

114TH CONGRESS
1ST SESSION

S. 1237

To amend the Natural Gas Act to limit the authority of the Secretary of Energy to approve certain proposals relating to export activities of liquefied natural gas terminals.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2015

Mr. KING 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 limit the authority of the Secretary of Energy to approve certain proposals relating to export activities of liquefied natural gas terminals.

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. LIMITATION ON AUTHORITY OF SECRETARY OF**
4 **ENERGY TO APPROVE CERTAIN LNG TER-**
5 **MINAL PROPOSALS.**

6 Section 3(e) of the Natural Gas Act (15 U.S.C.
7 717b(e)) is amended—

1 (1) by striking “(e)(1) The Commission” and
 2 inserting the following:

3 “(e) LNG TERMINALS.—

4 “(1) AUTHORITY OF COMMISSION.—

5 “(A) IN GENERAL.—Subject to paragraph
 6 (5), the Commission”;

7 (2) in paragraph (1), in the second sentence, by
 8 striking “Except as” and inserting the following:

9 “(B) NO EFFECT ON OTHER FEDERAL AU-
 10 THORITY.—Except as”;

11 (3) in paragraph (2)—

12 (A) by indenting subparagraphs (A)
 13 through (D) appropriately; and

14 (B) by striking “(2) Upon” and inserting
 15 the following:

16 “(2) HEARING AND DETERMINATION.—On”;

17 (4) in paragraph (3)—

18 (A) by striking “(3)(A) Except as provided
 19 in subparagraph (B)” and inserting the fol-
 20 lowing:

21 “(3) ACTION ON APPROVAL.—

22 “(A) IN GENERAL.—Except as provided in
 23 subparagraph (B) and paragraph (5)”;

24 (B) in subparagraph (B)—

1 (i) in clause (ii), by indenting sub-
 2 clauses (I) through (III) appropriately;

3 (ii) by indenting clauses (i) and (ii)
 4 appropriately; and

5 (iii) by striking “(B) Before” and in-
 6 serting the following:

7 “(B) REQUIREMENTS BEFORE 2015.—Be-
 8 fore”; and

9 (C) in subparagraph (C), by striking “(C)
 10 Subparagraph (B)” and inserting the following:

11 “(C) SUNSET.—Subparagraph (B)”;

12 (5) in paragraph (4), by striking “(4) An
 13 order” and inserting the following:

14 “(4) PROTECTION OF EXISTING CUSTOMERS.—
 15 An order”; and

16 (6) by adding at the end the following:

17 “(5) AUTHORITY OF SECRETARY OF ENERGY
 18 OVER CERTAIN PROPOSALS.—

19 “(A) DEFINITIONS.—In this paragraph:

20 “(i) ADDITIONAL EXPORT PRO-
 21 POSAL.—The term ‘additional export pro-
 22 posal’ means any proposal submitted to the
 23 Secretary by a new or existing LNG ter-
 24 minal—

1 “(I) to initiate the export of nat-
2 ural gas to a foreign country, with re-
3 spect to an LNG terminal that does
4 not so export natural gas as of the
5 date of submission of the proposal; or

6 “(II) to increase the quantity of
7 natural gas exported to a foreign
8 country by the LNG terminal, with
9 respect to an LNG terminal that ex-
10 ports natural gas as of the date of
11 submission of the proposal.

12 “(ii) SECRETARY.—The term ‘Sec-
13 retary’ means the Secretary of Energy,
14 acting through the Assistant Secretary for
15 Fossil Energy pursuant to sections 301(b)
16 and 402(f) of the Department of Energy
17 Organization Act (42 U.S.C. 7151(b),
18 7172(f)).

19 “(B) LIMITATION.—

20 “(i) IN GENERAL.—Notwithstanding
21 part 590 of title 10, Code of Federal Regu-
22 lations (or successor regulations), or any
23 other provision of law (including regula-
24 tions), effective beginning on the date de-
25 scribed in clause (ii), the Secretary may

1 not take into consideration or approve any
2 additional export proposal.

3 “(ii) DESCRIPTION OF DATE.—The
4 date referred to in clause (i) is the date on
5 which the Secretary determines that the
6 total quantity of natural gas cumulatively
7 exported by fully permitted LNG terminals
8 is at least equal to 8 billion cubic feet per
9 day.”.

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