

117TH CONGRESS
1ST SESSION

H. R. 4774

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

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2021

Mr. MALINOWSKI (for himself, Mr. CASTEN, Mrs. WATSON COLEMAN, Ms. KUSTER, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2021”.

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, munici-
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-

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

“(B) LACK OF QUORUM.—If the Commission fails to act on the merits of an application filed under paragraph (1) by the date that is 90 days after the date on which the applicable order is issued because the Commission lacks a quorum on such date, the Commission shall act on the merits of the application by the date that is 30 days after the date on which the Commission establishes a quorum.

“(C) FAILURE TO ACT.—If the Commission fails to act on the merits of an application filed under paragraph (1) by the applicable deadline under subparagraph (A) or (B), the application shall be deemed to be denied.

“(3) CERTAIN ORDERS.—

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

“(i) the Commission may not authorize any construction-related activity that is related to the order; and

“(ii) notwithstanding section 7(h), a 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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