

119TH CONGRESS 1ST SESSION

H. R. 381

To amend the Natural Gas Act to require that impacts to climate stability, consumer energy costs, and environmental justice be considered in a determination of whether proposed exportation of natural gas is in the public interest, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 14, 2025

Mr. Casten (for himself, Ms. Barragán, Ms. Castor of Florida, Mr. Gri-Jalva, Mr. Huffman, Mr. Levin, Mr. Magaziner, Mr. McGovern, Mr. Mullin, Mr. Nadler, Ms. Norton, Ms. Pingree, Ms. Schakowsky, and Ms. Tlaib) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Natural Gas Act to require that impacts to climate stability, consumer energy costs, and environmental justice be considered in a determination of whether proposed exportation of natural gas is in the public interest, 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 Public Interest
- 5 Determination Act of 2025".

1 SEC. 2. EXPORTATION OF NATURAL GAS.

- 2 (a) Exportation of Natural Gas.—Section 3 of
- 3 the Natural Gas Act (15 U.S.C. 717b) is amended by add-
- 4 ing at the end the following:

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- 5 "(g) Exportation of Natural Gas.—
 - "(1) Order required.—No person shall export any natural gas from the United States to a foreign country without first having secured an order of the Secretary of Energy authorizing it to do so. The Secretary of Energy may issue such order upon application only if, after opportunity for hearing, the Secretary of Energy finds that the proposed exportation will be consistent with the public interest. The Secretary of Energy may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Secretary of Energy may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, issue such supplemental order for such exportation as it may find necessary or appropriate.
 - "(2) DEADLINE.—The Secretary of Energy shall find whether proposed exportation of natural gas will be consistent with the public interest under paragraph (1) by not later than the date that is 1 year after the later of—

1	"(A) the date on which the Secretary of
2	Energy receives the final environmental impact
3	statement for such proposed exportation from
4	the Federal Energy Regulatory Commission;
5	and
6	"(B) the date on which the Secretary com-
7	pletes each assessment required by paragraph
8	(4).
9	"(3) Public interest finding.—The Sec-
10	retary of Energy may find that proposed exportation
11	of natural gas for which an application is submitted
12	under paragraph (1) will be consistent with the pub-
13	lic interest under such paragraph only if the Sec-
14	retary of Energy determines, based on the applicable
15	assessment under paragraph (4), that the proposed
16	exportation of natural gas will not be likely to—
17	"(A) significantly contribute to climate
18	change, including by slowing the global energy
19	transition needed to achieve deep reductions of
20	global greenhouse gas emissions within the next
21	decade and net-zero global greenhouse gas
22	emissions not later than 2050;
23	"(B) materially increase energy prices or
24	energy price volatility for any segment of
25	United States consumers; or

1	"(C) create a disproportionate cumulative
2	burden of adverse human or environmental im-
3	pacts on rural, low-income, minority, and other
4	vulnerable communities.
5	"(4) Assessments.—
6	"(A) CLIMATE CHANGE ASSESSMENT.—A
7	determination under paragraph (3)(A) shall be
8	based on an assessment of the expected impact
9	of the proposed exportation of natural gas on
10	climate change. Such assessment shall be based
11	on the latest scientific information and use the
12	20-year global warming potential of methane,
13	and shall include—
14	"(i) quantified estimates of the green-
15	house gas emissions associated with the
16	full lifecycle of the natural gas proposed
17	for exportation, including emissions associ-
18	ated with the extraction, transportation,
19	liquefaction, storage, regasification, and
20	consumption of such natural gas;
21	"(ii) a comparison of the estimated
22	greenhouse gas emissions in clause (i) to a
23	baseline that is consistent with United
24	States international commitments to

achieve deep reductions of global green-

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1	house gas emissions within the next decade
2	and deep decarbonization pathways toward
3	net-zero global greenhouse gas emissions
4	not later than 2050;
5	"(iii) an assessment of the potential
6	effects of the proposed exportation of nat-
7	ural gas on clean energy alternatives, in-
8	cluding—
9	"(I) any decrease in global in-
10	vestment in and deployment of renew-
11	able energy, electrification, and energy
12	efficiency and conservation tech-
13	nologies; and
14	"(II) any decrease in United
15	States exports of clean energy tech-
16	nologies;
17	"(iv) quantified estimates of the social
18	cost of the estimated greenhouse gas emis-
19	sions in clause (i); and
20	"(v) an identification of the extent to
21	which climate change is accelerating the
22	loss of economic value in the United States
23	due to rising sea levels, more intense
24	storms, eroding coasts, increased risk and

