

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish procedures for determining the public interest with respect to  
greenhouse gas emissions, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. MERKLEY introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

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**A BILL**

To establish procedures for determining the public interest  
with respect to greenhouse gas emissions, 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 “Protecting Americans  
5 from High Electricity Prices Act of 2026”.

6 **SEC. 2. PUBLIC INTEREST CRITERIA UNDER THE NATURAL**  
7 **GAS ACT.**

8 (a) PUBLIC INTEREST CRITERIA.—Section 3 of the  
9 Natural Gas Act (15 U.S.C. 717b) is amended—

10 (1) in subsection (a)—

1 (A) in the third sentence, by striking “The  
2 Commission may” and inserting the following:

3 “(3) AUTHORITY.—The Commission may”;

4 (B) in the second sentence—

5 (i) by inserting “, subject to sub-  
6 section (c)” after “public interest”; and

7 (ii) by striking “The Commission  
8 shall” and all that follows through “will  
9 not be” and inserting the following:

10 “(2) PUBLIC INTEREST.—The Commission may  
11 issue such order upon application, after an oppor-  
12 tunity for hearing, if the Commission finds that the  
13 proposed exportation or importation is”; and

14 (C) by striking “(a) After six months” and  
15 inserting the following:

16 “(a) AUTHORIZATION ORDER.—

17 “(1) IN GENERAL.—After 6 months”; and

18 (2) by striking subsection (c) and inserting the  
19 following:

20 “(c) PUBLIC INTEREST CRITERIA.—

21 “(1) DEFINITIONS.—In this subsection:

22 “(A) COUNTRY OF CONCERN.—The term  
23 ‘country of concern’ means—

24 “(i) Russia;

25 “(ii) China;

1 “(iii) North Korea;

2 “(iv) Iran; and

3 “(v) any other country that, after  
4 public notice and comment, the Secretary  
5 of Energy, in consultation with the Sec-  
6 retary of Defense, the Secretary of State,  
7 and the Director of National Intelligence,  
8 determines to be engaged in conduct that  
9 is detrimental to the national security or  
10 foreign policy of the United States.

11 “(B) SCOPE 1 EMISSIONS.—The term  
12 ‘scope 1 emissions’ means direct emissions that  
13 occur from sources that are controlled or owned  
14 by an organization.

15 “(C) SCOPE 2 EMISSIONS.—The term  
16 ‘scope 2 emissions’ means indirect greenhouse  
17 gas emissions associated with the purchase of  
18 electricity, steam, heat, or cooling.

19 “(D) SCOPE 3 EMISSIONS.—The term  
20 ‘scope 3 emissions’ means all indirect green-  
21 house gases produced in a value chain of a com-  
22 pany, excluding purchased electricity.

23 “(2) PUBLIC INTEREST ACTIVITIES AND OUT-  
24 COMES.—

1           “(A) IN GENERAL.—For the purposes of  
2 subsection (a)(2), with respect to the import or  
3 export of natural gas—

4           “(i) the Commission shall consider the  
5 public interest broadly, including environ-  
6 mental impacts and affordability; and

7           “(ii) the activities and outcomes de-  
8 scribed in subparagraph (B) are not con-  
9 sistent with the public interest.

10          “(B) ACTIVITIES AND OUTCOMES.—The  
11 activities and outcomes referred to in subpara-  
12 graph (A) are:

13           “(i) Increasing the price of natural  
14 gas for households or industries in the  
15 United States.

16           “(ii) Increasing greenhouse gas emis-  
17 sions, including the consideration of all  
18 scope 1 emissions, scope 2 emissions, and  
19 scope 3 emissions.

20           “(iii) Supplying energy to a country of  
21 concern.

22          “(3) RULEMAKING.—Not later than 30 days  
23 after the date of enactment of the Protecting Ameri-  
24 cans from High Electricity Prices Act of 2026, the  
25 Commission shall promulgate regulations estab-

1       lishing the procedures and criteria to be used for de-  
2       termining whether an import or export of natural  
3       gas is consistent with the public interest under sub-  
4       section (a)(2), including consideration of the matters  
5       described in paragraph (2), and, with respect to  
6       greenhouse gas emissions, the consideration of all  
7       scope 1 emissions, scope 2 emissions, and scope 3  
8       emissions.”.

