

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**S. 1**

To approve the Keystone XL Pipeline.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 At the end, add the following:

2 **TITLE II—NORTH AMERICAN**  
3 **ENERGY INFRASTRUCTURE**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “North American En-  
6 ergy Infrastructure Act”.

7 **SEC. 202. FINDING.**

8 Congress finds that the United States should estab-  
9 lish a more uniform, transparent, and modern process for  
10 the construction, connection, operation, and maintenance

1 of oil and natural gas pipelines and electric transmission  
2 facilities for the import and export of oil and natural gas  
3 and the transmission of electricity to and from Canada  
4 and Mexico, in pursuit of a more secure and efficient  
5 North American energy market.

6 **SEC. 203. AUTHORIZATION OF CERTAIN ENERGY INFRA-**  
7 **STRUCTURE PROJECTS AT THE NATIONAL**  
8 **BOUNDARY OF THE UNITED STATES.**

9 (a) **AUTHORIZATION.**—Except as provided in sub-  
10 section (c) and section 207, no person may construct, con-  
11 nect, operate, or maintain a cross-border segment of an  
12 oil pipeline or electric transmission facility for the import  
13 or export of oil or the transmission of electricity to or from  
14 Canada or Mexico without obtaining a certificate of cross-  
15 ing for the construction, connection, operation, or mainte-  
16 nance of the cross-border segment under this section.

17 (b) **CERTIFICATE OF CROSSING.**—

18 (1) **REQUIREMENT.**—Not later than 120 days  
19 after final action is taken under the National Envi-  
20 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
21 seq.) with respect to a cross-border segment for  
22 which a request is received under this section, the  
23 Secretary of Energy, in consultation with appro-  
24 priate Federal agencies, shall issue a certificate of  
25 crossing for the cross-border segment unless the rel-

1        evant official finds that the construction, connection,  
2        operation, or maintenance of the cross-border seg-  
3        ment is not in the national security interest of the  
4        United States.

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

16            (A) the Electric Reliability Organization  
17            and the applicable regional entity; and

18            (B) any Regional Transmission Organiza-  
19            tion or Independent System Operator with  
20            operational or functional control over the cross-  
21            border segment of the electric transmission fa-  
22            cility.

23        (c) EXCLUSIONS.—This section shall not apply to any  
24        construction, connection, operation, or maintenance of a  
25        cross-border segment of an oil pipeline or electric trans-

1 mission facility for the import or export of oil or the trans-  
2 mission of electricity to or from Canada or Mexico—

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

6 (2) if a permit described in section 206 for such  
7 construction, connection, operation, or maintenance  
8 has been issued;

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

12 (4) if an application for a permit described in  
13 section 206 for such construction, connection, oper-  
14 ation, or maintenance is pending on the date of en-  
15 actment 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 (d) EFFECT OF OTHER LAWS.—

20 (1) APPLICATION TO PROJECTS.—Nothing in  
21 this section or section 207 shall affect the applica-  
22 tion of any other Federal statute to a project for  
23 which a certificate of crossing for the construction,  
24 connection, operation, or maintenance of a cross-bor-  
25 der segment is sought under this section.

1           (2) NATURAL GAS ACT.—Nothing in this sec-  
2           tion or section 207 shall affect the requirement to  
3           obtain approval or authorization under sections 3  
4           and 7 of the Natural Gas Act for the siting, con-  
5           struction, or operation of any facility to import or  
6           export natural gas.

7   **SEC. 204. IMPORTATION OR EXPORTATION OF NATURAL**  
8                                   **GAS TO CANADA AND MEXICO.**

9           Section 3(c) of the Natural Gas Act (15 U.S.C.  
10          717b(c)) is amended by adding at the end the following:  
11          “No order is required under subsection (a) to authorize  
12          the export or import of any natural gas to or from Canada  
13          or Mexico.”.

14   **SEC. 205. TRANSMISSION OF ELECTRIC ENERGY TO CAN-**  
15                                   **ADA AND MEXICO.**

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

19          (b) CONFORMING AMENDMENTS.—

20                 (1) STATE REGULATIONS.—Section 202(f) of  
21          the Federal Power Act (16 U.S.C. 824a(f)) is  
22          amended by striking “insofar as such State regula-  
23          tion does not conflict with the exercise of the Com-  
24          mission’s powers under or relating to subsection  
25          202(e)”.

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

14   **SEC. 206. NO PRESIDENTIAL PERMIT REQUIRED.**

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

1 **SEC. 207. MODIFICATIONS TO EXISTING PROJECTS.**

2 No certificate of crossing under section 203, or per-  
3 mit described in section 206, shall be required for a modi-  
4 fication to the construction, connection, operation, or  
5 maintenance of an oil or natural gas pipeline or electric  
6 transmission 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 this Act;

11 (2) for which a permit described in section 206  
12 for such construction, connection, operation, or  
13 maintenance 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 203.

17 **SEC. 208. EFFECTIVE DATE; RULEMAKING DEADLINES.**

18 (a) **EFFECTIVE DATE.**—Sections 203 through 207,  
19 and the amendments made by such sections, shall take ef-  
20 fect on January 1, 2016.

21 (b) **RULEMAKING DEADLINES.**—Each relevant offi-  
22 cial described in section 203(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 203; 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 203.

5 **SEC. 209. DEFINITIONS.**

6           In this title—

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).