

PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE
ACT

JULY 2, 2025.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GUTHRIE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3062]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3062) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Striking all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Promoting Cross-border Energy Infrastructure Act”.

SEC. 2. STRENGTHENING NORTH AMERICAN ENERGY SECURITY.

(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 border-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 respect 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 electric transmission facility, the Secretary of Energy 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 Organization 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 Presidential permit (or similar permit) for the construction, connection, operation, or maintenance has been issued pursuant to any provision of law or Executive order; or

(C) if an application for a Presidential permit (or similar permit) 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 supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.”.
- (d) NO PRESIDENTIAL PERMIT REQUIRED.—No Presidential permit (or similar permit) shall be required pursuant to any provision of law or Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof.
- (e) MODIFICATIONS TO EXISTING PROJECTS.—No certificate of crossing under subsection (a), or Presidential permit (or similar permit), shall be required for a modification 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 Presidential permit (or similar permit) has been issued pursuant to any provision of law or Executive order; or
 - (3) a border-crossing facility for which a certificate of crossing has previously been issued under subsection (a).
- (f) PROHIBITION ON REVOCATION OF PRESIDENTIAL PERMITS.—Notwithstanding any other provision of law, the President may not revoke a Presidential permit (or similar permit) issued pursuant to Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), Executive Order No. 12038 (42 U.S.C. 7151 note), Executive Order No. 10485 (15 U.S.C. 717b note), or any other Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof, unless such revocation is authorized by an Act of Congress.
- (g) 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).
- (h) DEFINITIONS.—In this section:
- (1) BORDER-CROSSING FACILITY.—The term “border-crossing facility” means the portion of an oil or natural gas pipeline or electric transmission facility that is located within 1,000 feet of the international boundary of the United States, measured from the point at which the facility crosses such boundary into the United States.
- (2) MODIFICATION.—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) NATURAL GAS.—The term “natural gas” has the meaning given that term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

(4) OIL.—The term “oil” means petroleum or a petroleum product.

(5) ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—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).

(6) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—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).

PURPOSE AND SUMMARY

H.R. 3062, the “Promoting Cross-border Energy Infrastructure Act,” was introduced by Rep. Fedorchak (R–ND) on April 29, 2025. H.R. 3062 would 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. The legislation would replace the existing Presidential Permit process that has been established through Executive Order with a statutorily directed process. Under the legislation, the Federal Energy Regulatory Commission (FERC) would be authorized to review applications for cross-border oil and natural gas pipelines, and DOE would be authorized to review applications for cross-border electric transmission facilities.

BACKGROUND AND NEED FOR LEGISLATION

Trade of oil, gas, and electricity among the United States, Canada, and Mexico has resulted in one large, integrated North American market. In 2024, the value of energy trade between the United States and its North American partners exceeded \$1 trillion.^{1 2} The expansion of cross-border energy transportation infrastructure—pipelines for oil and natural gas and transmission lines for electricity—is necessary to enable increased energy trade. A number of new projects are proposed to further expand cross-border capacity, but they face considerable Federal regulatory uncertainty.

Congress has not asserted its authority to establish procedures for permitting cross-border energy infrastructure. In the absence of a statutorily directed process, agencies have made decisions regarding cross-border energy infrastructure within the context of their interpretations of a series of Executive Orders dating back to the 1950’s. Under these Orders, the Secretary of State has the authority to issue Presidential permits for cross-border liquids pipelines, the FERC for cross-border natural gas pipelines, and the DOE for cross-border electric transmission facilities.

The U.S. currently has over 40 cross-border electric transmission lines between the U.S. and Canada and the U.S. and Mexico. These interconnections—the majority of which are located at the Canadian border—have improved reliability, fuel diversity, and efficiencies in system operations, particularly for the New England, New York, and Midwest regions. Over the last decade, the U.S. has

¹Office of the United States Trade Representative. *Mexico Trade Summary*. USTR, 2023. <https://ustr.gov/countries-regions/americas/mexico>.

²Office of the United States Trade Representative. *Canada Trade Summary*. USTR, 2023. <https://ustr.gov/countries-regions/americas/canada>.

experienced growing net electricity imports from both Canada and Mexico, although Canada is by far the greater trading partner. Future cross-border electricity trade will be a function of both the development of future generation capacity and the availability of cross-border transmission infrastructure to move electric power. Under current law, applications for new transmission projects will be required to obtain a Presidential Permit and an export authorization from the Secretary of Energy. There are currently 18 pending export authorization applications and five pending Presidential Permit applications before DOE.³

There are over 50 operating natural gas pipelines between the U.S. and Canada and the U.S. and Mexico. Over the last five years, natural gas pipeline capacity between the U.S. and Mexico has grown significantly. According to the Energy Information Administration (EIA), U.S. natural gas pipeline exports to Mexico averaged a record 6.8 billion cubic feet per day (bcf/d) in June 2023, surpassing the previous record set in June 2021.⁴

Under the current process to construct and operate a cross-border natural gas pipeline, any person seeking to construct and operate such facility must obtain two, separate authorizations from FERC for the facility and an authorization under section 3 of the Natural Gas Act (NGA) is necessary for siting, construction, or operation of facilities to import or export natural gas. In addition, pursuant to Executive Order 10485 (September 3, 1954) as amended by Executive Order 12038 (February 3, 1978), a Presidential Permit also must be obtained for the cross-border portion of the pipeline. Any person seeking to import or export natural gas must also obtain a separate authorization from DOE under section 3 of the NGA.⁵ For imports and exports to countries with which the U.S. has a Free Trade Agreement, such as Canada and Mexico, DOE is required to grant requests “without modification or delay.”

