

118TH CONGRESS
2D SESSION

S. _____

To address the effect of litigation on applications to export liquefied natural gas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRUZ (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To address the effect of litigation on applications to export liquefied 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 “Protect LNG Act of
5 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COVERED APPLICATION.—The term “cov-
9 ered application” means an application for—

1 (A) an authorization to export natural gas
2 under section 3(a) of the Natural Gas Act (15
3 U.S.C. 717b(a)); or

4 (B) an authorization to site, construct, ex-
5 pand, or operate a covered facility under section
6 3(e) of the Natural Gas Act (15 U.S.C.
7 717b(e)).

8 (2) COVERED FACILITY.—The term “covered
9 facility” means a liquefied natural gas facility for
10 which a proposal to site, construct, expand, or oper-
11 ate is required to be approved by—

12 (A) the Secretary; and

13 (B)(i) the Federal Energy Regulatory
14 Commission; or

15 (ii) the Maritime Administration.

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of Energy.

18 **SEC. 3. EFFECT OF LITIGATION ON APPLICATIONS TO EX-**
19 **PORT LIQUEFIED NATURAL GAS.**

20 (a) EFFECT OF LITIGATION.—A civil action relating
21 to an environmental review under the Natural Gas Act (15
22 U.S.C. 717 et seq.) or the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a
24 covered facility shall not affect the validity of a permit,

1 license, or approval issued to the covered facility that is
2 the subject of the civil action.

3 (b) REMAND; PROCESSING OF COVERED APPLICA-
4 TIONS.—If, in a civil action described in subsection (a),
5 the environmental review for a permit, license, or approval
6 issued to the covered facility that is the subject of the civil
7 action is found by the applicable court to violate the Nat-
8 ural Gas Act (15 U.S.C. 717 et seq.) or the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

10 (1) notwithstanding chapter 5 or 7 of title 5,
11 United States Code (commonly referred to as the
12 “Administrative Procedure Act”), the applicable
13 court shall not set aside or vacate the permit, li-
14 cense, or approval issued to the covered facility but
15 instead remand the matter to the relevant Federal
16 agency to resolve the violation; and

17 (2) the relevant Federal agency shall continue
18 to process all covered applications.

19 **SEC. 4. ACTION ON COVERED APPLICATIONS.**

20 (a) JUDICIAL REVIEW.—Except for review in the Su-
21 preme Court of the United States, the court of appeals
22 of the United States for the circuit in which a covered
23 facility is, or will be, located pursuant to a covered applica-
24 tion shall have original and exclusive jurisdiction over any

1 civil action for the review of an order issued by a Federal
2 agency with respect to the covered application.

3 (b) EXPEDITED REVIEW.—The applicable United
4 States Court of Appeals under subsection (a) shall—

5 (1) set any civil action brought under this sub-
6 section for expedited review; and

7 (2) set the action on the docket as soon as
8 practicable after the filing date of the initial plead-
9 ing.

10 (c) TRANSFER OF EXISTING ACTIONS.—In the case
11 of a covered application for which a petition for review
12 has been filed as of the date of enactment of this Act,
13 the petition shall be—

14 (1) on a motion by the applicant, transferred to
15 the court of appeals of the United States in which
16 the covered facility that is the subject of the covered
17 application is, or will be, located; and

18 (2) adjudicated in accordance with this section.

19 (d) LIMITATION ON CLAIMS.—Notwithstanding any
20 other provision of law, a claim arising under Federal law
21 seeking judicial review of a permit, license, or approval
22 issued by a Federal agency for a covered facility pursuant
23 to a covered application shall be barred unless the claim
24 is filed not later than 90 days after publication of a notice
25 in the Federal Register announcing that the permit, li-

1 cense, or approval is final pursuant to the law under which
2 the agency action is taken, unless a shorter time is speci-
3 fied in the Federal law pursuant to which judicial review
4 is allowed.

5 (e) SAVINGS CLAUSE.—Nothing in this section estab-
6 lishes a right to judicial review or places any limit on filing
7 a claim that a person has violated the terms of a permit,
8 license, or approval.