

116TH CONGRESS
1ST SESSION

H. R. 5454

To amend the Natural Gas Act with respect to actions for eminent domain by holders of certificates of public convenience and necessity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2019

Mr. MALINOWSKI (for himself, Mrs. WATSON COLEMAN, Mr. TONKO, Ms. KUSTER of New Hampshire, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Natural Gas Act with respect to actions for eminent domain by holders of certificates of public convenience and necessity, 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 “Fairness for Land-
5 owners Facing Eminent Domain Act”.

1 **SEC. 2. MODIFICATIONS TO EXERCISE OF THE RIGHT OF**
2 **EMINENT DOMAIN BY HOLDER OF A CERTIFI-**
3 **CATE OF PUBLIC CONVENIENCE AND NECES-**
4 **SITY.**

5 (a) REQUIREMENT.—Section 7(h) of the Natural Gas
6 Act (15 U.S.C. 717f(h)) is amended—

7 (1) by striking “When any holder” and insert-
8 ing the following: “ (1) Subject to paragraph (2),
9 when any holder”; and

10 (2) by adding at the end the following new
11 paragraphs:

12 “(2) A holder of a certificate of public convenience
13 and necessity may not exercise the right of eminent do-
14 main under paragraph (1) unless the holder—

15 “(A) obtains all Federal and State permits re-
16 quired by law for the construction and operation of
17 pipeline facilities; and

18 “(B) complies with all environmental conditions
19 appended to the certificate order.

20 “(3) A holder of a certificate of public convenience
21 and necessity shall be suspended from the exercise of the
22 right of eminent domain under paragraph (1)—

23 “(A) if the holder requests a material amend-
24 ment to the certificate, until such time as the condi-
25 tions in paragraph (4) are satisfied; or

1 “(B) if a Federal or State permit held by the
2 holder is vacated or remanded, until such time as—

3 “(i) all vacated or remanded permits are
4 reinstated or reissued to the holder; and

5 “(ii) the holder complies with all environ-
6 mental conditions appended to the certificate
7 order.

8 “(4) A holder of a certificate of public convenience
9 and necessity who requests a material amendment to the
10 certificate and has the exercise of the right of eminent do-
11 main suspended under paragraph (3)(A) may not com-
12 mence a new action or proceeding to exercise the right
13 of eminent domain under paragraph (1) until such time
14 as—

15 “(A) the Commission issues an amended certifi-
16 cate of public convenience and necessity; and

17 “(B) the holder—

18 “(i) obtains all additional Federal and
19 State permits required by law pursuant to the
20 amended certificate; and

21 “(ii) complies with all environmental condi-
22 tions appended to the amended certificate
23 order.

24 “(5) A holder of a certificate of public convenience
25 and necessity may not exercise the right of eminent do-

1 main under paragraph (1) if the applicable pipe line or
2 pipe lines, necessary land or other property, or equipment
3 necessary to the proper operation of such pipe line or pipe
4 lines to be constructed, operated, and maintained is at-
5 tached to any facility with respect to which an order is
6 required under section 3.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this Act shall apply—

9 (1) to any action or proceeding for eminent do-
10 main under section 7(h)(1) of the Natural Gas Act,
11 as amended by this Act, commencing on or after the
12 date of enactment of this Act; and

13 (2) to any request for a material amendment to
14 a certificate of public convenience and necessity oc-
15 ccurring on or after the date of enactment of this
16 Act.

○