Executive Order 12038 provides that, before a Presidential Permit is issued, there must be a finding that the action is consistent with the public interest. The criteria used for determining if an application is consistent with the public interest is identical to the criteria for approving applications for the siting, construction, and operation of import and export facilities under section 3 of the NGA.

For “border facilities” subject to Presidential Permit and NGA section 3 review, discretion is given to FERC on a project-by-project basis to determine the exact scope of the project review, and therefore the exact parameters of the Presidential Permit and section 3 application. FERC looks for a physical feature on a project, such as a valve or meter on the interior side of the U.S. border, as an endpoint for what may be considered to lie within the Commission’s jurisdiction and, therefore, subject to its review procedures. From the physical feature, the border crossing facilities would be construed to extend to either the U.S./Canada or the U.S./Mexico border.

Crude oil trade between the U.S. and its North American trading partners is significant. Under the current process, any person seek-

³ DOE, Grid Deployment Office, “Pending Application.”

⁴ Energy Information Administration. *U.S. Natural Gas Pipeline Exports to Mexico Averaged a Record High in 2023*. EIA, 6 June 2024. <https://www.eia.gov/todayinenergy/detail.php?id=60120>.

⁵ 15 United States Code § 717b.

ing to construct and operate an international cross-border oil pipeline must obtain a Presidential Permit pursuant to Executive Order 13337 from the Department of State. Under Executive Order 13337, the Secretary of State is to approve cross-border oil pipelines that have been determined to “serve the national interest.” Although the Department of State will not necessarily evaluate the same factors for each application for a Presidential Permit, its evaluation considers such things as the environmental impacts of the proposed project (associated closely with the compliance with the National Environmental Policy Act (NEPA)), the stability of trading partners from whom the U.S. obtains crude oil, the security of transport pathways for crude oil supplies to the U.S., and the economic benefits to the U.S.

The Committee finds that cross-border permitting authority should be explicitly granted by statute, as opposed to the current framework created entirely by the Executive Branch. The Committee is concerned by the inconsistent, ad hoc manner in which Presidential Permit authority has been exercised among the agencies to which it has been delegated by Executive Order. This issue came into particular focus in the context of the State Department’s review of the Keystone XL pipeline proposal, which originally applied for a Presidential Permit in 2008 and did not receive approval until 2017, and subsequently had its Presidential Permit revoked by President Biden in January 2021. The Committee also finds that removing the Presidential Permit authority from the executive branch will grant increased regulatory certainty to cross-border facilities that have already been issued a Presidential Permit.

The Committee finds that the statutorily directed process for cross-border permitting embodied in H.R. 3062 would lead to more objective and timely decisions, which in turn would create jobs, strengthen our nation’s energy security, and support affordable and reliable energy for Americans.

H.R. 3062 would replace the Presidential Permit requirement with a more transparent, efficient, and effective review process. The legislation would require those seeking to construct, connect, operate, or maintain a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity, to obtain a Certificate of Crossing. The term “border-crossing facility” and thus what may be considered jurisdictional for the purposes of the Certificate of Crossing review, means the portion of the pipeline or transmission facility that is located within 1,000 feet of an international boundary. This description is consistent with FERC’s established procedures for review of Presidential Permit and NGA section 3 applications. Under the legislation, the relevant official would issue the certificate of crossing unless it is found that the construction, connection, operation, or maintenance of border facilities comprising the cross-border segment is not in the public interest of the United States. Consistent with FERC’s existing procedures for review of cross-border gas pipelines, the cross-border segment of the border crossing facility would be identified as the segment spanning from the international boundary to a physical feature within 1,000 feet, such as a valve or meter. This legislation would have no effect on the requirement to obtain approval or authorization under sections 3 and 7 of the NGA or the authorities of FERC with respect to the siting of oil pipelines upstream or

downstream of a border crossing facility. The legislation would also have no effect on any other Federal statute that would apply to a project for which a Certificate of Crossing is required, including any requirements of NEPA.

