

116TH CONGRESS
1ST SESSION

H. R. 173

To amend the Natural Gas Act to bolster fairness and transparency in consideration of interstate natural gas pipelines, to provide for greater public input opportunities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. GRIFFITH introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Natural Gas Act to bolster fairness and transparency in consideration of interstate natural gas pipelines, to provide for greater public input opportunities, 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 “Pipeline Fairness and
5 Transparency Act”.

6 **SEC. 2. EMINENT DOMAIN.**

7 (a) STATEMENT OF POLICY.—It is the policy of the
8 United States to protect the rights of citizens of the

1 United States to their private property, including by lim-
2 iting the taking of private property by the Federal Govern-
3 ment to situations in which the taking is for public use,
4 with just compensation, and to benefit the general public,
5 and not merely to advance the economic interests of pri-
6 vate parties that would be given ownership or use of the
7 property taken.

8 (b) JUST COMPENSATION.—Section 7(h) of the Nat-
9 ural Gas Act (15 U.S.C. 717f(h)) is amended—

10 (1) by striking “(h) When any holder” and in-
11 sserting the following:

12 “(h) EMINENT DOMAIN.—

13 “(1) IN GENERAL.—When any holder”;

14 (2) in the second sentence—

15 (A) by striking “The practice” and insert-
16 ing the following:

17 “(2) PRACTICE AND PROCEDURE.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), the practice”;

20 (B) by striking “is situated:” and inserting
21 “is situated.”; and

22 (C) by striking “*Provided*, That the” and
23 inserting the following:

24 “(B) LIMITATION.—The”; and

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

1 “(3) **JUST COMPENSATION.**—In determining the
2 just compensation for property acquired by the exer-
3 cise of the right of eminent domain under paragraph
4 (1), in the case of land subject to a conservation
5 easement, the court with jurisdiction over the pro-
6 ceeding shall consider the lost conservation value of
7 that land.”.

8 **SEC. 3. PROCESS COORDINATION FOR ENVIRONMENTAL**
9 **REVIEW.**

10 Section 15 of the Natural Gas Act (15 U.S.C. 717n)
11 is amended by adding at the end the following:

12 “(g) **ENVIRONMENTAL REVIEW FOR INTERSTATE**
13 **NATURAL GAS PIPELINES.**—

14 “(1) **DEFINITIONS.**—In this subsection:

15 “(A) **FEDERAL AUTHORIZATION.**—

16 “(i) **IN GENERAL.**—The term ‘Federal
17 authorization’ means any authorization re-
18 quired under Federal law with respect to
19 an application for a certificate of public
20 convenience and necessity under section 7.

21 “(ii) **INCLUSIONS.**—The term ‘Federal
22 authorization’ includes any permits, special
23 use authorizations, certifications, opinions,
24 or other approvals as may be required
25 under Federal law with respect to an appli-

1 cation for a certificate of public conven-
2 ience and necessity under section 7.

3 “(B) PROJECT.—The term ‘project’ means
4 a project for the construction or extension of fa-
5 cilities for the transportation in interstate com-
6 merce of natural gas that requires Federal au-
7 thorization.

8 “(2) SUPPLEMENTAL ENVIRONMENTAL IMPACT
9 STATEMENTS.—

10 “(A) IN GENERAL.—With respect to an ap-
11 plication for Federal authorization, the Com-
12 mission shall prepare a supplement to a draft
13 environmental impact statement or a final envi-
14 ronmental impact statement if—

15 “(i) the Commission makes a substan-
16 tial change in the proposed action that is
17 relevant to environmental concerns; or

18 “(ii) there are significant new cir-
19 cumstances or information relevant to envi-
20 ronmental concerns and bearing on the
21 proposed action or its impacts.

22 “(B) MITIGATION PLANS.—If a draft envi-
23 ronmental impact statement prepared with re-
24 spect to an application for Federal authoriza-
25 tion does not include information about mitiga-

1 tion plans for adverse impacts that cannot rea-
2 sonably be avoided, a supplemental environ-
3 mental impact statement shall be prepared that
4 includes such information.

5 “(3) PUBLIC MEETING REQUIREMENTS.—In
6 complying with the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.) with respect
8 to an application for Federal authorization, the
9 Commission shall ensure that any public meeting
10 shall be held—

11 “(A) in each county or equivalent subdivi-
12 sion in which the project will be located; and

13 “(B) during each period of public comment
14 following, if applicable, publication of—

15 “(i) a draft environmental impact
16 statement;

17 “(ii) a final environmental impact
18 statement; and

19 “(iii) any supplemental environmental
20 impact statement.”.

21 **SEC. 4. IMPACTS ON CRITICAL NATURAL RESOURCES.**

22 Subsection (g) of section 15 of the Natural Gas Act
23 (15 U.S.C. 717n) (as added by section 3) is amended by
24 adding at the end the following:

25 “(4) NATIONAL SCENIC TRAILS.—

1 “(A) IN GENERAL.—In preparing an envi-
2 ronmental impact statement with respect to an
3 application for Federal authorization for a
4 project, any evaluation of the visual impacts of
5 the project on a national scenic trail designated
6 by the National Trails System Act (16 U.S.C.
7 1241 et seq.) in the environmental impact
8 statement shall—

9 “(i) consider the cumulative visual im-
10 pacts of any similar proposed project—

11 “(I) for which an application for
12 Federal authorization is in the pre-fil-
13 ing or filing stage; and

14 “(II) that impacts the same na-
15 tional scenic trail within 100 miles of
16 the first project; and

17 “(ii) include visual impact simulations
18 depicting leaf-on and leaf-off views at each
19 location where major visual impacts occur,
20 as identified, authenticated, and justified
21 during the period of public comment pre-
22 ceding the publication of a draft environ-
23 mental impact statement by the head of
24 the Federal agency or independent agency

1 administering the land at the applicable lo-
2 cation.

3 “(B) NATIONAL FOREST MANAGEMENT
4 PLANS.—No amendment to a National Forest
5 management plan under the Forest and Range-
6 land Renewable Resources Planning Act of
7 1974 (16 U.S.C. 1600 et seq.) shall be consid-
8 ered, pursuant to an application for Federal au-
9 thorization, if the result of the amendment
10 would substantially interfere with the nature
11 and purposes of a national scenic trail des-
12 ignated by the National Trails System Act (16
13 U.S.C. 1241 et seq.).”.

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