

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.".

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
- project covered by the certificate is a project to be
- 11 constructed substantially for the purpose of trans-
- porting natural gas to an LNG terminal or to other
- pipelines for export from the United States to a for-
- eign country.".

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