COMMITTEE ACTION

On April 30, 2025, the Subcommittee on Energy held a legislative hearing on 14 pieces of legislation, including H.R. 3062. The Subcommittee received testimony from:

- Mike Goff, Acting Undersecretary of Energy, U.S. Department of Energy;
- David L. Morenoff, Acting General Counsel, Federal Energy Regulatory Commission;
- Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission;
- Jim Matheson, Chief Executive Officer, National Rural Electric Cooperative Association;
- Amy Andryszak, President and Chief Executive Officer, Interstate Natural Gas Association of America;
- Todd A. Snitchler, President and Chief Executive Officer, Electric Power Supply Association and;
- Kim Smaczniak, Partner, Roselle LLP.

On June 5, 2025, the Subcommittee on Energy met in open markup session and forwarded H.R. 3062, as amended, to the full Committee by a record vote of 16 yeas and 13 nays.

On June 25, 2025, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3062, without amendment, favorably reported to the House by a record vote of 28 yeas and 23 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during both the Subcommittee and Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON ENERGY
119TH CONGRESS
ROLL CALL VOTE # 11**

BILL: H.R. 3062, Promoting Cross-border Energy Infrastructure Act

AMENDMENT: Approved Favorably to the Full Committee (Final Passage)

DISPOSITION: Agreed to as amended, by a roll call vote of 16 yeas to 13 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Latta	X			Ms. Castor		X	
Mr. Weber	X			Mr. Peters		X	
Mr. Palmer	X			Mr. Menendez		X	
Mr. Allen	X			Mr. Mullin		X	
Mr. Balderson	X			Ms. McClellan		X	
Mr. Pfluger	X			Ms. DeGette		X	
Mrs. Harshbarger	X			Ms. Matsui		X	
Mrs. Miller-Meeks				Mr. Tonko		X	
Mr. James	X			Mr. Veasey		X	
Mr. Bentz	X			Ms. Schrier		X	
Mr. Fry	X			Ms. Fletcher		X	
Ms. Lee				Ms. Ocasio-Cortez		X	
Mr. Langworthy	X			Mr. Auchincloss			
Mr. Rulli	X			Mr. Pallone		X	
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						
Mr. Guthrie	X						

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 17

BILL: Committee Print of H.R. 3062, Promoting Cross-border Energy Infrastructure Act

AMENDMENT: Final Passage

DISPOSITION: Agreed to, by a roll call vote of 28 yeas and 23 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis				Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez			
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee				Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

06/25/2025

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY,
AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3062 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to establish coordinated procedures 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.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3062 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearings were used to develop or consider H.R. 3062:

On February 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3062. The title of the hearing was “Powering America’s Future: Unleashing American Energy.” The Subcommittee received testimony from:

- Amanda Eversole, Executive Vice President and Chief Advocacy Officer, American Petroleum Institute;
- Brigham McCown, Senior Fellow and Director, Initiative on American Energy Security, The Hudson Institute;
- Gary Arnold, Business Manager, Denver Pipefitters Local 208 and;
- Tyler O’Connor, Partner, Crowell & Moring LLP.

On March 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3062. The title of the hearing was “Scaling for Growth: Meeting the Demand for Reliable, Affordable Electricity.” The Subcommittee received testimony from:

- Todd Brickhouse, CEO and General Manager, Basin Electric Power Cooperative;
- Asim Haque, Senior Vice President for Governmental and Member Services, PJM;
- Noel W. Black, Senior VP of Regulatory Affairs, Southern Company and;
- Tyler H. Norris, James B. Duke Fellow, Duke University.

On March 25, 2025, the Subcommittee on Energy held a hearing on H.R. 3062. The title of the hearing was “Keeping the Lights On: Examining the State of Regional Grid Reliability.” The Subcommittee received testimony from:

- Gordon van Welie, President and Chief Executive Officer, ISO New England;
- Richard J. Dewey, President and Chief Executive Officer, New York Independent System Operator;
- Manu Asthana, President and Chief Executive Officer, PJM Interconnection LLC;
- Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent ISO;
- Lanny Nickell, Chief Operating Officer, Southwest Power Pool;
- Elliot Mainzer, President and Chief Executive Officer, California Independent System Operator and;
- Pablo Vegas President and Chief Executive Officer, Electric Reliability Council of Texas, Inc.

On April 9, 2025, the Committee on Energy and Commerce held a full Committee hearing on H.R. 3062. The title of the hearing was “The Energy Needs for Advancing American Technological Leadership.” The Committee received testimony from:

- Eric Schmidt, Chair, Special Competitive Studies Project;
- Manish Bhatia, Executive Vice President of Global Operations, Micron Technology;
- Alexander Wang, Founder and Chief Executive Officer, Scale AI, and;
- David Turk, Distinguished Visiting Fellow, Center on Global Energy Policy, Columbia University.

On April 30, 2025, the Subcommittee on Energy held a legislative hearing on H.R. 3062. The title of the hearing was “Assuring Abundant, Reliable American Energy to Power Innovation.” The Subcommittee received testimony from:

- Mike Goff, Acting Undersecretary of Energy, U.S. Department of Energy;
- David L. Morenoff, Acting General Counsel, Federal Energy Regulatory Commission;
- Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission;
- Jim Matheson, Chief Executive Officer, National Rural Electric Cooperative Association;
- Amy Andryszak, President and Chief Executive Officer, Interstate Natural Gas Association of America;

- Todd A. Snitchler, President and Chief Executive Officer, Electric Power Supply Association and;
- Kim Smaczniak, Partner, Roselle LLP.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3062 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of “Promoting Cross-Border Energy Infrastructure Act.”

