

113TH CONGRESS
2D SESSION

S. 2638

To amend the Natural Gas Act to provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2014

Mr. HOEVEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Natural Gas Act to provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas.

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 “Natural Gas Export
5 Certainty Act of 2014”.

6 **SEC. 2. REGULATORY CERTAINTY.**

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

1 “(g) DEADLINE FOR CERTAIN APPLICATIONS FOR
2 EXPORTATION OF NATURAL GAS.—

3 “(1) LNG TERMINALS.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the Commission shall make a public
6 interest determination and issue an order under
7 subsection (a) for an application for the expor-
8 tation of natural gas to a foreign country
9 through a particular LNG terminal not later
10 than 45 days after receipt of an application
11 under subsection (e) for—

12 “(i) the conversion of that LNG ter-
13 minal into an LNG import or export facil-
14 ity; or

15 “(ii) the construction of that LNG
16 terminal.

17 “(B) LIMITATION.—Subparagraph (A)
18 shall only apply to applications for the expor-
19 tation of natural gas to a foreign country under
20 subsection (a) that have been pending for a pe-
21 riod of not less than 180 calendar days.

22 “(2) APPLICATION.—This subsection shall not
23 apply with respect to an application under sub-
24 section (a) for the exportation of natural gas—

25 “(A) to a foreign country—

1 “(i) to which the exportation of nat-
 2 ural gas is otherwise prohibited by law; or

3 “(ii) described in subsection (c); or

4 “(B) if the Commission has made a contin-
 5 gent determination with respect to the applica-
 6 tion.

7 “(3) EFFECT.—Except as specifically provided
 8 in this subsection, nothing in this subsection affects
 9 the authority of the Commission to review, process,
 10 and make a determination with respect to an appli-
 11 cation for the exportation of natural gas.

12 “(h) JUDICIAL ACTION.—

13 “(1) IN GENERAL.—The United States Court of
 14 Appeals for the circuit in which an export facility
 15 will be located pursuant to an application described
 16 in subsection (a) shall have original and exclusive ju-
 17 risdiction over any civil action for the review of—

18 “(A) an order issued by the Secretary of
 19 Energy with respect to the application; or

20 “(B) the failure of the Secretary to issue
 21 a decision on the application.

22 “(2) ORDER.—If the Court in a civil action de-
 23 scribed in paragraph (1) finds that the Secretary
 24 has failed to issue a decision on the application as
 25 required under subsection (a), the Court shall order

1 the Secretary to issue the decision not later than 30
2 days after the date of the order of the Court.

3 “(3) EXPEDITED CONSIDERATION.—The Court
4 shall—

5 “(A) set any civil action brought under
6 this subsection for expedited consideration; and

7 “(B) set the matter on the docket as soon
8 as practicable after the filing date of the initial
9 pleading.”.

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