

115TH CONGRESS
1ST SESSION

S. 1314

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 SENATE OF THE UNITED STATES

JUNE 7, 2017

Mr. KAINE (for himself and Mr. WARNER) 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 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 the subsection designation and
 11 all that follows through “When any holder” and in-
 12 serting the following:

13 “(h) EMINENT DOMAIN.—

14 “(1) IN GENERAL.—When any holder”;

15 (2) in the second sentence—

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

18 “(2) PRACTICE AND PROCEDURE.—

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

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

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

25 “(B) LIMITATION.—The”; and

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

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

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

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

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

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) FEDERAL AUTHORIZATION.—

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

22 “(ii) INCLUSIONS.—The term ‘Federal
23 authorization’ includes any permits, special
24 use authorizations, certifications, opinions,
25 or other approvals as may be required

1 under Federal law with respect to an appli-
2 cation for a certificate of public conven-
3 ience and necessity under section 7.

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

9 “(2) PROGRAMMATIC ENVIRONMENTAL IMPACT
10 STATEMENTS.—In considering an application for
11 Federal authorization for a project in a State, if,
12 during the 1-year period beginning on the date on
13 which the application is filed, an application for Fed-
14 eral authorization for a separate project is filed, and
15 that project is located in the same State and within
16 100 miles of the first project, the Commission shall
17 consider both projects to be 1 project for purposes
18 of complying with the National Environmental Pol-
19 icy Act of 1969 (42 U.S.C. 4321 et seq.).

20 “(3) SUPPLEMENTAL ENVIRONMENTAL IMPACT
21 STATEMENTS.—

22 “(A) IN GENERAL.—If the Commission de-
23 termines that comments submitted in response
24 to a draft environmental impact statement pre-
25 pared with respect to an application for Federal

1 authorization raise issues that exceed the initial
2 scope of the draft environmental impact state-
3 ment, a supplemental environmental impact
4 statement shall be prepared for the project.

5 “(B) MITIGATION PLANS.—If a draft envi-
6 ronmental impact statement prepared with re-
7 spect to an application for Federal authoriza-
8 tion does not include information about mitiga-
9 tion plans for adverse impacts that cannot rea-
10 sonably be avoided, a supplemental environ-
11 mental impact statement shall be prepared that
12 includes that information.

13 “(4) PUBLIC MEETING REQUIREMENTS.—In
14 complying with the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.) with respect
16 to an application for Federal authorization, the
17 Commission shall ensure that any public meeting
18 shall be held—

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

21 “(B) during each period of public comment
22 preceding, if applicable, publication of—

23 “(i) a draft environmental impact
24 statement;

1 “(ii) a final environmental impact
 2 statement; and
 3 “(iii) any supplemental environmental
 4 impact statement.”.

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

6 Subsection (g) of section 15 of the Natural Gas Act
 7 (15 U.S.C. 717n) (as added by section 3) is amended by
 8 adding at the end the following:

9 “(5) NATIONAL SCENIC TRAILS.—

10 “(A) IN GENERAL.—In preparing an envi-
 11 ronmental impact statement with respect to an
 12 application for Federal authorization for a
 13 project, any evaluation of the visual impacts of
 14 the project on a national scenic trail designated
 15 by the National Trails System Act (16 U.S.C.
 16 1241 et seq.) in the environmental impact
 17 statement shall—

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

20 “(I) for which an application for
 21 Federal authorization is in the pre-fil-
 22 ing or filing stage; and

23 “(II) that impacts the same na-
 24 tional scenic trail within 100 miles of
 25 the first project; and

1 “(ii) include visual impact simulations
2 depicting leaf-on and leaf-off views at each
3 location where major visual impacts occur,
4 as identified, authenticated, and justified
5 during the period of public comment pre-
6 ceding the publication of a draft environ-
7 mental impact statement by the head of
8 the Federal agency or independent agency
9 administering the land at the applicable lo-
10 cation.

11 “(B) NATIONAL FOREST MANAGEMENT
12 PLANS.—No amendment to a National Forest
13 management plan under the Forest and Range-
14 land Renewable Resources Planning Act of
15 1974 (16 U.S.C. 1600 et seq.) shall be consid-
16 ered if the result of the amendment represents
17 net degradation to the resources of a national
18 scenic trail designated by the National Trails
19 System Act (16 U.S.C. 1241 et seq.).”.

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