

114TH CONGRESS
1ST SESSION

S. 33

To provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2015

Mr. BARRASSO (for himself, Mr. HEINRICH, Mr. GARDNER, Ms. HEITKAMP, Mr. HOEVEN, Mr. KAINE, Mrs. CAPITO, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export 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 “LNG Permitting Cer-
5 tainty and Transparency Act”.

6 **SEC. 2. ACTION ON APPLICATIONS.**

7 (a) **DECISION DEADLINE.**—For proposals that must
8 also obtain authorization from the Federal Energy Regu-

latory Commission or the United States Maritime Administration to site, construct, expand, or operate liquefied natural gas export facilities, the Secretary of Energy (referred to in this section as the “Secretary”) shall issue a final decision on any application for the authorization to export natural gas under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) not later than 45 days after the later of—

(1) the conclusion of the review to site, construct, expand, or operate the liquefied natural gas export facilities required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) the date of enactment of this Act.

(b) CONCLUSION OF REVIEW.—For purposes of subsection (a), review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be considered concluded when the lead agency—

(1) for a project requiring an Environmental Impact Statement, publishes a Final Environmental Impact Statement;

(2) for a project for which an Environmental Assessment has been prepared, publishes a Finding of No Significant Impact; or

(3) determines that an application is eligible for a categorical exclusion pursuant to National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations.

(c) JUDICIAL ACTION.—

(1) JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit or the circuit in which the liquefied natural gas export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order issued by the Secretary with respect to such application; or

(B) the failure of the Secretary to issue a final decision on such application.

(2) ORDER TO ISSUE DECISION.—If the Court in a civil action described in paragraph (1) finds that the Secretary has failed to issue a decision on the application as required under subsection (a), the Court shall order the Secretary to issue the decision not later than 30 days after the Court's order.

(3) EXPEDITED CONSIDERATION.—The Court shall set any civil action brought under this subsection for expedited consideration and shall set the

1 matter on the docket as soon as practical after the
 2 filing date of the initial pleading.

3 (4) APPEALS.—In the case of an application de-
 4 scribed in subsection (a) for which a petition for re-
 5 view has been filed—

6 (A) upon motion by an applicant, the mat-
 7 ter shall be transferred to the United States
 8 Court of Appeals for the District of Columbia
 9 Circuit or the circuit in which a liquefied nat-
 10 ural gas export facility will be located pursuant
 11 to an application described in section 3(a) of
 12 the Natural Gas Act (15 U.S.C. 717b(a)); and

13 (B) the provisions of this Act shall apply.

14 **SEC. 3. PUBLIC DISCLOSURE OF EXPORT DESTINATIONS.**

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

17 “(g) PUBLIC DISCLOSURE OF LNG EXPORT DES-
 18 TINATIONS.—

19 “(1) IN GENERAL.—In the case of any author-
 20 ization to export liquefied natural gas, the Secretary
 21 of Energy shall require the applicant to report to the
 22 Secretary of Energy the names of the 1 or more
 23 countries of destination to which the exported lique-
 24 fied natural gas is delivered.

1 “(2) TIMING.—The applicant shall file the re-
2 port required under paragraph (1) not later than—

3 “(A) in the case of the first export, the
4 last day of the month following the month of
5 the first export; and

6 “(B) in the case of subsequent exports, the
7 date that is 30 days after the last day of the
8 applicable month concerning the activity of the
9 previous month.

10 “(3) DISCLOSURE.—The Secretary of Energy
11 shall publish the information reported under this
12 subsection on the website of the Department of En-
13 ergy and otherwise make the information available
14 to the public.”.

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