

115TH CONGRESS
2D SESSION

S. 3495

To provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2018

Mr. BARRASSO introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export 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 “LNG Permitting Cer-
5 tainty and Transparency Act”.

6 **SEC. 2. ACTION ON APPLICATIONS TO EXPORT LIQUEFIED**
7 **NATURAL GAS.**

8 (a) **DECISION DEADLINE.**—For proposals that must
9 also obtain authorization from the Federal Energy Regu-

latory Commission or the Maritime Administration to site, construct, expand, or operate liquefied natural gas export facilities, the Secretary of Energy (referred to in this Act as the “Secretary”) shall issue a final decision on any application for the authorization to export natural gas under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) not later than 45 days after the later of—

(1) the conclusion of the review to site, construct, expand, or operate the liquefied natural gas export facilities required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) the date of enactment of this Act.

(b) CONCLUSION OF REVIEW.—For purposes of subsection (a), review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be considered concluded when the lead agency—

(1) for a project requiring an Environmental Impact Statement, publishes a Final Environmental Impact Statement;

(2) for a project for which an Environmental Assessment has been prepared, publishes a Finding of No Significant Impact; or

(3) determines that an application is eligible for a categorical exclusion pursuant to National Envi-

ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—Except for review in the Supreme Court, the United States Court of Appeals for the District of Columbia Circuit or the circuit in which the liquefied natural gas export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order issued by the Secretary with respect to such application; or

(B) the failure of the Secretary to issue a final decision on such application.

(2) ORDER.—If the Court in a civil action described in paragraph (1) finds that the Secretary has failed to issue a final decision on the application as required under subsection (a), the Court shall order the Secretary to issue the final decision not later than 30 days after the order of the Court.

(3) EXPEDITED CONSIDERATION.—The Court shall—

(A) set any civil action brought under this subsection for expedited consideration; and

1 (B) set the matter on the docket as soon
2 as practicable after the filing date of the initial
3 pleading.

4 (4) TRANSFERS.—In the case of an application
5 described in subsection (a) for which a petition for
6 review has been filed—

7 (A) upon motion by an applicant, the mat-
8 ter shall be transferred to the United States
9 Court of Appeals for the District of Columbia
10 Circuit or the circuit in which a liquefied nat-
11 ural gas export facility will be located pursuant
12 to an application described in section 3(a) of
13 the Natural Gas Act (15 U.S.C. 717b(a)); and

14 (B) the provisions of this section shall
15 apply.

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