

118TH CONGRESS
2D SESSION

S. 5042

To amend the Federal Power Act to prohibit the use of Federal funds for the exercise of eminent domain for the construction or modification of electric transmission facilities and to protect State control over the siting of electric transmission facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2024

Mr. MORAN (for himself and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Power Act to prohibit the use of Federal funds for the exercise of eminent domain for the construction or modification of electric transmission facilities and to protect State control over the siting of electric transmission facilities, 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 “Protecting Our Land
5 from Federal Overreach Act of 2024”.

1 **SEC. 2. SITING OF INTERSTATE ELECTRIC TRANSMISSION**
2 **FACILITIES UNDER THE FEDERAL POWER**
3 **ACT.**

4 (a) **ELIMINATION OF RIGHT OF EMINENT DOMAIN;**
5 **PROHIBITION OF USE OF FEDERAL FUNDS.—**

6 (1) **IN GENERAL.—**Section 216 of the Federal
7 Power Act (16 U.S.C. 824p) is amended by striking
8 subsection (e) and inserting the following:

9 “(e) **NO RIGHT OF EMINENT DOMAIN.—**Effective be-
10 ginning on the date of enactment of the Protecting Our
11 Land from Federal Overreach Act of 2024, no Federal
12 funds may be used for any effort to exercise the right of
13 eminent domain for electric transmission facilities under
14 any provision of law.”.

15 (2) **CONFORMING AMENDMENT.—**Section 216(f)
16 of the Federal Power Act (16 U.S.C. 824p(f)) is
17 amended—

18 (A) in paragraph (1), by striking “(1) Any
19 right-of-way acquired pursuant to subsection
20 (e)” and inserting the following:

21 “(1) **IN GENERAL.—**Any right-of-way acquired
22 pursuant to subsection (e) (as in effect on the day
23 before the date of enactment of the Protecting Our
24 Land from Federal Overreach Act of 2024)”;

25 (B) in paragraph (2), by striking “(2)
26 Just” and inserting the following:

1 “(2) AMOUNT.—For purposes of paragraph (1),
2 just”.

3 (b) PROTECTION OF STATE CONTROL OVER
4 SITING.—Section 216 of the Federal Power Act (16
5 U.S.C. 824p) is amended—

6 (1) in subsection (b)—

7 (A) in the matter preceding paragraph (1),
8 by striking “subsection (i)” and inserting “sub-
9 sections (d)(2) and (i)”; and

10 (B) in paragraph (1)(C)—

11 (i) in clause (i)(II), by adding “or”
12 after the semicolon at the end;

13 (ii) in clause (ii), by striking “or” at
14 the end; and

15 (iii) by striking clause (iii); and

16 (2) in subsection (d)—

17 (A) by striking the subsection designation
18 and heading and all that follows through “In”
19 and inserting the following:

20 “(d) COMMENTS; PROTECTION OF STATE CONTROL
21 OVER SITING.—

22 “(1) COMMENTS.—In”; and

23 (B) by adding at the end the following:

24 “(2) PROTECTION OF STATE CONTROL OVER
25 SITING.—The Commission may not issue a permit

1 under subsection (b) for the construction or modi-
2 fication of an electric transmission facility in a State
3 if the State objects to the issuance of the permit
4 pursuant to the opportunity afforded under para-
5 graph (1).”.

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