Section 2. Approval for border-crossing facilities

Section 2(a)(1) provides that 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.

Section 2(a)(2) instructs relevant officials or agencies, in consultation with appropriate Federal agencies, to issue a certificate of crossing for a border-crossing facility within 120 days after final action is taken, unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States. The relevant official or agency with respect to border-crossing facilities consisting of oil or natural gas pipelines is the Federal Energy Regulatory Commission. The relevant official or agency with respect to electric transmission facilities is the Secretary of Energy. This section also provides additional requirements for electric transmission facilities.

Section 2(a)(3) instructs that subsection (a) shall not apply to border-crossing facilities that are in operation on the date of enactment of this Act if a permit as described in subsection (d) has been

issued, or if a permit as described in subsection (d) is pending and meets certain requirements.

Section 2(a)(4) specifies that nothing in subsection (a) 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; the requirement to obtain approval or authorization under sections 3 and 7 of the NGA or the authority of the FERC with respect to oil pipelines under section 60502 of title 49, United States Code.

Section 2(b) amends section 3(c) of the NGA directing FERC to grant an application for the importation of natural gas from, or exportation of natural gas to, Canada and Mexico not later than 30 days after the date on which the Commission receives the complete application.

Section 2(c) repeals section 202(e) of the Federal Power Act, eliminating the requirement to secure an order from FERC to transmit electric energy from the United States to a foreign country. This section also contains conforming amendments related to State regulations and seasonal diversity electricity exchange.

Section 2(d) specifies that no Presidential Permit 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.

Section 2(e) directs that no certificate of crossing under subsection (a) or permit described in subsection (d) shall be required for a modification to an oil or natural gas pipeline or electric transmission facility that is operating for the import or export of energy as of the date of enactment of this Act. Additionally, a certificate of crossing or a permit shall not be required for a modification to an oil or natural gas pipeline or electric transmission facility for which a permit described in subsection (d) has been issued, or for which a certificate of crossing has previously been issued under subsection (a).

Section 2(f) specifies that the President may not revoke a Presidential permit issued pursuant to a relevant Executive Order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility unless such revocation is authorized by Congress.

Section 2(g) specifies that subsections (a) through (c) shall take effect on the date that is one year after the date of enactment of this Act. Each relevant official or agency shall publish in the Federal Register a notice of a proposed rulemaking to carry out the requirements of subsection (a) within 180 days after the date of enactment of this Act. Not later than one year after the date of enactment, the relevant officials or agencies shall publish a final rule in the Federal Register.

Section 2(h) provides definitions for terms used throughout this section.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

NATURAL GAS ACT

* * * * *

EXPORTATION OR IMPORTATION OF NATURAL GAS; LNG TERMINALS

SEC. 3. (a) After six months from the date on which this act takes effect no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest. The Commission may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.

(b) With respect to natural gas which is imported into the United States from a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, and with respect to liquefied natural gas—

(1) the importation of such natural gas shall be treated as a “first sale” within the meaning of section 2(21) of the Natural Gas Policy Act of 1978; and

(2) the Commission shall not, on the basis of national origin, treat any such imported natural gas on an unjust, unreasonable, unduly discriminatory, or preferential basis.

(c) For purposes of subsection (a), the importation of the natural gas referred to in subsection (b), or the exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be deemed to be consistent with the public interest, and applications for such importation or exportation shall be granted without modification or delay. *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.*

(d) Except as specifically provided in this Act, nothing in this Act affects the rights of States under—

(1) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(2) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(e)(1) The Commission shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of an LNG terminal. Except as specifically provided in this Act, nothing in this Act is intended to affect otherwise applicable law related to any Federal agency’s authorities or responsibilities related to LNG terminals.

(2) Upon the filing of any application to site, construct, expand, or operate an LNG terminal, the Commission shall—

(A) set the matter for hearing;

(B) give reasonable notice of the hearing to all interested persons, including the State commission of the State in which the LNG terminal is located and, if not the same, the Governor-appointed State agency described in section 3A;

(C) decide the matter in accordance with this subsection; and

(D) issue or deny the appropriate order accordingly.

(3)(A) Except as provided in subparagraph (B), the Commission may approve an application described in paragraph (2), in whole or part, with such modifications and upon such terms and conditions as the Commission find necessary or appropriate.

