

114TH CONGRESS  
2D SESSION

# S. 3498

To ensure that the Secretary of the Army obtains consent from certain entities before granting certain permits, easements, or rights-of-way.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2016

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To ensure that the Secretary of the Army obtains consent from certain entities before granting certain permits, easements, or rights-of-way.

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. WRITTEN CONSENT REQUIREMENT.**

4        The Secretary of the Army shall not grant a permit,  
5        easement, or other right-of-way for purposes of a pipeline  
6        for the transportation of oil, natural gas, synthetic liquid  
7        or gaseous fuels, or any refined product produced from  
8        those materials on land associated with a civil works  
9        project of the Corps of Engineers or an associated flowage  
10       easement, if the construction or operation of the pipeline

1 has the potential to temporarily or permanently impair the  
2 beneficial uses of the surface water or groundwater used  
3 by the non-Federal agency or the Indian tribe described  
4 in paragraphs (1) and (2), unless the Secretary receives  
5 written consent from—

6           (1) any non-Federal agency that runs an af-  
7           fected water system; and

8           (2) a federally recognized Indian tribe that uses  
9           an affected water system.

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