

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3592**

OFFERED BY M ____.

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protect LNG Act”.

3 SEC. 2. DEFINITIONS.

4 In this Act:

(1) COVERED APPLICATION.—The term “covered application” means an application for—

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

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

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

18 (A) the Secretary; and

1 (B)(i) the Federal Energy Regulatory
2 Commission; or

3 (ii) the Maritime Administration.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Energy.

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

8 (a) EFFECT OF LITIGATION.—A civil action relating
9 to an environmental review under the Natural Gas Act (15
10 U.S.C. 717 et seq.) or the National Environmental Policy
11 Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a
12 covered facility shall not affect the validity of a permit,
13 license, or approval issued to the covered facility that is
14 the subject of the civil action.

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

22 (1) notwithstanding chapter 5 or 7 of title 5,
23 United States Code (commonly referred to as the
24 “Administrative Procedure Act”), the applicable
25 court shall not set aside or vacate the permit, li-

1 cense, or approval issued to the covered facility but
2 instead remand the matter to the relevant Federal
3 agency to resolve the violation; and

4 (2) the relevant Federal agency shall continue
5 to process all covered applications.

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

7 (a) JUDICIAL REVIEW.—Except for review in the Su-
8 preme Court of the United States, the court of appeals
9 of the United States for the circuit in which a covered
10 facility is, or will be, located pursuant to a covered applica-
11 tion shall have original and exclusive jurisdiction over any
12 civil action for the review of an order issued by a Federal
13 agency with respect to the covered application.

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

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

18 (2) set the action on the docket as soon as
19 practicable after the filing date of the initial plead-
20 ing.

21 (c) TRANSFER OF EXISTING ACTIONS.—In the case
22 of a covered application for which a petition for review
23 has been filed as of the date of enactment of this Act,
24 the petition shall be—

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

5 (2) adjudicated in accordance with this section.

6 (d) LIMITATION ON CLAIMS.—Notwithstanding any
7 other provision of law, a claim arising under Federal law
8 seeking judicial review of a permit, license, or approval
9 issued by a Federal agency for a covered facility pursuant
10 to a covered application shall be barred unless the claim
11 is filed not later than 90 days after publication of a notice
12 in the Federal Register announcing that the permit, li-
13 cense, or approval is final pursuant to the law under which
14 the agency action is taken, unless a shorter time is speci-
15 fied in the Federal law pursuant to which judicial review
16 is allowed.

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