(B) Before January 1, 2015, the Commission shall not—

(i) deny an application solely on the basis that the applicant proposes to use the LNG terminal exclusively or partially for gas that the applicant or an affiliate of the applicant will supply to the facility; or

(ii) condition an order on—

(I) a requirement that the LNG terminal offer service to customers other than the applicant, or any affiliate of the applicant, securing the order;

(II) any regulation of the rates, charges, terms, or conditions of service of the LNG terminal; or

(III) a requirement to file with the Commission schedules or contracts related to the rates, charges, terms, or conditions of service of the LNG terminal.

(C) Subparagraph (B) shall cease to have effect on January 1, 2030.

(4) An order issued for an LNG terminal that also offers service to customers on an open access basis shall not result in subsidization of expansion capacity by existing customers, degradation of service to existing customers, or undue discrimination against existing customers as to their terms or conditions of service at the facility, as all of those terms are defined by the Commission.

(f)(1) In this subsection, the term “military installation”—

(A) means a base, camp, post, range, station, yard, center, or homeport facility for any ship or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is located within a State, the District of Columbia, or any territory of the United States; and

(B) does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects, as determined by the Secretary of Defense.

(2) The Commission shall enter into a memorandum of understanding with the Secretary of Defense for the purpose of ensuring that the Commission coordinate and consult with the Secretary of Defense on the siting, construction, expansion, or operation of liquefied natural gas facilities that may affect an active military installation.

(3) The Commission shall obtain the concurrence of the Secretary of Defense before authorizing the siting, construction, expansion, or

operation of liquefied natural gas facilities affecting the training or activities of an active military installation.

* * * * *

FEDERAL POWER ACT

* * * * *

PART II—REGULATION OF ELECTRIC UTILITY COMPANIES ENGAGED IN INTERSTATE COMMERCE

* * * * *

INTERCONNECTION AND COORDINATION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRIES

SEC. 202. (a) For the purpose of assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources, the Commission is empowered and directed to divide the country into regional districts for the voluntary interconnection and coordination of facilities for the generation, transmission, and sale of electric energy, and it may at any time thereafter, upon its own motion or upon application, make such modifications thereof as in its judgment will promote the public interest. Each such district shall embrace an area which, in the judgment of the Commission, can economically be served by such interconnected and coordinated electric facilities. It shall be the duty of the Commission to promote and encourage such interconnection and coordination within each such district and between such districts. Before establishing any such district and fixing or modifying the boundaries thereof the Commission shall give notice to the State commission of each State situated wholly or in part within such district, and shall afford each such State commission reasonable opportunity to present its views and recommendations, and shall receive and consider such views and recommendations.

(b) Whenever the Commission, upon application of any State commission or of any person engaged in the transmission or sale of electric energy, and after notice to each State commission and public utility affected and after opportunity for hearing, finds such action necessary or appropriate in the public interest it may by order direct a public utility (if the Commission finds that no undue burden will be placed upon such public utility thereby) to establish physical connection of its transmission facilities with the facilities of one or more other persons engaged in the transmission or sale of electric energy, to sell energy to or exchange energy with such persons: *Provided*, That the Commission shall have no authority to compel the enlargement of generating facilities for such purposes, nor to compel such public utility to sell or exchange energy when to do so would impair its ability to render adequate service to its customers. The Commission may prescribe the terms and conditions of the arrangement to be made between the persons affected by any such order, including the apportionment of cost between them and the compensation or reimbursement reasonably due to any of them.

(c)(1) During the continuance of any war in which the United States is engaged, or whenever the Commission determines that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, the Commission shall have authority, either upon its own motion or upon complaint, with or without notice, hearing, or report, to require by order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest. If the parties affected by such order fail to agree upon the terms of any arrangement between them in carrying out such order, the Commission, after hearing held either before or after such order takes effect, may prescribe by supplemental order such terms as it finds to be just and reasonable, including the compensation or reimbursement which should be paid to or by any such party.

(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

(4)(A) An order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.

(5) If an order issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant to section 313 or any other provision of law, any omission or action previously taken by a party that was necessary to comply with the order while the order was in effect, including any omission or action taken to voluntarily comply with the order, shall remain subject to paragraph (3).

(d) During the continuance of any emergency requiring immediate action, any person or municipality engaged in the transmission or sale of electric energy and not otherwise subject to the jurisdiction of the Commission may make such temporary connections with any public utility subject to the jurisdiction of the Commission or may construct such temporary facilities for the transmission of electric energy in interstate commerce as may be necessary or appropriate to meet such emergency, and shall not become subject to the jurisdiction of the Commission by reason of such temporary connection or temporary construction: *Provided*, That such temporary connection shall be discontinued or such temporary construction removed or otherwise disposed of upon the termination of such emergency: *Provided further*, That upon approval of the Commission permanent connections for emergency use only may be made hereunder.

[(e) After six months from the date on which this Part takes effect, no person shall transmit any electric energy from the United States to a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission. The Commission may by its order grant such application in whole or in part, with such modifications and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing and for good cause shown, make such supplemental orders in the premises as it may find necessary or appropriate.]

