

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

---

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 \_\_\_\_\_

---

## 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.