

AMENDMENT TO H.R. 3301
OFFERED BY MR. UPTON OF MICHIGAN AND MR.
GENE GREEN OF TEXAS

Page 2, beginning on line 13, amend section 3 to read as follows:

1 **SEC. 3. AUTHORIZATION OF CERTAIN ENERGY INFRA-**
2 **STRUCTURE PROJECTS AT THE NATIONAL**
3 **BOUNDARY OF THE UNITED STATES.**

4 (a) AUTHORIZATION.—Except as provided in sub-
5 section (e) and section 7, no person may construct, con-
6 nect, operate, or maintain a cross-border segment of an
7 oil pipeline or electric transmission facility for the import
8 or export of oil or electricity to or from Canada or Mexico
9 without obtaining a certificate of crossing for the construc-
10 tion, connection, operation, or maintenance of the cross-
11 border segment under this section.

12 (b) CERTIFICATE OF CROSSING.—

13 (1) REQUIREMENT.—Not later than 120 days
14 after final action is taken under the National Envi-
15 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.) with respect to a cross-border segment for
17 which a request is received under this section, the
18 relevant official identified under paragraph (2), in

1 consultation with appropriate Federal agencies, shall
2 issue a certificate of crossing for the cross border
3 segment unless the relevant official finds that the
4 construction, connection, operation, or maintenance
5 of the cross-border segment is not in the public in-
6 terest of the United States.

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

9 (A) the Secretary of State with respect to
10 oil pipelines; and

11 (B) the Secretary of Energy with respect
12 to electric transmission facilities.

13 (3) ADDITIONAL REQUIREMENT FOR ELECTRIC
14 TRANSMISSION FACILITIES.—In the case of a request
15 for a certificate of crossing for the construction, con-
16 nection, operation, or maintenance a cross-border
17 segment of an electric transmission facility, the Sec-
18 retary of Energy shall require, as a condition of
19 issuing the certificate of crossing for the request
20 under paragraph (1), that the cross-border segment
21 of the electric transmission facility be constructed,
22 connected, operated, or maintained consistent with
23 all applicable policies and standards of—

24 (A) the Electric Reliability Organization
25 and the applicable regional entity; and

1 (B) any Regional Transmission Organiza-
2 tion or Independent System Operator with
3 operational or functional control over the cross-
4 border segment of the electric transmission fa-
5 cility.

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

11 (1) if the cross-border segment is operating for
12 such import or export as of the date of enactment
13 of this Act;

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

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

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

24 (A) the date on which such application is
25 denied; or

1 (B) July 1, 2016.

2 (d) EFFECT OF OTHER LAWS.—

3 (1) APPLICATION TO PROJECTS.—Nothing in
4 this section or section 7 shall affect the application
5 of any other Federal statute to a project for which
6 a certificate of crossing for construction, connection,
7 operation, or maintenance of a cross-border segment
8 is sought under this section.

9 (2) NATURAL GAS ACT.—Nothing in this sec-
10 tion or section 7 shall affect the requirement to ob-
11 tain approval or authorization under sections 3 and
12 7 of the Natural Gas Act for the siting, construc-
13 tion, or operation of any facility to import or export
14 natural gas.

15 (3) ENERGY POLICY AND CONSERVATION
16 ACT.—Nothing in this section or section 7 shall af-
17 fect the authority of the President under section
18 103(a) of the Energy Policy and Conservation Act.

Page 8, after line 3, insert the following new sec-
tions:

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

20 No Presidential permit (or similar permit) required
21 under Executive Order 13337 (3 U.S.C. 301 note), Execu-
22 tive Order 11423 (3 U.S.C. 301 note), section 301 of title
23 3, United States Code, Executive Order 12038, Executive

1 Order 10485, or any other Executive Order shall be nec-
2 essary for construction, connection, operation, or mainte-
3 nance of an oil or natural gas pipeline or electric trans-
4 mission facility, or any cross-border segment thereof.

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

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

11 (1) that is operating for the import or export
12 of oil, natural gas, or electricity to or from Canada
13 or Mexico as of the date of enactment of the Act;

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

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

Page 8, line 5, strike “Sections 3, 4, and 5” and in-
sert “Sections 3 through 7”.

Page 8, after line 17, insert the following new sec-
tion:

1 **SEC. 9. DEFINITIONS.**

2 In this Act—

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

8 (2) the term “modification” includes a reversal
9 of flow direction, change in ownership, volume ex-
10 pansion, downstream or upstream interconnection,
11 or adjustment to maintain flow (such as a reduction
12 or increase in the number of pump or compressor
13 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).

