

118TH CONGRESS
2D SESSION

S. 3829

To address actions for applications to export liquefied natural gas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2024

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

A BILL

To address actions for 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 “LNG Security Act”.

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

7 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
8 is amended—

9 (1) by striking subsection (c) and inserting the
10 following:

1 “(c) PUBLIC INTEREST.—

2 “(1) IN GENERAL.—For purposes of subsection
3 (a), all of the following shall be deemed to be con-
4 sistent with the public interest and applications for
5 such importation or exportation shall be granted
6 without modification or delay:

7 “(A) The importation of natural gas re-
8 ferred to in subsection (b).

9 “(B) The exportation of natural gas to a
10 nation with which there is in effect a free trade
11 agreement requiring national treatment for
12 trade in natural gas.

13 “(C) The exportation of natural gas to a
14 nation that—

15 “(i) imports, directly or indirectly,
16 natural gas (including liquefied natural
17 gas) from the Russian Federation or the
18 Islamic Republic of Iran;

19 “(ii) has the physical capability to im-
20 port, directly or indirectly, natural gas (in-
21 cluding liquefied natural gas) from the
22 Russian Federation or the Islamic Repub-
23 lic of Iran; or

24 “(iii) has previously imported, directly
25 or indirectly, natural gas (including lique-

1 fied natural gas) from the Russian Federa-
2 tion or the Islamic Republic of Iran.

3 “(2) EXCLUSIONS.—Paragraph (1) shall not
4 apply with respect to the exportation of natural
5 gas—

6 “(A) to any nation that is subject to sanc-
7 tions imposed by the United States; or

8 “(B) to any nation that is designated as
9 excluded from that paragraph by an Act of
10 Congress.”;

11 (2) in subsection (e)(3)(A), by inserting “and
12 subsection (g)” after “subparagraph (B)”; and

13 (3) by adding at the end the following:

14 “(g) ACTION ON APPLICATIONS TO EXPORT LNG.—

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

16 “(A) COVERED APPLICATION.—The term
17 ‘covered application’ means an application sub-
18 mitted with respect to a covered facility for an
19 authorization to export natural gas under sub-
20 section (a).

21 “(B) COVERED FACILITY.—The term ‘cov-
22 ered facility’ means a liquefied natural gas ex-
23 port facility for which a proposal to site, con-
24 struct, expand, or operate is required to be ap-
25 proved under subsection (e).

1 “(2) DECISION DEADLINE.—The Commission
2 shall issue a final decision on a covered application
3 not later than 45 days after the later of—

4 “(A) the date on which each review re-
5 quired under the National Environmental Pol-
6 icy Act of 1969 (42 U.S.C. 4321 et seq.) with
7 respect to the siting, construction, expansion, or
8 operation of the covered facility that is the sub-
9 ject of the covered application is published; and

10 “(B) the date of enactment of this sub-
11 section.

12 “(3) UNTIMELY FINAL DECISION.—

13 “(A) IN GENERAL.—If the Commission
14 fails to issue a final decision under paragraph
15 (2) by the applicable date required under that
16 paragraph, the covered application shall be con-
17 sidered approved, and the environmental review
18 shall be considered sufficient to satisfy all re-
19 quirements of the National Environmental Pol-
20 icy Act of 1969 (42 U.S.C. 4321 et seq.).

21 “(B) FINAL AGENCY ACTION.—A deter-
22 mination under subparagraph (A) shall be con-
23 sidered to be a final agency action.

24 “(4) JUDICIAL REVIEW.—

1 “(A) JURISDICTION.—Except for review in
2 the Supreme Court of the United States, the
3 court of appeals of the United States for the
4 circuit in which a covered facility is, or will be,
5 located pursuant to a covered application shall
6 have original and exclusive jurisdiction over any
7 civil action for the review of an order issued by
8 the Commission with respect to the covered ap-
9 plication.

10 “(B) EXPEDITED REVIEW.—The applicable
11 United States Court of Appeals shall—

12 “(i) set any civil action brought under
13 this subsection for expedited review; and

14 “(ii) set the action on the docket as
15 soon as practicable after the filing date of
16 the initial pleading.

17 “(C) TRANSFER OF EXISTING ACTIONS.—
18 In the case of a covered application for which
19 a petition for review has been filed as of the
20 date of enactment of this subsection, the peti-
21 tion shall be—

22 “(i) on a motion by the applicant,
23 transferred to the court of appeals of the
24 United States in which the covered facility

1 that is the subject of the covered applica-
2 tion is, or will be, located; and

3 “(ii) adjudicated in accordance with
4 this paragraph.”.

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