

109TH CONGRESS
1ST SESSION

S. 1090

To provide certain requirements for the siting, construction, expansion, and operation of liquefied natural gas import terminals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2005

Mrs. FEINSTEIN (for herself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide certain requirements for the siting, construction, expansion, and operation of liquefied natural gas import terminals, 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 “Liquefied Natural Gas
5 Import Terminal Authorization Act”.

6 **SEC. 2. AUTHORIZATION FOR LIQUEFIED NATURAL GAS IM-**
7 **PORT TERMINALS.**

8 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
9 is amended by adding at the end the following:

1 “(d) AUTHORIZATION FOR NATURAL GAS IMPORT
2 TERMINALS.—

3 “(1) IN GENERAL.—A person shall not site,
4 construct, expand, or operate a liquefied natural gas
5 import terminal within the boundaries of a State un-
6 less—

7 “(A) the person submits an application to
8 site, expand, or operate a liquefied natural gas
9 import terminal to—

10 “(i) the Commission; and

11 “(ii) the State agency that has siting
12 authority under State law in the State in
13 which the liquefied natural gas import ter-
14 minal is located (referred to in this sub-
15 section as the ‘designated State agency’);
16 and

17 “(B) the Commission and the designated
18 State agency issue an order approving the ap-
19 plication.

20 “(2) ISSUANCE OF ORDER.—The Commission
21 and the designated State agency shall issue an order
22 approving an application, in whole or part, that is
23 submitted under paragraph (1)(A), unless, after op-
24 portunity for hearing, the Commission or designated
25 State agency determines that the proposed siting,

1 construction, expansion, or operation is not con-
2 sistent with the public interest.

3 “(3) TERMS AND CONDITIONS.—

4 “(A) IN GENERAL.—An order issued under
5 paragraph (2) shall be subject to any terms and
6 conditions that the Commission or designated
7 State agency determines are appropriate.

8 “(B) SERVICE REQUIREMENTS.—

9 “(i) IN GENERAL.—Except as pro-
10 vided in clause (ii), an order issued under
11 this subsection shall not be conditioned on
12 a requirement that the liquefied natural
13 gas import terminal offer service to per-
14 sons other than the applicant.

15 “(ii) EXCEPTION.—Notwithstanding
16 clause (i), the Commission or designated
17 State agency may require the applicant to
18 establish a backup procedure for making
19 the liquefied natural gas import terminal
20 available to others if the applicant is un-
21 willing or unable to provide a steady sup-
22 ply to the market served by the liquefied
23 natural gas import terminal.

24 “(C) CONFLICTS.—If an applicant is un-
25 able to comply with conflicting terms and condi-

1 tions established under subparagraph (A), the
2 Secretary of Energy, in cooperation with the
3 Executive Office of the President, shall mediate
4 the conflict between the Commission or des-
5 ignated State agency and the applicant through
6 a process that includes public hearings in the
7 area affected by the proposed liquefied natural
8 gas import terminal.”.

9 **SEC. 3. PREEMPTION.**

10 Section 60104 of title 49, United States Code, is
11 amended by striking subsection (c) and inserting the fol-
12 lowing:

13 “(c) PREEMPTION.—

14 “(1) IN GENERAL.—A State authority that has
15 submitted a current certification under section
16 60105(a) may adopt additional or more stringent
17 safety standards for intrastate pipeline facilities,
18 intrastate pipeline transportation, and liquefied nat-
19 ural gas pipeline facilities only if those standards are
20 compatible with the minimum standards prescribed
21 under this chapter.

22 “(2) SAFETY STANDARDS.—Except in the case
23 of liquefied natural gas pipeline facilities, a State
24 authority may not adopt or continue in force safety

1 standards for interstate pipeline facilities or inter-
2 state pipeline transportation.”.

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