

AMENDMENT TO THE RULES COMMITTEE PRINT

119–33

OFFERED BY MR. HUNT OF TEXAS

Add at the end of subtitle D of title XXVIII, the following new section:

1 SEC. 28____. ACQUISITION OF EASEMENTS FOR DEFENSE
2 FUEL SUPPLY INFRASTRUCTURE.

3 (a) **AUTHORITY TO ACQUIRE.**—The Secretary of De-
4 fense is authorized to acquire, by purchase, donation, ex-
5 change, or condemnation, on behalf of the United States,
6 such permanent easements over all lands along the route
7 of the Santa Ynez Pipeline System, including all lands
8 owned or otherwise held by the State of California or any
9 agency, department, or instrumentality thereof, as the
10 Secretary of Defense determines necessary to ensure con-
11 tinuous pipeline transportation of crude oil from the Santa
12 Ynez Unit to domestic refineries supplying Department of
13 Defense installations in the State of California. The acqui-
14 sition of such easements is an authorized purpose for
15 which the Secretary of Defense or the Secretary of a mili-
16 tary department may exercise the land acquisition authori-
17 ties of section 2663 of title 10, United States Code. Ease-

1 ments authorized to be acquired under this subsection in-
2 clude—

3 (1) a permanent easement over the Gaviota
4 Segment sufficient for the operation, maintenance,
5 inspection, and repair of Lines CA-324 and CA-325;

6 (2) a permanent easement over the State sub-
7 merged lands traversed by the offshore pipeline seg-
8 ments of the Santa Ynez Pipeline System, sufficient
9 for the operation, maintenance, inspection, and re-
10 pair of such segments; and

11 (3) such additional permanent easements over
12 any other lands along the route of the Santa Ynez
13 Pipeline System as the Secretary of Defense deter-
14 mines necessary for the continuous and unobstructed
15 operation of such system.

16 (b) CONDEMNATION.—

17 (1) IN GENERAL.—In acquiring easements
18 under subsection (a), the Secretary of Defense may
19 institute condemnation proceedings in the United
20 States district court for the district in which the
21 property is located, pursuant to section 2663 of title
22 10, United States Code, and subchapter III of chap-
23 ter 31 of title 40, United States Code.

24 (2) VITAL NATIONAL SECURITY DETERMINA-
25 TION.—Congress finds that the acquisition of ease-

1 ments under subsection (a) is required to satisfy a
2 requirement vital to the national security within the
3 meaning of section 2663(g) of title 10, United
4 States Code, and that delay in such acquisition
5 would be detrimental to the national security. The
6 Secretary of Defense may accordingly commence
7 condemnation proceedings under subsection (a) in
8 advance of the report otherwise required under sec-
9 tion 2663(f) of title 10, United States Code, and
10 shall submit such report not later than seven days
11 after commencement of such proceedings.

12 (3) STATE-OWNED LAND AND STATE SUB-
13 MERGED LANDS.—The authority to acquire ease-
14 ments under subsection (a) includes authority to ac-
15 quire easements over—

16 (A) land owned or otherwise held by the
17 State of California or any agency, department,
18 or instrumentality thereof, including the Cali-
19 fornia Department of Parks and Recreation;
20 and

21 (B) State submerged lands.

22 (4) INAPPLICABILITY OF STATE LAW.—The
23 State of California may not assert sovereign immu-
24 nity, its title under section 3 of the Submerged
25 Lands Act, or any other provision of State law as

1 a defense to, or limitation upon, any condemnation
2 proceeding brought by the United States under this
3 section.

4 (5) IMMEDIATE POSSESSION AND USE.—Upon
5 filing a declaration of taking pursuant to section
6 3114 of title 40, United States Code, and depositing
7 with the court the estimated amount of just com-
8 pensation, the United States shall be entitled to im-
9 mediate possession of, and the right to enter upon
10 and use, the easements sought to be acquired. The
11 court may not condition such possession, or such
12 right to enter upon and use, upon any State admin-
13 istrative approval, State permit, or State agency de-
14 termination.

