

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

R. BRUCE JOSTEN  
EXECUTIVE VICE PRESIDENT  
GOVERNMENT AFFAIRS

1615 H STREET, N.W.  
WASHINGTON, D.C. 20062-2000  
202/463-5310

October 28, 2013

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Gene Green  
U.S. House of Representatives  
Washington, DC 20515

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, commends Chairman Upton and Representative Green for crafting H.R. 3301, the "North American Energy Infrastructure Act." The bill would reform the regulatory process for approving energy infrastructure projects that cross U.S. borders in North America.

H.R. 3301 would streamline the approval process for the construction, connection, operation or maintenance of oil pipelines, natural gas pipelines, and electric transmission lines 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. For example, the bill would:

- Consolidate and standardize the cross-border approval process for certain energy infrastructure projects by replacing and superseding the current processes that have been created through multiple Executive Orders;
- Instruct that all applications for cross-border oil pipelines be handled by the Department of Commerce, natural gas pipelines by the Federal Energy Regulatory Commission, and electric transmission lines by the Department of Energy; and
- Require agencies to approve cross-border applications within 120 days of submission unless they determine that the project is not in the national security interest of the United States.

Importantly, the bill would exempt just the cross-border decision from National Environmental Policy Act (NEPA) review, while preserving all applicable environmental review for the construction, connection, operation, or maintenance of the energy facility. As the Committee's summary states, H.R. 3301 "will not waive any environmental laws but will decouple the cross-border determination from the NEPA review process," and that "applicable environmental laws and permits would still be required but not for the purpose of determining whether a project should be allowed to cross the international borders of the U.S."

Greater clarity on this point as H.R. 3301 goes through the legislative process would make the bill even stronger. Specifically, Section 3(b)(3) of the bill could more explicitly state that the only decision being exempted from NEPA is the decision of whether to allow the energy infrastructure project to cross the borders of the U.S. within North America. The Chamber recommends that the text of the legislation more closely track the summary of the legislation released by the House Energy and Commerce Committee on this point.

The Chamber commends the efforts of Chairman Upton and Representative Green to bring attention to permit streamlining and regulatory reform generally. The federal regulatory process in our country is broken and in need of meaningful and comprehensive reform, in order to create jobs and strengthen our economy.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

R. Bruce Josten

cc: Members of the House Committee on Energy and Commerce