

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY M. _____

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Protect American AI
3 Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

6 (1) **COVERED APPLICATION.**—The term “cov-
7 ered application” means an application for an au-
8 thorization to site, construct, expand, or operate a—

9 (A) data center; or

10 (B) covered infrastructure.

11 (2) **DATA CENTER.**—The term “data center”
12 means any facility that primarily contains electronic
13 equipment used to process, store, or transmit digital
14 information.

15 (3) **COVERED INFRASTRUCTURE.**—The term
16 “covered infrastructure” means any infrastructure,
17 facility, or other project that is primarily con-

1 March 3, 1899 (33 U.S.C. 403; 408), the Clean Air Act
2 (42 U.S.C. 7401 et seq.), or the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

4 (1) notwithstanding chapter 5 or 7 of title 5,
5 United States Code (commonly referred to as the
6 “Administrative Procedure Act”), the applicable
7 court shall not set aside or vacate the permit, li-
8 cense, or approval issued for the data center or cov-
9 ered infrastructure but instead remand the matter
10 to the relevant Federal agency to resolve the viola-
11 tion; and

12 (2) the relevant Federal agency shall continue
13 to process all covered applications.

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

15 (a) JUDICIAL REVIEW.—Except for review in the Su-
16 preme Court of the United States, the court of appeals
17 of the United States for the circuit in which a data center
18 or covered infrastructure is, or will be, located pursuant
19 to a covered application shall have original and exclusive
20 jurisdiction over any civil action for the review of an order
21 issued by a Federal agency with respect to the covered
22 application.

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

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

3 (2) set the action on the docket as soon as
4 practicable after the filing date of the initial plead-
5 ing.

6 (c) TRANSFER OF EXISTING ACTIONS.—In the case
7 of a covered application for which a petition for review
8 has been filed as of the date of enactment of this Act,
9 the petition shall be—

10 (1) on a motion by the applicant, transferred to
11 the court of appeals of the United States in which
12 the data center or covered infrastructure that is the
13 subject of the covered application is, or will be, lo-
14 cated; and

15 (2) adjudicated in accordance with this section.

16 (d) LIMITATION ON CLAIMS.—Notwithstanding any
17 other provision of law, a claim arising under Federal law
18 seeking judicial review of a permit, license, or approval
19 issued by a Federal agency for a data center or covered
20 infrastructure pursuant to a covered application shall be
21 barred unless the claim is filed not later than 90 days
22 after publication of a notice in the Federal Register an-
23 nouncing that the permit, license, or approval is final pur-
24 suant to the law under which the agency action is taken,

1 unless a shorter time is specified in the Federal law pursu-
2 ant to which judicial review is allowed.

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