15 (6) EXPEDITED PROCEEDINGS.—Any con-
16 demnation proceeding brought under this section
17 shall be given priority on the docket of the court and
18 shall be resolved on an expedited basis consistent
19 with the national defense purposes of this section.

20 (c) JUST COMPENSATION.—The amount of just com-
21 pensation payable to the State of California or any agency
22 thereof shall be determined by the United States district
23 court in which condemnation proceedings are brought, or
24 by the United States Court of Federal Claims if the par-
25 ties so elect. In determining just compensation for an ease-

1 ment over State submerged lands, the court shall account
2 for the powers retained by the United States under section
3 6(a) of the Submerged Lands Act (43 U.S.C. 1314(a)),
4 to which the State's title is subject.

5 (d) LICENSE TO OPERATOR.—

6 (1) IN GENERAL.—Upon acquisition of any
7 easement under subsection (a), the Secretary of De-
8 fense shall issue to the operator of the Santa Ynez
9 Pipeline System a license authorizing such operator
10 to use such easement for the operation, mainte-
11 nance, inspection, and repair of the Santa Ynez
12 Pipeline System for the purpose of transporting
13 crude oil from the Santa Ynez Unit to domestic re-
14 fineries supplying Department of Defense installa-
15 tions in the State of California. The Secretary shall
16 include in any such license terms requiring compli-
17 ance with all applicable Federal pipeline safety re-
18 quirements under chapter 601 of title 49, United
19 States Code.

20 (2) IRREVOCABILITY.—

21 (A) IN GENERAL.—A license issued under
22 paragraph (1) may not be revoked, suspended,
23 modified, or terminated by the Secretary of De-
24 fense or any other officer or employee of the ex-
25 ecutive branch except—

1 (i) by an Act of Congress that ex-
2 pressly references this section by name and
3 subsection; or

4 (ii) by the Secretary of Defense, fol-
5 lowing a final order of the Secretary of
6 Transportation under chapter 601 of title
7 49, United States Code (or, if such order
8 is challenged, a final judgment of a United
9 States court of appeals sustaining such
10 order), determining that the operator has
11 committed a violation of Federal pipeline
12 safety requirements under such chapter
13 that creates an imminent hazard to public
14 safety, and the operator has failed to cure
15 such violation within a reasonable period
16 after written notice and an opportunity to
17 cure.

18 (B) NO STATE REVOCATION.—No order,
19 judgment, or determination of a court of the
20 State of California or of any other State shall
21 constitute a basis for revocation, suspension,
22 modification, or termination of a license issued
23 under paragraph (1).

24 (C) INAPPLICABILITY OF OTHER AC-
25 TIONS.—No executive order, presidential direc-

1 tive, secretarial determination, or other admin-
2 istrative action shall otherwise operate to re-
3 voke, suspend, modify, or terminate a license
4 issued under paragraph (1).

5 (3) TRANSFERABILITY.—A license issued under
6 paragraph (1) shall be transferable to any successor
7 operator of the Santa Ynez Pipeline System without
8 further action by the Secretary of Defense, provided
9 that the successor operator is in compliance with all
10 applicable Federal pipeline safety requirements
11 under chapter 601 of title 49, United States Code.
12 A successor operator that holds the authorizations
13 required under such chapter 601 shall be deemed to
14 be in compliance for purposes of this paragraph.

15 (4) CONTINUITY.—During the period in which
16 a license issued under paragraph (1) is in effect, no
17 permit, additional license, certification, or other au-
18 thorization of a State or local government shall be
19 required as a condition of the exercise of the rights
20 granted by such issued license, to the extent that the
21 requirement to obtain or maintain such permit, addi-
22 tional license, certification, or other authorization
23 would have the effect, in practice, of halting or sub-
24 stantially delaying the use of such easement as de-
25 scribed in paragraph (1). Nothing in this paragraph

1 shall be construed to limit or affect any requirement
2 of Federal law, any permit or authorization required
3 under Federal law, or the authority of any Federal
4 agency to issue, condition, enforce, or revoke the
5 same.

