113TH CONGRESS
1ST SESSION

H. R. 1189

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2013

Mr. MARKEY (for himself and Mr. HOLT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. AUTHORIZATION FOR THE EXPORTATION OF NATURAL GAS.

Section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) is amended—
(1) by inserting before “After six months from the date on which” the following: “(1) AUTHORIZATION FOR THE IMPORTATION OF NATURAL GAS.—”;

(2) by striking “export any natural gas from the United States to a foreign country or”;

(3) by striking “exportation or”; and

(4) by adding at the end the following new paragraphs:

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

“(A) PROHIBITION.—No person may export any natural gas from the United States to a foreign country without first having secured an order of the Secretary of Energy authorizing such person to do so.

“(B) ISSUANCE OF ORDERS.—The Secretary of Energy may issue an order authorizing a person to export natural gas from the United States to a foreign country, upon application, if the Secretary determines that the proposed exportation will be consistent with the public interest, in accordance with the regulations issued under paragraph (3)(B). The Secretary may by order grant such application, in whole or in part, with such modification and upon
such terms and conditions as the Secretary may find
necessary or appropriate.

“(C) Timing.—No order may be issued by the
Secretary of Energy under this paragraph prior to
the date on which the Secretary issues final regula-
tions under paragraph (3)(B).

“(3) Public Interest Determination.—

“(A) NEPA review.—The Secretary of Energy
shall issue a detailed statement under section
102(2)(C) of the National Environmental Policy Act
of 1969 (42 U.S.C. 4332(2)(C)) of the environ-
mental impact of the issuance of orders under para-
graph (2), including by conducting an analysis of the
impacts of extraction of exported natural gas on the
environment in communities where the natural gas
is extracted.

“(B) Regulations.—

“(i) Deadline.—Not later than 2 years
after the date of enactment of this paragraph,
the Secretary of Energy shall issue final regula-
tions, after notice and public comment, for de-
termining whether an export of natural gas
from the United States to a foreign country is
in the public interest for purposes of issuing an
order under paragraph (2).
“(ii) CONTENTS.—Regulations issued under this paragraph shall require the Secretary of Energy to determine, with respect to each application for export of natural gas from the United States to a foreign country, whether such export is in the public interest through—

“(I) use of the latest available data on current and projected United States natural gas demands, production, and price;

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

“(aa) household and business energy expenditures by electricity and natural gas consumers in the United States;

“(bb) the United States economy, jobs, and manufacturing, including such effects on wages, investment, and energy intensive and trade exposed industries, as determined by the Secretary;

“(cc) the energy security of the United States, including the ability of the United States to reduce its reliance on imported oil;
“(dd) the conservation of domestic natural gas supplies to meet the future energy needs of the United States;

“(ee) the potential for natural gas use in the transportation, industrial, and electricity sectors of the United States;

“(ff) the ability of the United States to reduce greenhouse gas emissions;

“(gg) the volume of natural gas produced on public lands in the United States, and where such natural gas is consumed;

“(hh) domestic natural gas supply and availability, including such effects on pipelines and other infrastructure;

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

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

“(III) consideration of the detailed statement issued under subparagraph (A).
“(4) EXEMPTIONS.—Paragraph (2) does not apply with respect to any order authorizing the exportation of natural gas if the natural gas that would be exported as a result of the order is exported solely to meet a requirement imposed pursuant to section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), or part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.). In such cases, the Secretary of Energy may issue such order upon application without modification or delay.”.