Section 602(b) of the Public Util-
 19 ity Regulatory Policies Act of 1978 (16 U.S.C.
 20 824a–4(b)) is amended by striking “the Com-
 21 mission has conducted hearings and made the
 22 findings required under section 202(e) of the
 23 Federal Power Act” and all that follows
 24 through the period at the end and inserting
 25 “the Secretary has conducted hearings and

1 finds that the proposed transmission facilities
2 would not impair the sufficiency of electric sup-
3 ply within the United States or would not im-
4 pede or tend to impede the coordination in the
5 public interest of facilities subject to the juris-
6 diction of the Secretary.”.

7 (e) NO PRESIDENTIAL PERMIT REQUIRED.—No
8 Presidential permit (or similar permit) shall be required
9 pursuant to any provision of law or Executive order for
10 the construction, connection, operation, or maintenance of
11 an oil or natural gas pipeline or electric transmission facil-
12 ity, or any border-crossing facility thereof.

13 (f) MODIFICATIONS TO AND MAINTENANCE OF EX-
14 ISTING PROJECTS.—No certificate of crossing under sub-
15 section (b), or permit described in subsection (e), shall be
16 required for a modification to or maintenance of—

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

21 (2) an oil or natural gas pipeline or electric
22 transmission facility for which a permit described in
23 subsection (e) has been issued; or

1 (3) a border-crossing facility for which a certifi-
 2 cate of crossing has previously been issued under
 3 subsection (b).

4 (g) EFFECTIVE DATES; RULEMAKING DEADLINES.—

5 (1) EFFECTIVE DATE.—Subsections (b)
 6 through (f) and the amendments made by such sub-
 7 sections shall take effect on the date that is 1 year
 8 after the date of enactment of this Act.

9 (2) RULEMAKING DEADLINES.—Each relevant
 10 official or agency described in subsection (b)(2)(B)
 11 shall—

12 (A) not later than 180 days after the date
 13 of enactment of this Act, publish in the Federal
 14 Register notice of a proposed rulemaking to
 15 carry out the applicable requirements of sub-
 16 section (b); and

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

21 (h) JUDICIAL REVIEW.—

22 (1) IN GENERAL.—Any entity aggrieved by a
 23 final agency action taken under this section may ob-
 24 tain a review of such action by filing a petition for
 25 review in the United States Court of Appeals for any

1 circuit wherein an applicant for authorization under
2 this section is located or has its principal place of
3 business, or in the United States Court of Appeals
4 for the District of Columbia.

5 (2) DEADLINE.—A petition for review under
6 paragraph (1) must be filed not later than 60 days
7 after a final agency action is taken under this sec-
8 tion.

