

113TH CONGRESS
2D SESSION

S. 2088

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

MARCH 6, 2014

Mr. MARKEY 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) 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 national security and
13 foreign policy of the United States;

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

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

20 “(jj) other issues determined rel-
21 evant by the Secretary; and

22 “(III) consideration of the detailed
23 statement issued under subparagraph (A).

24 “(4) EXEMPTIONS.—Paragraph (2) does not apply
25 with respect to any order authorizing the exportation of

1 natural gas if the natural gas that would be exported as
2 a result of the order is exported solely to meet a require-
3 ment imposed pursuant to section 203 of the International
4 Emergency Economic Powers Act (50 U.S.C. 1702), sec-
5 tion 5(b) of the Trading with the Enemy Act (50 U.S.C.
6 App. 5(b)), or part B of title II of the Energy Policy and
7 Conservation Act (42 U.S.C. 6271 et seq.). In such cases,
8 the Secretary of Energy may issue such order upon appli-
9 cation without modification or delay.”.

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