9       (b) SAVINGS CLAUSE.—Nothing in this Act or the  
10      amendments made by this Act—

11           (1) is intended as a statement of congressional  
12      intent with respect to the authority of the Federal  
13      Energy Regulatory Commission or the Secretary of  
14      Energy under the Natural Gas Act (15 U.S.C. 717  
15      et seq.);

16           (2) precludes the Federal Energy Regulatory  
17      Commission or the Secretary of Energy from consid-  
18      ering the impact of export of natural gas on house-  
19      holds, businesses, or natural gas-dependent indus-  
20      tries in the United States when carrying out the  
21      Natural Gas Act (15 U.S.C. 717 et seq.) or any  
22      other applicable law;

23           (3) precludes the Secretary of Energy from de-  
24      termining that the export of natural gas is not con-

1       sistent with the public interest pursuant to section  
2       3 of the Natural Gas Act (15 U.S.C. 717b); or

3           (4) precludes the Federal Energy Regulatory  
4       Commission from determining that the export of  
5       natural gas is not in service of public convenience or  
6       necessity pursuant to section 7 of the Natural Gas  
7       Act (15 U.S.C. 717f) because it raises prices on  
8       households, businesses, or natural gas-dependent in-  
9       dustries in the United States.

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

12           (1) in subsection (b), by striking “(b) With re-  
13       spect to” and inserting the following:

14       “(b) FREE TRADE AGREEMENT.—With respect to”;

15           (2) in subsection (d), by striking “(d) Except  
16       as” and inserting the following:

17       “(d) CONSTRUCTION WITH OTHER LAWS.—Except  
18       as”;

19           (3) in subsection (e)—

20           (A) by striking “(e) (1) The Commission”  
21       and inserting the following:

22       “(e) LNG TERMINALS.—

23           “(1) AUTHORITY.—The Commission”;

24           (B) in paragraph (2)—

1 (i) by striking “(2) Upon the filing”  
2 and inserting the following:

3 “(2) FILING.—On the filing”; and

4 (ii) by indenting subparagraphs (A)  
5 through (D) appropriately;  
6 (C) in paragraph (3)—

7 (i) by striking “(3) (A) Except as pro-  
8 vided” and inserting the following:

9 “(3) DISCRETION.—

10 “(A) IN GENERAL.—Except as provided”;

11 (ii) by indenting subparagraphs (B)  
12 and (C) appropriately;

13 (iii) in subparagraph (B)—

14 (I) by striking “(B) Before Janu-  
15 ary” and inserting the following:

16 “(B) LIMITATIONS.—Before January”;

17 (II) by indenting clauses (i) and

18 (ii) appropriately; and

19 (III) in clause (ii), by indenting  
20 subclauses (I) through (III) appro-  
21 priately; and

22 (iv) in subparagraph (C), by striking  
23 “(C) Subparagraph (B) shall” and insert-  
24 ing the following:

1                   “(C) SUNSET.—Subparagraph (B) shall”;

2                   and

3                   (D) in paragraph (4), by striking “(4) An  
4                   order” and inserting the following:

5                   “(4) LIMITATIONS.—An order”; and

6                   (4) in subsection (f)—

7                   (A) in paragraph (1)—

8                   (i) in subparagraph (A), by striking “;  
9                   and” and inserting a period; and

10                   (ii) in subparagraph (B), by striking  
11                   “(B) does not include” and inserting the  
12                   following:

13                   “(B) EXCLUSION.—The term ‘military in-  
14                   stallation’ does not include”;

15                   (B) by striking the subsection designation  
16                   and all that follows through “means a base” in  
17                   paragraph (1)(A) and inserting the following:

18                   “(f) MILITARY INSTALLATIONS.—

19                   “(1) DEFINITION OF MILITARY INSTALLA-  
20                   TION.—

21                   “(A) IN GENERAL.—In this subsection, the  
22                   term ‘military installation’ means a base”;

23                   (C) in paragraph (2), by striking “(2) The  
24                   Commission shall” and inserting the following:

1           “(2) MEMORANDUM OF UNDERSTANDING.—The  
2           Commission shall”; and

3                         (D) in paragraph (3), by striking “(3) The  
4           Commission shall” and inserting the following:

5           “(3) CONCURRENCE.—The Commission shall”.