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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Natural Gas Act to establish a deadline for the review of applications for natural gas export and import orders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Natural Gas Act to establish a deadline for the review of applications for natural gas export and import orders, 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. REVIEW OF APPLICATIONS FOR NATURAL GAS**
4 **EXPORT AND IMPORT ORDERS.**

5 (a) DEADLINE FOR REVIEW OF APPLICATIONS.—

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

1 (1) by striking “After six months” and insert-
2 ing the following:

3 “(1) After six months”;

4 (2) by striking “The Commission shall issue
5 such order upon application,” and inserting “Except
6 as provided in subsection (c), the Secretary of En-
7 ergy shall grant or deny an application for such an
8 order by not later than 180 days after receiving the
9 application. The Secretary shall grant such an appli-
10 cation,”; and

11 (3) by adding at the end the following:

12 “(2) EFFECT OF DELAYS.—

13 “(A) REPORT.—If the Secretary of Energy
14 fails to grant or deny an application for an
15 order under this subsection to export or import
16 natural gas by the deadline described in para-
17 graph (1), the Secretary of Energy shall, not
18 later than 30 days after such deadline, submit
19 to Congress a report that details the reason for
20 the failure.

21 “(B) APPLICATION REVIEW BY FERC.—

22 Notwithstanding section 402(f) of the Depart-
23 ment of Energy Organization Act (42 U.S.C.
24 7172(f)), if the Secretary of Energy fails to
25 grant or deny an application for an order under

1 this subsection to export or import natural gas
2 by the deadline described in paragraph (1), the
3 Federal Energy Regulatory Commission shall
4 grant the application, unless, after opportunity
5 for hearing, it finds that the proposed exportation
6 or importation will not be consistent with
7 the public interest.

8 “(3) APPEAL OF DENIAL OF AN APPLICATION.—If the Secretary of Energy denies an application
9 for an order under this subsection to export or
10 import natural gas, the applicant may submit to the
11 Federal Energy Regulatory Commission a request to
12 grant the application. The Federal Energy Regulatory
13 Commission shall grant the application or affirm
14 the denial by not later than 60 days after receiving
15 the request. The Federal Energy Regulatory
16 Commission shall grant the application, unless, after
17 opportunity for hearing, it finds that the proposed
18 exportation or importation will not be consistent
19 with the public interest.

21 “(4) ANNUAL REPORTS.—The Secretary of Energy shall annually submit to Congress a report
22 that—
23 that—

24 “(A) provides a detailed rationale for each
25 decision to grant or deny an application for an

1 order under this subsection to export or import
2 natural gas; and

3 “(B) identifies—

4 “(i) the number of such applications
5 received by the Secretary of Energy during
6 the preceding year;

7 “(ii) the number of such applications
8 granted or denied by the Secretary of En-
9 ergy by the deadline described in para-
10 graph (1); and

11 “(iii) measures implemented by the
12 Secretary of Energy to improve the effi-
13 cient review of such applications by the
14 Secretary of Energy.”.

15 (b) EXPEDITED APPLICATION AND APPROVAL PROC-
16 ESS.—Section 3(c) of the Natural Gas Act (15 U.S.C.
17 717b(c)) is amended to read as follows:

18 “(c) EXPEDITED APPLICATION AND APPROVAL
19 PROCESS.—

20 “(1) FREE TRADE AGREEMENTS.—For pur-
21 poses of subsection (a), the importation of the nat-
22 ural gas referred to in subsection (b), or the expor-
23 tation of natural gas to a nation with which there
24 is in effect a free trade agreement requiring national
25 treatment for trade in natural gas, shall be deemed

1 to be consistent with the public interest, and appli-
2 cations for such importation or exportation shall be
3 granted without modification or delay.

4 “(2) LOW-IMPACT PROJECTS.—

5 “(A) IN GENERAL.—The Secretary of En-
6 ergy shall grant or deny an application for an
7 order under subsection (a) to export natural
8 gas from, or import natural gas to, a low-im-
9 pact project by not later than 90 days after re-
10 ceiving such application.

11 “(B) LOW-IMPACT PROJECT DEFINED.—In
12 this paragraph, the term ‘low-impact project’
13 means an LNG terminal for which an applica-
14 tion has been submitted under subsection (e) to
15 the Federal Energy Regulatory Commission for
16 the expansion of the capacity of such LNG ter-
17 minal by not more than 5 billion cubic feet per
18 day.”.

19 (c) CONFORMING AMENDMENTS.—Section 3 of the
20 Natural Gas Act (15 U.S.C. 717b) is amended—

21 (1) in subsection (a), by striking “Commission”
22 and inserting “Secretary of Energy” each place it
23 appears; and

24 (2) in subsection (b)(2), by striking “Commis-
25 sion” and inserting “Secretary of Energy”.