

116TH CONGRESS  
2D SESSION

# H. R. 6982

To amend the Natural Gas Act with respect to the rehearing process, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2020

Mr. MALINOWSKI (for himself, Ms. KUSTER of New Hampshire, and Mr. CASTEN of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Natural Gas Act with respect to the rehearing process, 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 “Landowners’ Right to  
5 Due Process in Rehearings at FERC Act of 2020”.

6 **SEC. 2. NATURAL GAS ACT REHEARINGS.**

7 Section 19(a) of the Natural Gas Act (15 U.S.C.  
8 717r(a)) is amended to read as follows:

9 “(a) REHEARINGS.—

1           “(1) IN GENERAL.—Any person, State, municipi-  
2           pality, or State commission aggrieved by an order  
3           issued by the Commission in a proceeding under this  
4           Act to which such person, State, municipality, or  
5           State commission is a party may apply for a rehear-  
6           ing within 30 days after the issuance of such order.  
7           The application for rehearing shall set forth specifi-  
8           cally the ground or grounds upon which such appli-  
9           cation is based. Upon such application the Commis-  
10          sion shall have power to grant or deny rehearing or  
11          to abrogate or modify its order without further hear-  
12          ing. No proceeding to review any order of the Com-  
13          mission shall be brought by any person unless such  
14          person shall have made application to the Commis-  
15          sion for a rehearing thereon. Until the record in a  
16          proceeding shall have been filed in a court of ap-  
17          peals, as provided in subsection (b), the Commission  
18          may at any time, upon reasonable notice and in such  
19          manner as it shall deem proper, modify or set aside,  
20          in whole or in part, any finding or order made or  
21          issued by it under the provisions of this Act.

22           “(2) DEADLINE.—

23           “(A) IN GENERAL.—Except as provided in  
24           subparagraph (B), the Commission shall act on  
25           the merits of an application filed under para-

1 graph (1) by the date that is 90 days after the  
2 date on which the applicable order is issued.

3 “(B) LACK OF QUORUM.—If the Commis-  
4 sion fails to act on the merits of an application  
5 filed under paragraph (1) by the date that is 90  
6 days after the date on which the applicable  
7 order is issued because the Commission lacks a  
8 quorum on such date, the Commission shall act  
9 on the merits of the application by the date  
10 that is 30 days after the date on which the  
11 Commission establishes a quorum.

12 “(C) FAILURE TO ACT.—If the Commis-  
13 sion fails to act on the merits of an application  
14 filed under paragraph (1) by the applicable  
15 deadline under subparagraph (A) or (B), the  
16 application shall be deemed to be denied.

17 “(3) CERTAIN ORDERS.—

18 “(A) PROHIBITION.—With respect to an  
19 order issued under section 3 or 7, during the  
20 covered period—

21 “(i) the Commission may not author-  
22 ize any construction-related activity that is  
23 related to the order; and

24 “(ii) notwithstanding section 7(h), a  
25 holder of a certificate of public convenience

1           and necessity that is the subject of the  
2           order may not exercise the right of emi-  
3           nent domain to acquire land or other prop-  
4           erty to carry out an activity authorized by  
5           the order.

6           “(B) COVERED PERIOD.—For purposes of  
7           subparagraph (A), the term ‘covered period’  
8           means the period that begins on the date on  
9           which the applicable order is issued and ends—

10           “(i) on the date that is 30 days after  
11           such date, if no application for rehearing  
12           with respect to the order is filed under  
13           paragraph (1) by such date; or

14           “(ii) if such an application is so filed,  
15           on the date on which the Commission act  
16           on the merits of the application, or the ap-  
17           plication is deemed to be denied, as appli-  
18           cable.”.

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