

118TH CONGRESS
2D SESSION

H. R. 8022

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

APRIL 16, 2024

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

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—

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

10 “(1) After six months”;

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

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

9 “(2) EFFECT OF DELAYS.—

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

18 “(B) APPLICATION REVIEW BY FERC.—
19 Notwithstanding section 402(f) of the Depart-
20 ment of Energy Organization Act (42 U.S.C.
21 7172(f)), if the Secretary of Energy fails to
22 grant or deny an application for an order under
23 this subsection to export or import natural gas
24 by the deadline described in paragraph (1), the
25 Federal Energy Regulatory Commission shall

1 grant the application, unless, after opportunity
2 for hearing, it finds that the proposed expor-
3 tation or importation will not be consistent with
4 the public interest.

5 “(3) APPEAL OF DENIAL OF AN APPLICA-
6 TION.—If the Secretary of Energy denies an applica-
7 tion for an order under this subsection to export or
8 import natural gas, the applicant may submit to the
9 Federal Energy Regulatory Commission a request to
10 grant the application. The Federal Energy Regu-
11 latory Commission shall grant the application or af-
12 firm the denial by not later than 60 days after re-
13 ceiving the request. The Federal Energy Regulatory
14 Commission shall grant the application, unless, after
15 opportunity for hearing, it finds that the proposed
16 exportation or importation will not be consistent
17 with the public interest.

18 “(4) ANNUAL REPORTS.—The Secretary of En-
19 ergy shall annually submit to Congress a report
20 that—

21 “(A) provides a detailed rational for each
22 decision to grant or deny an application for an
23 order under this subsection to export or import
24 natural gas; and

25 “(B) identifies—

1 “(i) the number of such applications
2 received by the Secretary of Energy during
3 the preceding year;

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

8 “(iii) measures implemented by the
9 Secretary of Energy to improve the effi-
10 cient review of such applications by the
11 Secretary of Energy.”.

12 (b) EXPEDITED APPLICATION AND APPROVAL PROC-
13 ESS.—Section 3(c) of the Natural Gas Act (15 U.S.C.
14 717b(c)) is amended to read as follows:

15 “(c) EXPEDITED APPLICATION AND APPROVAL
16 PROCESS.—

17 “(1) FREE TRADE AGREEMENTS.—For pur-
18 poses of subsection (a), the importation of the nat-
19 ural gas referred to in subsection (b), or the expor-
20 tation of natural gas to a nation with which there
21 is in effect a free trade agreement requiring national
22 treatment for trade in natural gas, shall be deemed
23 to be consistent with the public interest, and appli-
24 cations for such importation or exportation shall be
25 granted without modification or delay.

1 “(2) LOW-IMPACT PROJECTS.—

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

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

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

18 (1) in subsection (a), by striking “Commission”
19 and inserting “Secretary of Energy” each place it
20 appears; and

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

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