

117TH CONGRESS
1ST SESSION

S. 655

To amend the Natural Gas Act to provide that the United States district courts shall not have jurisdiction to condemn property in which a State holds any interest, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2021

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Natural Gas Act to provide that the United States district courts shall not have jurisdiction to condemn property in which a State holds any interest, 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 “Ending Natural Gas
5 Companies’ Seizure of Land for Export Profits Act”.

1 **SEC. 2. JURISDICTION OF UNITED STATES DISTRICT**
 2 **COURTS OVER CERTAIN EMINENT DOMAIN**
 3 **PROCEEDINGS.**

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

6 (1) in the second sentence—

7 (A) by striking “situated: *Provided*, That
 8 the” and inserting the following: “situated.

9 “(3) JURISDICTION OF UNITED STATES DIS-
 10 TRICT COURTS.—

11 “(A) IN GENERAL.—The”; and

12 (B) by striking “The practice” and insert-
 13 ing the following:

14 “(2) PRACTICE AND PROCEDURE.—The prac-
 15 tice”;

16 (2) in the first sentence, by striking “(h) When
 17 any holder” and inserting the following:

18 “(h) EMINENT DOMAIN.—

19 “(1) IN GENERAL.—When any holder”; and

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

21 “(B) STATE PROPERTY.—The United
 22 States district courts shall not have jurisdiction
 23 to condemn property in which a State owns any
 24 interest.”.

1 **SEC. 3. PROHIBITION ON THE USE OF EMINENT DOMAIN**
2 **FOR EXPORTS.**

3 Section 7(h) of the Natural Gas Act (15 U.S.C.
4 717f(h)) (as amended by section 2) is amended by adding
5 at the end the following:

6 “(4) LIMITATION ON USE OF EMINENT DOMAIN
7 FOR EXPORTS.—A holder of a certificate of public
8 convenience and necessity may not exercise the right
9 of eminent domain under this subsection if the
10 project covered by the certificate is a project to be
11 constructed substantially for the purpose of trans-
12 porting natural gas to an LNG terminal or to other
13 pipelines for export from the United States to a for-
14 eign country.”.

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