(f) The ownership or operation of facilities for the transmission or sale at wholesale of electric energy which is (a) generated within a State and transmitted from that State across an international boundary and not thereafter transmitted into any other State, or (b) generated in a foreign country and transmitted across an international boundary into a State and not thereafter transmitted into any other State, shall not make a person a public utility subject to regulation as such under other provisions of this part. The State within which any such facilities are located may regulate any such transaction [insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)].

(g) In order to insure continuity of service to customers of public utilities, the Commission shall require by rule, each public utility to—

(1) report promptly to the Commission and any appropriate State regulatory authorities any anticipated shortage of elec-

tric energy or capacity which would affect such utility's capability of serving its wholesale customers,

(2) submit to the Commission, and to any appropriate State regulatory authority, and periodically revise, contingency plans respecting—

(A) shortages of electric energy or capacity, and

(B) circumstances which may result in such shortages, and

(3) accommodate any such shortages or circumstances in a manner which shall—

(A) give due consideration to the public health, safety, and welfare, and

(B) provide that all persons served directly or indirectly by such public utility will be treated, without undue prejudice or disadvantage.

* * * * *

PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

* * * * *

TITLE VI—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 602. SEASONAL DIVERSITY ELECTRICITY EXCHANGE.

(a) **AUTHORITY.**—The Secretary may acquire rights-of-way by purchase, including eminent domain, through North Dakota, South Dakota, and Nebraska for transmission facilities for the seasonal diversity exchange of electric power to and from Canada if he determines—

(1) after opportunity for public hearing—

(A) that the exchange is in the public interest and would further the purposes referred to in section 101 (1) and (2) of this Act and that the acquisition of such rights-of-way and the construction and operation of such transmission facilities for such purposes is otherwise in the public interest,

(B) that a permit has been issued in accordance with subsection (b) for such construction, operation, maintenance, and connection of the facilities at the border for the transmission of electric energy between the United States and Canada as is necessary for such exchange of electric power, and

(C) that each affected State has approved the portion of the transmission route located in each State in accordance with applicable State law, or if there is no such applicable State law in such State, the Governor has approved such portion; and

(2) after consultation with the Secretary of the Interior and the heads of other affected Federal agencies, that the Secretary of the Interior and the heads of such, other agencies concur in writing in the location of such portion of the transmission fa-

cilities as crosses Federal land under the jurisdiction of such Secretary or such other Federal agency, as the case may be. The Secretary shall provide to any State such cooperation and technical assistance as the State may request and as he determines appropriate in the selection of a transmission route. If the transmission route approved by any State does not appear to be feasible and in the public interest, the Secretary shall encourage such State to review such route and to develop a route that is feasible and in the public interest. Any exercise by the Secretary of the power of eminent domain under this section shall be in accordance with other applicable provisions of Federal law. The Secretary shall provide public notice of his intention to acquire any right-of-way before exercising such power of eminent domain with respect to such right-of-way.

(b) PERMIT.—Notwithstanding any transfer of functions under the first sentence of section 301(b) of the Department of Energy Organization Act, no permit referred to in subsection (a)(1)(B) may be issued unless [the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act and under the applicable execution order respecting the construction, operation, maintenance, or connection at the borders of the United States of facilities for the transmission of electric energy between the United States and a foreign country. Any finding of the Commission under an applicable executive order referred to in this subsection shall be treated for purposes of judicial review as an order issued under section 202(e) of the Federal Power Act.] *the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.*

(c) TIMELY ACQUISITION BY OTHER MEANS.—The Secretary may not acquire any rights-of-way under this section unless he determines that the holder or holders of a permit referred to in subsection (a)(1)(B) are unable to acquire such rights-of-way under State condemnation authority, or after reasonable opportunity for negotiation, without unreasonably delaying construction, taking into consideration the impact of such delay on completion of the facilities in a timely fashion.

(d) PAYMENTS BY PERMITTEES.—(1) The property interest acquired by the Secretary under this section (whether by eminent domain or other purchase) shall be transferred by the Secretary to the holder of a permit referred to in subsection (b) if such holder has made payment to the Secretary of the entire costs of the acquisition of such property interest, including administrative costs. The Secretary may accept, and expend, for purposes of such acquisition, amounts from any such person before acquiring a property interest to be transferred to such person under this section.

(2) If no payment is made by a permit holder under paragraph (1), within a reasonable time, the Secretary shall offer such rights-of-way to the original owner for reacquisition at the original price paid by the Secretary. If such original owner refuses to reacquire such property after a reasonable period, the Secretary shall dispose of such property in accordance with applicable provisions of law governing disposal of property of the United States.

(e) FEDERAL LAW GOVERNING FEDERAL LANDS.—This section shall not affect any Federal law governing Federal lands.

(f) REPORTS.—The Secretary shall report annually to the Congress on the actions, if any, taken pursuant to this section.

