Natural Gas Pipeline Projects/Streamlining: United States Senator Tom Cotton (Arkansas) Introduces Legislation Naming the Federal Regulatory Commission as Sole Lead Agency



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04/30/2026

United States Senator Tom Cotton (Arkansas) introduced on Apri 15th legislation addressing natural gas pipeline projects.

The bill is denominated as:

The Jurisdiction Oversight and Adjudication for Natural Gas Act ("Act").

The stated purpose of the Act is to promote interagency coordination for reviewing certain authorizations under the Natural Gas Act.

The Act would affirm the Federal Energy Regulatory Commission ("FERC") as the sole lead agency for natural gas pipeline projects. Senator Cotton is quoted as stating:

… Unnecessary, complex natural gas permitting laws often result in energy shortages and higher prices for Arkansans. My bill would streamline this process to lower prices.

The Act would also:

- Affirm FERC as the sole lead agency for coordinating National Environmental Policy Act (NEPA) reviews and related federal authorizations for interstate natural gas pipelines under the Natural Gas Act.
- Require participating federal and state agencies to follow schedules set by FERC and conduct their reviews concurrently with FERC's NEPA process, including acceptance of appropriate remote environmental data.
- Incorporate Clean Water Act Section 401 water quality certification into FERC's NEPA review, including any terms or conditions required to comply with the Clean Water Act, preventing separate, indefinite processes that can delay projects for reasons unrelated to water quality.
- Require FERC to act on certification requests within 90 days after completing NEPA review.
- Require FERC to consult with the Transportation Security Administration regarding pipeline infrastructure and security measures.

- Ensure continued compliance with the Clean Water Act and all other environmental protections.
- Establish a fast, exclusive, and consolidated judicial review process for challenges to federal authorizations for certain energy infrastructure projects ("covered projects").
- Apply to projects requiring a core authorization under the Natural Gas Act. "The term 'core authorization' means a Federal authorization issued pursuant to section 3(e) or section 7(c) of the Natural Gas Act."
- Automatically deem a core authorization final agency action for all related federal authorizations.
- Establish a single civil action as the sole and exclusive means of judicial review for the project.
- Bar all subsequent challenges after final adjudication (except by the project sponsor).

A copy of the Act can be found here.