

AMENDMENT TO RULES COMMITTEE PRINT 119-

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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 the
4 Army 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 determines necessary to ensure continuous pipe-
11 line transportation of crude oil from the Santa Ynez Unit
12 to domestic refineries supplying Department of Defense
13 installations in the State of California. The acquisition of
14 such easements is an authorized purpose for which the
15 Secretary may exercise the land acquisition authorities of
16 section 2663 of title 10, United States Code. Easements
17 authorized to be acquired under this subsection include—

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

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

9 (3) such additional permanent easements over
10 any other lands along the route of the Santa Ynez
11 Pipeline System as the Secretary determines nec-
12 essary for the continuous and unobstructed oper-
13 ation of such system.

14 (b) CONDEMNATION.—

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

22 (2) VITAL NATIONAL SECURITY DETERMINA-
23 TION.—Congress finds that the acquisition of ease-
24 ments under subsection (a) is required to satisfy a
25 requirement vital to the national security within the

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

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

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

19 (B) State submerged lands.

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

1 proceeding brought by the United States under this
2 section.

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

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

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

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

4 (d) LICENSE TO OPERATOR.—

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

19 (2) IRREVOCABILITY.—

20 (A) IN GENERAL.—A license issued under
21 paragraph (1) may not be revoked, suspended,
22 modified, or terminated by the Secretary of the
23 Army or any other officer or employee of the
24 executive 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 the Army, 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 the Army, pro-
9 vided that the successor operator is in compliance
10 with all applicable Federal pipeline safety require-
11 ments under chapter 601 of title 49, United States
12 Code. A successor operator that holds the authoriza-
13 tions required under such chapter 601 shall be
14 deemed to be in compliance for purposes of this
15 paragraph.

16 (e) RELATIONSHIP TO STATE LAW.—

17 (1) PREEMPTION.—Any State law, regulation,
18 order, or other requirement that has the purpose or
19 effect of preventing, conditioning, or delaying the
20 Secretary of the Army from exercising the authority
21 granted under this section, or that has the purpose
22 or effect of preventing the operator of the Santa
23 Ynez Pipeline System from utilizing any easement
24 acquired by the United States under this section, is
25 preempted.

1 (2) NO STATE PERMIT REQUIRED.—No author-
2 ization, lease, permit, or approval of the State of
3 California or any agency thereof, including the Cali-
4 fornia State Lands Commission and the California
5 Department of Parks and Recreation, shall be re-
6 quired as a condition of the operation, maintenance,
7 repair, or use of any segment of the Santa Ynez
8 Pipeline System.

9 (3) PENDING LITIGATION.—No State court
10 order, injunction, or other judicial relief issued in
11 any proceeding to which the United States is not a
12 party shall operate to prevent the Secretary of the
13 Army from exercising the authority granted under
14 this section or to prevent the operator of the Santa
15 Ynez Pipeline System from utilizing any easement
16 acquired by the United States under this section.

17 (f) RETAINED FEDERAL POWER OVER STATE SUB-
18 MERGED LANDS.—The grant of title to State submerged
19 lands under section 3 of the Submerged Lands Act (43
20 U.S.C. 1311) is, and has at all times remained, subject
21 to the powers retained by the United States under section
22 6(a) of that Act (43 U.S.C. 1314(a)) for the constitutional
23 purposes of commerce, navigation, national defense, and
24 international affairs. The acquisition of easements over
25 State submerged lands under this section, and the oper-

1 ation of the offshore pipeline segments of the Santa Ynez
2 Pipeline System extending through such lands, are exer-
3 cises of those retained powers, and the State of California
4 holds no title or interest in such submerged lands that
5 is superior to, or that may impede, the exercise of those
6 powers.

7 (g) DEFINITIONS.—In this section:

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

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

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

1 transport crude oil and associated production from
2 offshore platforms Harmony, Heritage, and Hondo
3 to Pentland Station in Kern County, California, in-
4 cluding—

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

9 (B) the Las Flores Pipeline System.

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

17 (5) The term “State submerged lands” means
18 the lands beneath navigable waters the title to which
19 was conveyed to the State of California under sec-
20 tion 3 of the Submerged Lands Act (43 U.S.C.
21 1311).

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

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

