

118TH CONGRESS
1ST SESSION

S. 1410

To amend the Federal Power Act and the Natural Gas Act with respect to the enforcement of certain provisions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2023

Ms. CORTEZ MASTO (for herself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Power Act and the Natural Gas Act with respect to the enforcement of certain provisions, 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 “Energy Consumer Pro-
5 tection Act of 2023”.

6 **SEC. 2. PROHIBITIONS AND SUSPENSIONS FOR VIOLA-**
7 **TIONS.**

8 (a) AMENDMENTS TO THE FEDERAL POWER ACT.—

1 (1) ENFORCEMENT OF CERTAIN PROVISIONS.—
 2 Section 316A of the Federal Power Act (16 U.S.C.
 3 825o–1) is amended by adding at the end the fol-
 4 lowing:

5 “(c) PROHIBITION OR SUSPENSION FOR VIOLA-
 6 TIONS.—The Commission may prohibit, conditionally or
 7 unconditionally, permanently or for such period of time
 8 as the Commission determines to be appropriate, any per-
 9 son who is engaged or has engaged in practices consti-
 10 tuting a violation of section 221 or 222 (and related rules
 11 and regulations) from engaging, directly or indirectly, in
 12 the business of purchasing or selling—

13 “(1) electric energy;

14 “(2) electric energy products, including finan-
 15 cial transmission rights; or

16 “(3) transmission services subject to the juris-
 17 diction of the Commission.”.

18 (2) CONFORMING AMENDMENTS.—Section
 19 314(d) of the Federal Power Act (16 U.S.C.
 20 825m(d)) is amended—

21 (A) in the matter preceding paragraph

22 (1)—

23 (i) by striking “individual” and insert-
 24 ing “person”; and

1 (ii) by inserting “or 222” after “sec-
2 tion 221”;

3 (B) in paragraph (1), by inserting “with
4 respect to a person who is an individual,” be-
5 fore “acting”; and

6 (C) in paragraph (2)—

7 (i) in the matter preceding subpara-
8 graph (A), by inserting “, directly or indi-
9 rectly,” after “engaging”;

10 (ii) in subparagraph (A), by striking
11 “; or” and inserting a semicolon;

12 (iii) by redesignating subparagraph
13 (B) as subparagraph (C); and

14 (iv) by inserting after subparagraph
15 (A) the following:

16 “(B) electric energy products, including fi-
17 nancial transmission rights; or”.

18 (b) AMENDMENTS TO NATURAL GAS ACT.—

19 (1) PROHIBITION ON FILING FALSE INFORMA-
20 TION.—The Natural Gas Act (15 U.S.C. 717 et
21 seq.) is amended by inserting after section 4A the
22 following:

23 **“SEC. 4B. PROHIBITION ON FILING FALSE INFORMATION.**

24 “No person shall willfully and knowingly report to a
25 Federal agency or private-sector price-reporting agency,

1 with intent to fraudulently affect the data being compiled
2 by the Federal agency or private-sector price-reporting
3 agency, any information relating to the transportation or
4 sale of natural gas subject to the jurisdiction of the Com-
5 mission (including information relating to the availability
6 and prices of natural gas sold at wholesale and in inter-
7 state commerce and information relating to the operation
8 of facilities for the transportation and sale of natural gas
9 at wholesale and in interstate commerce) that the person
10 knows to be false at the time of the reporting.”.

11 (2) CIVIL PENALTY AUTHORITY.—Section 22 of
12 the Natural Gas Act (15 U.S.C. 717t–1) is amended
13 by adding at the end the following:

14 “(d) PROHIBITION OR SUSPENSION FOR VIOLA-
15 TIONS.—The Commission may prohibit, conditionally or
16 unconditionally, permanently or for such period of time
17 as the Commission determines to be appropriate, any per-
18 son who is engaged or has engaged in practices consti-
19 tuting a violation of section 4A or 4B (including related
20 rules and regulations) from engaging, directly or indi-
21 rectly, in the business of purchasing or selling—

22 “(1) natural gas; or

23 “(2) transmission services subject to the juris-
24 diction of the Commission.”.

1 (3) CONFORMING AMENDMENTS.—Section
2 20(d) of the Natural Gas Act (15 U.S.C. 717s(d))
3 is amended—

4 (A) in the matter preceding paragraph (1),
5 by striking “individual” and inserting “person”;

6 (B) in paragraph (1), by inserting “with
7 respect to a person who is an individual,” be-
8 fore “acting”; and

9 (C) in paragraph (2), in the matter pre-
10 ceding subparagraph (A), by inserting “, di-
11 rectly or indirectly,” after “engaging”.

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