1	severity of wild fires, and other impacts as-
2	sociated with climate change.
3	"(B) Economic assessment.—A deter-
4	mination under paragraph (3)(B) shall be based
5	on an assessment of the expected economic im-
6	pact of the proposed exportation of natural gas,
7	including an assessment of the impact of the
8	proposed exportation on all United States con-
9	sumers, with specific estimates regarding each
10	of the following consumer subgroups:
11	"(i) Low-income consumers.
12	"(ii) Working families.
13	"(iii) Small businesses.
14	"(iv) Manufacturers.
15	"(v) State and local governments.
16	"(vi) Producers and users of fertilizer.
17	"(C) Environmental justice assess-
18	MENT.—A determination under paragraph
19	(3)(C) shall be based on an assessment of the
20	expected impact of the proposed exportation of
21	natural gas on environmental justice (which
22	shall be consistent with Executive Order 14096
23	(42 U.S.C. 4321 note; relating to revitalizing
24	our Nation's commitment to environmental jus-

1	tice for all), as published April 21, 2023), in-
2	cluding assessments of impacts on—
3	"(i) the preexisting cumulative envi-
4	ronmental burdens and social and health
5	risks posed to rural, low-income, minority,
6	and other vulnerable communities;
7	"(ii) local fisheries and the economic
8	livelihood of the people employed by local
9	fisheries;
10	"(iii) racial and socioeconomic dispari-
11	ties in impacted communities; and
12	"(iv) compliance with civil rights laws.
13	"(5) Public Participation.—The Secretary
14	of Energy shall—
15	"(A) provide to the public an opportunity
16	to meaningfully participate, including by pro-
17	viding comments, in—
18	"(i) the finding of the Secretary of
19	Energy on whether proposed exportation
20	will be consistent with the public interest
21	under paragraph (1); and
22	"(ii) any study by the Department of
23	Energy intended to inform such finding;
24	and

1	"(B) ensure that opportunities to meaning-
2	fully participate under subparagraph (A) ad-
3	dress barriers that affect members of commu-
4	nities with environmental justice concerns, in-
5	cluding those related to disability, language ac-
6	cess, and lack of resources.
7	"(6) Major federal action.—Issuing an
8	order authorizing the exportation of natural gas
9	under this subsection shall be considered a major
10	Federal action under section 102(2)(C) of the Na-
11	tional Environmental Policy Act of 1969 (42 U.S.C.
12	4332(2)(C)).".
13	(b) Conforming Amendments.—Section 3 of the
14	Natural Gas Act (15 U.S.C. 717b) is amended—
15	(1) in subsection (a)—
16	(A) by striking "export any natural gas
17	from the United States to a foreign country
18	or'';
19	(B) by inserting "to the United States"
20	after "from a foreign country"; and
21	(C) by striking "exportation or"; and
22	(2) in subsection (e)—
23	(A) by striking ", or the exportation of
24	natural gas to a nation with which there is in

1	effect a free trade agreement requiring national
2	treatment for trade in natural gas,"; and
3	(B) by striking "or exportation".
4	SEC. 3. PROCESS COORDINATION; HEARINGS; RULES OF
5	PROCEDURE.
6	Section 15(b)(1) of the Natural Gas Act (15 U.S.C.
7	717n(b)(1)) is amended by striking "Commission" and in-
8	serting "Federal Energy Regulatory Commission".
9	SEC. 4. TERMINATION OF CATEGORICAL EXCLUSION FOR
10	APPROVAL OR DISAPPROVAL OF THE EXPOR-
10	APPROVAL OR DISAPPROVAL OF THE EXPOR-
10	TATION OF NATURAL GAS.
11	TATION OF NATURAL GAS.
11 12 13	TATION OF NATURAL GAS. The categorical exclusion under B5.7 of appendix B
11 12	TATION OF NATURAL GAS. The categorical exclusion under B5.7 of appendix B to subpart D of part 1021 of title 10, Code of Federal
11 12 13	TATION OF NATURAL GAS. The categorical exclusion under B5.7 of appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, (relating to export of natural gas and associ-
111 12 13 14	TATION OF NATURAL GAS. The categorical exclusion under B5.7 of appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, (relating to export of natural gas and associated transportation by marine vessel) shall have no force
111 112 113 114 115	TATION OF NATURAL GAS. The categorical exclusion under B5.7 of appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, (relating to export of natural gas and associated transportation by marine vessel) shall have no force or effect.
111 12 13 14 15 16	TATION OF NATURAL GAS. The categorical exclusion under B5.7 of appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, (relating to export of natural gas and associated transportation by marine vessel) shall have no force or effect. SEC. 5. RULEMAKING.