

114TH CONGRESS
1ST SESSION

S. 585

To amend the Natural Gas Act with respect to the exportation of natural gas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

Mr. MARKEY (for himself, Mr. FRANKEN, Mr. SANDERS, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Natural Gas Act with respect to the exportation of natural gas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Natural Gas
5 Security and Consumer Protection Act”.

6 **SEC. 2. AUTHORIZATION FOR THE EXPORTATION OF NAT-**
7 **URAL GAS.**

8 Section 3(a) of the Natural Gas Act (15 U.S.C.
9 717b(a)) is amended—

1 (1) in the first sentence, by striking “(a) After
2 six months” and inserting the following:

3 “(a) IN GENERAL.—

4 “(1) AUTHORIZATION FOR THE IMPORTATION
5 OF NATURAL GAS.—

6 “(A) PROHIBITION.—After 6 months”;

7 (2) in the second sentence, by striking “The
8 Commission” and inserting the following:

9 “(B) ISSUANCE OF ORDERS.—The Com-
10 mission”;

11 (3) in the third sentence, by striking “The
12 Commission” and inserting the following:

13 “(C) MODIFICATION.—The Commission”;

14 (4) in paragraph (1)(A) (as so designated), by
15 striking “export any natural gas from the United
16 States to a foreign country or”;

17 (5) in paragraph (1)(B) (as so designated), by
18 striking “exportation or”; and

19 (6) by adding at the end the following:

20 “(2) AUTHORIZATION FOR THE EXPORTATION
21 OF NATURAL GAS.—

22 “(A) PROHIBITION.—No person shall ex-
23 port any natural gas from the United States to
24 a foreign country without first having secured

1 an order of the Secretary of Energy authorizing
2 the exportation.

3 “(B) ISSUANCE OF ORDERS.—On receiving
4 an application, the Secretary of Energy may
5 issue an order authorizing a person to export
6 natural gas from the United States to a foreign
7 country if the Secretary of Energy determines
8 that the proposed exportation is consistent with
9 the public interest, in accordance with the regu-
10 lations promulgated pursuant to paragraph
11 (3)(B).

12 “(C) MODIFICATION.—The Secretary of
13 Energy may by order grant an application sub-
14 mitted under subparagraph (B), in whole or in
15 part, with such modifications and on such
16 terms and conditions as the Secretary of En-
17 ergy determines necessary.

18 “(D) TIMING.—The Secretary of Energy
19 shall not issue an order under this paragraph
20 prior to the date on which the Secretary of En-
21 ergy promulgates final regulations pursuant to
22 paragraph (3)(B).

23 “(3) PUBLIC INTEREST DETERMINATION FOR
24 EXPORT APPLICATIONS.—

1 “(A) NEPA REVIEW.—In accordance with
2 section 102(2)(C) of the National Environ-
3 mental Policy Act of 1969 (42 U.S.C.
4 4332(2)(C)), the Secretary of Energy shall
5 issue a detailed statement on the environmental
6 impact of the issuance of an order under para-
7 graph (2), including a summary of an analysis
8 conducted on the impact of the extraction of ex-
9 ported natural gas on the environment in com-
10 munities where the natural gas is extracted.

11 “(B) REGULATIONS.—

12 “(i) DEADLINE.—Not later than 2
13 years after the date of enactment of this
14 paragraph and after notice and public
15 comment, the Secretary of Energy shall
16 promulgate final regulations to establish
17 the processes for purposes of issuing an
18 order under paragraph (2) for determining
19 whether a proposed exportation of natural
20 gas from the United States to a foreign
21 country is in the public interest.

22 “(ii) CONTENTS.—Regulations pro-
23 mulgated pursuant to clause (i) shall re-
24 quire the Secretary of Energy to deter-
25 mine, with respect to each application for

1 exportation of natural gas from the United
2 States to a foreign country, whether the
3 exportation is in the public interest
4 through—

5 “(I) use of the latest available
6 data on current and projected United
7 States natural gas demands, produc-
8 tion, and price;

9 “(II) consideration of the effects
10 of the natural gas exports on—

11 “(aa) household and busi-
12 ness energy expenditures by elec-
13 tricity and natural gas consumers
14 in the United States;

15 “(bb) the economy, jobs, and
16 manufacturing of the United
17 States, including the effects on
18 wages, investment, and energy-
19 intensive and trade-exposed in-
20 dustries, as determined by the
21 Secretary;

22 “(cc) the energy security of
23 the United States, including the
24 ability of the United States to re-

1 duce the reliance of the United
2 States on imported oil;

3 “(dd) the conservation of
4 domestic natural gas supplies to
5 meet the future energy needs of
6 the United States;

7 “(ee) the potential for nat-
8 ural gas use in the transpor-
9 tation, industrial, and electricity
10 sectors of the United States;

11 “(ff) the ability of the
12 United States to reduce green-
13 house gas emissions;

14 “(gg) the national security
15 and foreign policy of the United
16 States;

17 “(hh) domestic natural gas
18 supply and availability, including
19 the effects on pipelines and other
20 infrastructure;

21 “(ii) the balance of trade in
22 the United States; and

23 “(jj) other issues determined
24 relevant by the Secretary; and

1 “(III) consideration of the de-
2 tailed statement issued under sub-
3 paragraph (A).

4 “(4) EXEMPTIONS.—

5 “(A) IN GENERAL.—Paragraph (2) does
6 not apply with respect to any order authorizing
7 the exportation of natural gas if the natural gas
8 that would be exported as a result of the order
9 is exported solely to meet a requirement im-
10 posed pursuant to—

11 “(i) part B of title II of the Energy
12 Policy and Conservation Act (42 U.S.C.
13 6271 et seq.);

14 “(ii) section 203 of the International
15 Emergency Economic Powers Act (50
16 U.S.C. 1702); or

17 “(iii) section 5(b) of the Trading with
18 the Enemy Act (50 U.S.C. App. 5(b)).

19 “(B) ISSUANCE OF ORDERS.—In the case
20 of an order described in subparagraph (A), the
21 Secretary of Energy may issue the order with-
22 out modification or delay after receiving an ap-
23 plication.”.

1 **SEC. 3. EFFECT.**

2 Nothing in this Act or an amendment made by this
3 Act affects the authority in section 3(c) of the Natural
4 Gas Act (15 U.S.C. 717b(c)) regarding the importation
5 or exportation of natural gas to a nation with which there
6 is in effect a free trade agreement.

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