

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.

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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

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## 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) by inserting before “After six months from  
2           the date on which” the following: “(1) AUTHORIZA-  
3           TION FOR THE IMPORTATION OF NATURAL GAS.—”;

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

6           (3) by striking “exportation or”; and

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

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

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

16           “(B) ISSUANCE OF ORDERS.—The Secretary of  
17          Energy may issue an order authorizing a person to  
18          export natural gas from the United States to a for-  
19          eign country, upon application, if the Secretary de-  
20          termines that the proposed exportation will be con-  
21          sistent with the public interest, in accordance with  
22          the regulations issued under paragraph (3)(B). The  
23          Secretary may by order grant such application, in  
24          whole or in part, with such modification and upon

1 such terms and conditions as the Secretary may find  
2 necessary or appropriate.

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

7 “(3) PUBLIC INTEREST DETERMINATION.—

8 “(A) NEPA REVIEW.—The Secretary of Energy  
9 shall issue a detailed statement under section  
10 102(2)(C) of the National Environmental Policy Act  
11 of 1969 (42 U.S.C. 4332(2)(C)) of the environ-  
12 mental impact of the issuance of orders under para-  
13 graph (2), including by conducting an analysis of the  
14 impacts of extraction of exported natural gas on the  
15 environment in communities where the natural gas  
16 is extracted.

17 “(B) REGULATIONS.—

18 “(i) DEADLINE.—Not later than 2 years  
19 after the date of enactment of this paragraph,  
20 the Secretary of Energy shall issue final regula-  
21 tions, after notice and public comment, for de-  
22 termining whether an export of natural gas  
23 from the United States to a foreign country is  
24 in the public interest for purposes of issuing an  
25 order under paragraph (2).

1           “(ii) CONTENTS.—Regulations issued  
2           under this paragraph shall require the Sec-  
3           retary of Energy to determine, with respect to  
4           each application for export of natural gas from  
5           the United States to a foreign country, whether  
6           such export is in the public interest through—

7                   “(I) use of the latest available data on  
8                   current and projected United States nat-  
9                   ural gas demands, production, and price;

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

12                           “(aa) household and business en-  
13                           ergy expenditures by electricity and  
14                           natural gas consumers in the United  
15                           States;

16                           “(bb) the United States economy,  
17                           jobs, and manufacturing, including  
18                           such effects on wages, investment,  
19                           and energy intensive and trade ex-  
20                           posed industries, as determined by the  
21                           Secretary;

22                           “(cc) the energy security of the  
23                           United States, including the ability of  
24                           the United States to reduce its reli-  
25                           ance on imported oil;

1 “(dd) the conservation of domes-  
2 tic natural gas supplies to meet the  
3 future energy needs of the United  
4 States;

5 “(ee) the potential for natural  
6 gas use in the transportation, indus-  
7 trial, and electricity sectors of the  
8 United States;

9 “(ff) the ability of the United  
10 States to reduce greenhouse gas emis-  
11 sions;

12 “(gg) the volume of natural gas  
13 produced on public lands in the  
14 United States, and where such nat-  
15 ural gas is consumed;

16 “(hh) domestic natural gas sup-  
17 ply and availability, including such ef-  
18 fects on pipelines and other infra-  
19 structure;

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

22 “(jj) other issues determined rel-  
23 evant by the Secretary; and

24 “(III) consideration of the detailed  
25 statement issued under subparagraph (A).

1       “(4) EXEMPTIONS.—Paragraph (2) does not apply  
2 with respect to any order authorizing the exportation of  
3 natural gas if the natural gas that would be exported as  
4 a result of the order is exported solely to meet a require-  
5 ment imposed pursuant to section 203 of the International  
6 Emergency Economic Powers Act (50 U.S.C. 1702), sec-  
7 tion 5(b) of the Trading with the Enemy Act (50 U.S.C.  
8 App. 5(b)), or part B of title II of the Energy Policy and  
9 Conservation Act (42 U.S.C. 6271 et seq.). In such cases,  
10 the Secretary of Energy may issue such order upon appli-  
11 cation without modification or delay.”.

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