

JUNE 18, 2014

RULES COMMITTEE PRINT 113-49
TEXT OF H.R. 3301, NORTH AMERICAN ENERGY
INFRASTRUCTURE ACT

**[Showing the text of the bill as ordered reported by the
Committee on Energy and Commerce.]**

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 and natural gas
10 and the transmission of electricity to and from Canada
11 and Mexico, in pursuit of a more secure and efficient
12 North American energy market.

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 section (c) and section 7, no person may construct, con-
18 nect, operate, or maintain a cross-border segment of an

1 oil pipeline or electric transmission facility for the import
2 or export of oil or the transmission of electricity to or from
3 Canada or Mexico without obtaining a certificate of cross-
4 ing for the construction, connection, operation, or mainte-
5 nance of the cross-border segment under this section.

6 (b) CERTIFICATE OF CROSSING.—

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

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

21 (A) the Secretary of State with respect to
22 oil pipelines; and

23 (B) the Secretary of Energy with respect
24 to electric transmission facilities.

1 (3) ADDITIONAL REQUIREMENT FOR ELECTRIC
2 TRANSMISSION FACILITIES.—In the case of a request
3 for a certificate of crossing for the construction, con-
4 nection, operation, or maintenance of a cross-border
5 segment of an electric transmission facility, the Sec-
6 retary of Energy shall require, as a condition of
7 issuing the certificate of crossing for the request
8 under paragraph (1), that the cross-border segment
9 of the electric transmission facility be constructed,
10 connected, operated, or maintained consistent with
11 all applicable policies and standards of—

12 (A) the Electric Reliability Organization
13 and the applicable regional entity; and

14 (B) any Regional Transmission Organiza-
15 tion or Independent System Operator with
16 operational or functional control over the cross-
17 border segment of the electric transmission fa-
18 cility.

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

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

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

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

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

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

16 (B) July 1, 2016.

17 (d) EFFECT OF OTHER LAWS.—

18 (1) APPLICATION TO PROJECTS.—Nothing in
19 this section or section 7 shall affect the application
20 of any other Federal statute to a project for which
21 a certificate of crossing for the construction, connec-
22 tion, operation, or maintenance of a cross-border
23 segment is sought under this section.

24 (2) NATURAL GAS ACT.—Nothing in this sec-
25 tion or section 7 shall affect the requirement to ob-

tain 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.

(3) ENERGY POLICY AND CONSERVATION ACT.—Nothing in this section or section 7 shall affect the authority of the President under section 103(a) of the Energy Policy and Conservation Act.

SEC. 4. 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: “No order is required under subsection (a) to authorize the export or import of any natural gas to or from Canada or Mexico.”.

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

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

(b) CONFORMING AMENDMENTS.—

(1) 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 Com-

1 mission's powers under or relating to subsection
2 202(e)".

3 (2) SEASONAL DIVERSITY ELECTRICITY EX-
4 CHANGE.—Section 602(b) of the Public Utility Reg-
5 ulatory Policies Act of 1978 (16 U.S.C. 824a–4(b))
6 is amended by striking “the Commission has con-
7 ducted hearings and made the findings required
8 under section 202(e) of the Federal Power Act” and
9 all that follows through the period at the end and
10 inserting “the Secretary has conducted hearings and
11 finds that the proposed transmission facilities would
12 not impair the sufficiency of electric supply within
13 the United States or would not impede or tend to
14 impede the coordination in the public interest of fa-
15 cilities subject to the jurisdiction of the Secretary.”.

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

17 No Presidential permit (or similar permit) required
18 under Executive Order 13337 (3 U.S.C. 301 note), Execu-
19 tive Order 11423 (3 U.S.C. 301 note), section 301 of title
20 3, United States Code, Executive Order 12038, Executive
21 Order 10485, or any other Executive Order shall be nec-
22 essary for the construction, connection, operation, or
23 maintenance of an oil or natural gas pipeline or electric
24 transmission facility, or any cross-border segment thereof.

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

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

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

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

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

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

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

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

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

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

5 **SEC. 9. DEFINITIONS.**

6 In this Act—

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

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

18 (3) the term “natural gas” has the meaning
19 given that term in section 2 of the Natural Gas Act
20 (15 U.S.C. 717a);

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

23 (5) the terms “Electric Reliability Organiza-
24 tion” and “regional entity” have the meanings given

1 those terms in section 215 of the Federal Power Act
2 (16 U.S.C. 824o); and
3 (6) the terms “Independent System Operator”
4 and “Regional Transmission Organization” have the
5 meanings given those terms in section 3 of the Fed-
6 eral Power Act (16 U.S.C. 796).

