

115TH CONGRESS  
1ST SESSION

# H. R. 2649

To require the Federal Energy Regulatory Commission to apply certain procedures before granting a certificate of public convenience and necessity for a proposed pipeline project, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2017

Mrs. WATSON COLEMAN (for herself and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To require the Federal Energy Regulatory Commission to apply certain procedures before granting a certificate of public convenience and necessity for a proposed pipeline project, 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 “Safe and Accountable  
5 Federal Energy Review for Pipelines Act of 2017” or the  
6 “Safer Pipelines Act of 2017”.

1 **SEC. 2. APPROVAL OF NEW NATURAL GAS PIPELINES.**

2 Section 7(e) of the Natural Gas Act (15 U.S.C.  
3 717f(e)) is amended—

4 (1) by inserting “(1)” before “Except in the  
5 cases”; and

6 (2) by adding at the end the following:

7 “(2) Before granting a certificate for a proposed  
8 pipeline expansion project for which an impacted State or  
9 political subdivision or intervener has raised a challenge  
10 to the project’s public necessity based upon factors that  
11 the Commission is required to consider including FERC  
12 Statement of Policy (88 FERC 61,227) modified by 89  
13 FERC 61,040, further clarified by 90 FERC 61,128, the  
14 Commission shall—

15 “(A) assign the application to an administrative  
16 law judge who shall, as appropriate—

17 “(i) hold a full trial-type evidentiary hear-  
18 ing on any contested issue of need for the ex-  
19 pansion; or

20 “(ii) conduct for an evidentiary hearing  
21 after conducting limited discovery; and

22 “(B) issue a staff report publishing the findings  
23 with respect to each factor which includes the data  
24 and analyses relied upon in reaching those findings.

25 “(3) The Commission shall conduct a cumulative re-  
26 view of major energy infrastructure projects planned

1 throughout the region of the expansion, their purported  
2 purpose and need, and their prospective impacts on State  
3 and regional energy goals, which shall be updated regu-  
4 larly, but no less than every five years, and that con-  
5 siders—

6           “(A) the existence of underutilized or inefficient  
7 use of existing pipeline capacity;

8           “(B) the effect of approval on existing cus-  
9 tomers of other pipelines;

10           “(C) an analysis of demonstrated regional needs  
11 for the additional natural gas, including consider-  
12 ation of the existence of precedent contracts;

13           “(D) compatibility with the State’s clean power  
14 plan, renewable energy goals, and renewable port-  
15 folio standard;

16           “(E) the region’s ability to meet any deficiency  
17 in energy needs through energy efficiency, dual fuel  
18 sources, LNG storage, or other economically viable  
19 and less environmentally disruptive measures than  
20 additional pipeline infrastructure;

21           “(F) Federal renewable energy goals; and

22           “(G) the need for the proposed project in rela-  
23 tion to this regional analysis.

24           “(4) In the case of an interstate natural gas pipeline  
25 project, for purposes of the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.), the Commission  
2 shall consider, in addition to current requirements for en-  
3 vironmental impact statements or environmental assess-  
4 ments, the cumulative impacts of other interstate natural  
5 gas pipeline projects located within the same State or  
6 States, as well as projects within 100 miles of the project,  
7 that are approved, filed with the Commission or, in the  
8 pre-filing process—

9           “(A) for a 1-year period prior to the filing of  
10       the project application with the Commission;

11           “(B) before the issuance of the draft environ-  
12       mental impact statement or environmental assess-  
13       ment; and

14           “(C) the cumulative review in paragraph (3).

15       “(5) The Commission shall require all approved and  
16       constructed natural gas pipeline projects to undertake a  
17       five-year monitoring program to confirm that the environ-  
18       mental impacts identified in any environmental impact  
19       statement or analysis conducted with respect to the project  
20       have been mitigated.”.

○