* * * * *

MINORITY VIEWS

H.R. 3062, the Promoting Cross-border Energy Infrastructure Act H.R. 3062 continues a decade-long Republican effort to relitigate decisions made with respect to the Keystone XL pipeline, a pipeline that ceased development over four years ago.¹ This bill represents the second time this Congress that Republicans have attempted to move the legislation through the Committee—during consideration of the committee print for reconciliation legislation for Fiscal Year 2025, Republicans proposed a provision that would have mandated the approval of cross-border energy infrastructure for a fee of \$50,000.²

Ostensibly, the bill is focused on transforming the current permitting process created and authorized by executive orders into one authorized by statute.³ That is a laudable goal, assuming the statutory provisions do not undermine environmental laws. Unfortunately, the bill focuses on protecting crude oil and refined petroleum pipelines in particular from the full scope of environmental reviews under the National Environmental Policy Act (NEPA) by narrowing the scope of Federal authorization to solely the first 1,000 feet of the pipeline after the border, and excluding consideration of the rest of the pipeline. This is particularly egregious, as the environmental review of the entirety of the Keystone XL pipeline was vital in then-Secretary of State John Kerry's recommendation to President Obama that the issuance of a Presidential Permit would not serve the national interest.⁴

Furthermore, the bill forces the Federal Energy Regulatory Commission (FERC) and the Department of Energy (DOE) to become experts in matters of foreign affairs and diplomacy by not specifying which agencies they must consult before making a determination on whether or not a border-crossing facility is in the public interest. This is a major departure from current procedures, which require DOE and FERC to obtain favorable recommendations from the State Department and Department of Defense in order to move forward with border-crossing permits for natural gas and electric transmission lines (crude oil and refined petroleum product pipeline approvals are already handled by the State Department).⁵

The bill also severely curtails the power of DOE to condition and regulate the imports and exports of electricity to Canada and Mexico. Section 202(e) of the Federal Power Act currently requires DOE to grant orders authorizing the transmission of electricity between

¹*Developer Abandons Keystone XL Pipeline Project, Ending Decade-Long Battle*, NPR (June 9, 2021).

²House Committee on Energy and Commerce, *Committee Print, Title IV, Committee on Energy and Commerce*, Dissenting Views, 119th Cong. (May, 16, 2025).

³Exec. Order No. 10485, 18 Fed. Reg. 5397 (Sep. 3, 1953); Exec. Order No. 12038, 43 Fed. Reg. 4957 (Feb. 7, 1978); Exec. Order No. 13867, 84 Fed. Reg. 15491 (Apr. 15, 2019).

⁴Department of State, *Record of Decision and National Interest Determination: TransCanada Keystone Pipeline, L.P. Application for Presidential Permit* (Nov. 6, 2015).

⁵See note 3.

the U.S. and a foreign nation unless it finds that the “proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the Commission.”⁶ However, the law also gives DOE the authority to attach any condition to its approvals that it deems necessary or appropriate. Section 2(a)(2)(C) of H.R. 3062 would completely repeal section 202(e) of the Federal Power Act, and only allow DOE to condition its approval of electric transmission border-crossing facilities on those facilities’ compliance with reliability and grid operator requirements, giving up any ability to engage in economic regulation.

In the 118th Congress, at a legislative hearing on February 7, 2023, the Subcommittees on Energy, Climate, and Grid Security and Environment, Manufacturing, and Critical Materials heard testimony from Mr. Tyson Slocum, Director of the Energy Program at Public Citizen, on legislative text nearly-identical to H.R. 3062. Mr. Slocum testified that the provisions in the bill relating to natural gas pipelines would allow companies to dodge the requirements of section 3 of the Natural Gas Act, and easily export natural gas to Mexico, where it could then be re-exported anywhere in the world in the form of liquified natural gas (LNG).⁷ He also testified—and DOE has since found—that increased LNG exports lead to higher domestic natural gas prices.^{8,9} Given the correlation between domestic natural gas and electricity prices, this bill will likely lead to Americans paying more for power, heating, and cooking all at once.

During the markup of the bill in the Energy Subcommittee, Representative Fedorchak (R-ND) stated that “The underlying legislation does nothing to alter the environmental review of these projects.”¹⁰ The majority’s report similarly states that “The legislation would also have no effect on any other Federal statute that would apply to a project for which a Certificate of Crossing is required, including any requirements of NEPA.” Unfortunately, the legislative history indicates that the majority is mistaken. In the 115th Congress, a nearly identical piece of legislation, H.R. 2883, came to the floor, and the House adopted an amendment authored by Rep. Marc Veasey (D-TX) by voice vote clarifying that nothing in the bill shall affect the scope of any environmental review required by NEPA.¹¹ When this legislation was re-introduced in the 117th Congress and in this Congress, the only substantive change from the language that passed the House in the 115th Congress was that Rep. Veasey’s amendment had been removed.¹² An amendment adding identical language back into the bill was offered by Rep. Veasey during the Energy Subcommittee’s markup of the bill was defeated on a recorded vote.

⁶ 16 U.S.C. 824a(e).