6 (e) RELATIONSHIP TO STATE LAW.—

7 (1) PREEMPTION.—Any State law, regulation,
8 order, or other requirement that has the purpose or
9 effect of preventing, conditioning, or delaying the
10 Secretary of Defense from exercising the authority
11 granted under this section, or that has the purpose
12 or effect of preventing the operator of the Santa
13 Ynez Pipeline System from utilizing any easement
14 acquired by the United States under this section, is
15 preempted.

16 (2) NO STATE PERMIT REQUIRED.—No author-
17 ization, lease, permit, or approval of the State of
18 California or any agency thereof, including the Cali-
19 fornia State Lands Commission and the California
20 Department of Parks and Recreation, shall be re-
21 quired as a condition of the operation, maintenance,
22 repair, or use of any segment of the Santa Ynez
23 Pipeline System.

24 (3) PENDING LITIGATION.—No State court
25 order, injunction, or other judicial relief issued in

1 any proceeding to which the United States is not a
2 party shall operate to prevent the Secretary of De-
3 fense from exercising the authority granted under
4 this section or to prevent the operator of the Santa
5 Ynez Pipeline System from utilizing any easement
6 acquired by the United States under this section.

7 (f) RETAINED FEDERAL POWER OVER STATE SUB-
8 MERGED LANDS.—The grant of title to State submerged
9 lands under section 3 of the Submerged Lands Act (43
10 U.S.C. 1311) is, and has at all times remained, subject
11 to the powers retained by the United States under section
12 6(a) of that Act (43 U.S.C. 1314(a)) for the constitutional
13 purposes of commerce, navigation, national defense, and
14 international affairs. The acquisition of easements over
15 State submerged lands under this section, and the oper-
16 ation of the offshore pipeline segments of the Santa Ynez
17 Pipeline System extending through such lands, are exer-
18 cises of those retained powers, and the State of California
19 holds no title or interest in such submerged lands that
20 is superior to, or that may impede, the exercise of those
21 powers.

22 (g) RECOVERY OF COSTS.—The Secretary of Defense
23 may, as a condition of any license issued under subsection
24 (d), require the licensee to reimburse the United States
25 for all or a portion of any costs incurred by the United

1 States in acquiring easements under this section, includ-
2 ing just compensation paid to any State or private party.
3 Amounts received as reimbursement under this subsection
4 shall be credited to the appropriation, fund, or account
5 from which the costs were paid.

6 (h) DEFINITIONS.—In this section:

7 (1) The term “Gaviota Segment” means the ap-
8 proximately four-mile segment of the Las Flores
9 Pipeline System traversing land administered by the
10 California Department of Parks and Recreation
11 within Gaviota State Park, Santa Barbara County,
12 California.

13 (2) The term “Las Flores Pipeline System”
14 means the onshore pipeline comprising Lines CA-
15 324 and CA-325 (previously designated as Lines
16 901 and 903), including all associated pipeline seg-
17 ments, pump stations, equipment, and appurtenant
18 infrastructure extending from the Las Flores Can-
19 yon processing facilities in Santa Barbara County,
20 California, to Pentland Station in Kern County,
21 California.

22 (3) The term “Santa Ynez Pipeline System”
23 means the complete network of offshore and onshore
24 pipelines and associated infrastructure used to
25 transport crude oil and associated production from

1 offshore platforms Harmony, Heritage, and Hondo
2 to Pentland Station in Kern County, California, in-
3 cluding—

4 (A) the offshore pipeline segments extend-
5 ing from such platforms over the Outer Conti-
6 nental Shelf and over State submerged lands to
7 the Las Flores Canyon processing facilities; and

8 (B) the Las Flores Pipeline System.

9 (4) The term “Santa Ynez Unit” means the
10 Federal offshore oil and gas production unit oper-
11 ated pursuant to one or more leases granted under
12 the Outer Continental Shelf Lands Act (43 U.S.C.
13 1331 et seq.) off the coast of Santa Barbara Coun-
14 ty, California, including offshore platforms Har-
15 mony, Heritage, and Hondo.

16 (5) The term “State submerged lands” means
17 the lands beneath navigable waters the title to which
18 was conveyed to the State of California under sec-
19 tion 3 of the Submerged Lands Act (43 U.S.C.
20 1311).

