

118TH CONGRESS
2D SESSION

S. 3704

To amend the Natural Gas Act to allow the Federal Energy Regulatory Commission to approve or deny applications for the siting, construction, expansion, or operation of facilities to export or import natural gas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2024

Mr. SCOTT of South Carolina (for himself, Mr. HAGERTY, Mr. CRAPO, Mr. RISCH, Mr. MULLIN, Ms. ERNST, Mr. HOEVEN, Mr. RICKETTS, Mr. SCOTT of Florida, Mr. CASSIDY, Mr. BUDD, Mrs. BRITT, Mr. THUNE, Mr. TILLIS, Mr. ROUNDS, Mr. COTTON, Mr. KENNEDY, and Mr. LANKFORD) 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 allow the Federal Energy Regulatory Commission to approve or deny applications for the siting, construction, expansion, or operation of facilities to export or import 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 “Unlocking Domestic
5 LNG Potential Act of 2024”.

1 **SEC. 2. ADVANCING UNITED STATES GLOBAL LEADERSHIP.**

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

4 (1) by striking subsections (a) through (c);

5 (2) by redesignating subsections (d), (e), and
6 (f) as subsections (c), (a), and (b), respectively, and
7 reordering accordingly; and

8 (3) by striking the section designation and
9 heading and all that follows through the period at
10 the end of paragraph (1) of subsection (a) (as so re-
11 designated) and inserting the following:

12 **“SEC. 3. LNG TERMINALS; AUTHORITY OF THE PRESIDENT**
13 **TO PROHIBIT IMPORTS OR EXPORTS OF NAT-**
14 **URAL GAS.**

15 “(a) LNG TERMINALS.—

16 “(1) AUTHORITY OF THE COMMISSION.—

17 “(A) IN GENERAL.—The Federal Energy
18 Regulatory Commission shall have the exclusive
19 authority to approve or deny an application for
20 the siting, construction, expansion, or operation
21 of a facility, including an LNG terminal, to ex-
22 port natural gas from the United States to a
23 foreign country or import natural gas from a
24 foreign country.

25 “(B) PUBLIC INTEREST.—In determining
26 whether to approve or deny an application de-

1 scribed in subparagraph (A), the Federal En-
2 ergy Regulatory Commission shall deem the im-
3 portation or exportation of natural gas to be
4 consistent with the public interest.

5 “(C) EFFECT.—Except as specifically pro-
6 vided in this Act, nothing in this Act affects
7 otherwise applicable law relating to the author-
8 ity or responsibility of any Federal agency re-
9 lating to facilities, including LNG terminals, to
10 import or export natural gas.”; and

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

12 “(d) RULE OF CONSTRUCTION RELATING TO AU-
13 THORITY TO PROHIBIT IMPORTS OR EXPORTS.—

14 “(1) DEFINITION OF STATE SPONSOR OF TER-
15 RORISM.—In this subsection, the term ‘state sponsor
16 of terrorism’ means a country the government of
17 which the Secretary of State determines has repeat-
18 edly provided support for international terrorism
19 pursuant to—

20 “(A) section 1754(c)(1)(A) of the Export
21 Control Reform Act of 2018 (50 U.S.C.
22 4813(c)(1)(A));

23 “(B) section 620A of the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2371);

1 “(C) section 40 of the Arms Export Con-
2 trol Act (22 U.S.C. 2780); or

3 “(D) any other provision of law.

4 “(2) RULE OF CONSTRUCTION.—Nothing in
5 this Act limits the authority of the President under
6 the Constitution or any provision of law described in
7 paragraph (3) to prohibit imports or exports.

8 “(3) PROVISIONS OF LAW DESCRIBED.—The
9 provisions of law referred to in paragraph (2) are—

10 “(A) the International Emergency Eco-
11 nomic Powers Act (50 U.S.C. 1701 et seq.);

12 “(B) the National Emergencies Act (50
13 U.S.C. 1601 et seq.);

14 “(C) part B of title II of the Energy Policy
15 and Conservation Act (42 U.S.C. 6271 et seq.);

16 “(D) the Trading with the Enemy Act (50
17 U.S.C. 4301 et seq.); and

18 “(E) any other provision of law that—

19 “(i) imposes sanctions with respect to
20 a foreign person or foreign government, in-
21 cluding the government of a country that
22 is designated as a state sponsor of ter-
23 rorism; or

24 “(ii) prohibits or restricts United
25 States persons from engaging in a trans-

1 action with a person or government subject
2 to sanctions imposed by the United
3 States.”.

○