⁷ House Committee on Energy and Commerce, Testimony of Tyson Slocum, Director of the Energy Program, Public Citizen, *Hearing on Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains*, 118th Cong. (Feb. 7, 2023).

⁸ *Id.*

⁹ Department of Energy, *Statement from U.S. Secretary of Energy Jennifer M. Granholm on Updated Final Analysis* (Dec. 2024).

¹⁰ House Committee on Energy and Commerce, Subcommittee on Energy, *Markup of 13 Bills*, 119th Cong. (June 5, 2025).

¹¹ H.Amdt. 209, 115th Cong. (2017).

¹² H.R. 1058, 118th Cong. (2023).

For the reasons stated above, I oppose this legislation.

FRANK PALLONE, Jr.,
Ranking Member.

EXCHANGE OF LETTERS WITH ADDITIONAL COMMITTEES OF REFERRAL

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

JARED HUFFMAN OF CALIFORNIA
RANKING DEMOCRAT

VIVIAN MOEGLEIN
STAFF DIRECTOR

ANA UNRUH COHEN
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 30, 2025

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
2515 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 3062, the *Promoting Cross-border Energy Infrastructure Act*. The bill was referred primarily to the Committee on Energy and Commerce, with additional referrals to the Committee on Natural Resources and the Committee on Transportation and Infrastructure. Specifically, there are certain provisions of H.R. 3062 that fall within the Rule X jurisdiction of the Committee on Natural Resources.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, agree that the Committee on Natural Resources shall be discharged from further consideration of the bill. However, this is conditional on our mutual understanding that by forgoing consideration of H.R. 3062 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation that falls within the Committee on Natural Resources' Rule X jurisdiction, and that the Committee will be appropriately consulted and involved on this or similar legislation as it moves forward. Further, this does not prejudice the Committee on Natural Resources with respect to the appointment of conferees and should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Finally, I would ask that a copy of this letter and your response acknowledging the jurisdictional interest of the Committee on Natural Resources in the bill be included in the Committee Report and *Congressional Record* during consideration of H.R. 3062 on the House floor.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker of the House
The Honorable Frank Pallone, Ranking Member, Committee on Energy and Commerce
The Honorable Jared Huffman, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

July 1, 2025

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Westerman:

Thank you for your letter concerning H.R. 3062, the "Promoting Cross-border Energy Infrastructure Act." I appreciate your willingness to forgo action on the bill so that it may proceed expeditiously to the House Floor.

I agree that your decision to forgo action on this bill does not in any way diminish or alter the jurisdiction of the Committee on Natural Resources, nor prejudice that Committee's jurisdictional prerogatives on this measure or similar legislation in the future.

As you requested, I will include a copy of our exchange of letters on H.R. 3062 in the committee report on the bill and in the Congressional Record during consideration of the bill on the House floor.

Thank you again for your assistance on this matter.

Sincerely,



Brett Guthrie
Chairman



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Nick Christensen, Staff Director

Rick Larsen
Ranking Member

Katherine W. Dedrick, Democratic Staff Director

June 30, 2025

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Guthrie:

I am writing to you concerning H.R. 3062, the *Promoting Cross-border Energy Infrastructure Act*. The bill was referred primarily to the Committee on Energy and Commerce, with additional referral to the Committee on Transportation and Infrastructure and the Committee on Natural Resources. Specifically, there are provisions of H.R. 3062 that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, agree the Committee on Transportation and Infrastructure shall be discharged from further consideration of the bill. However, this is conditional on our mutual understanding that by foregoing consideration of H.R. 3062 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation that falls within the Committee on Transportation and Infrastructure's Rule X jurisdiction, and the Committee will be appropriately consulted and involved on this or similar legislation as it moves forward. Further, this does not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees and should a conference on the bill be necessary, I would appreciate your agreement to support my request to have the Committee represented on the conference committee.

Finally, I would ask that a copy of this letter and your response acknowledging our jurisdictional interest in the bill be included in the Committee Report and *Congressional Record* during consideration of H.R. 3062 on the House floor.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Graves", with a horizontal line drawn underneath it.

Sam Graves
Chairman
Committee on Transportation
and Infrastructure

cc: The Honorable Mike Johnson, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Frank Pallone, Ranking Member, Committee on Energy and Commerce
The Honorable Jason Smith, Parliamentarian

BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

July 1, 2025

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Graves:

Thank you for your letter concerning H.R. 3062, the "Promoting Cross-border Energy Infrastructure Act." I appreciate your willingness to forgo action on the bill so that it may proceed expeditiously to the House Floor.

I agree that your decision to forgo action on this bill does not in any way diminish or alter the jurisdiction of the Committee on Transportation and Infrastructure, nor prejudice that Committee's jurisdictional prerogatives on this measure or similar legislation in the future.

As you requested, I will include a copy of our exchange of letters on H.R. 3062 in the committee report on the bill and in the Congressional Record during consideration of the bill on the House floor.

Thank you again for your assistance on this matter.

Sincerely,



Brett Guthrie
Chairman

