

**Oversight & Reform Committee  
Civil Rights and Civil Liberties Subcommittee Hearing**

**Hearing Statement of Ranking Member Pete Sessions**

**“Pipelines Over People (Part II): Midship Pipeline’s  
Disregard for Landowners in Its Pathway”**

**May 5, 2021, at 10:00 a.m. via Zoom**

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There’s no question that the building of pipelines to transport energy to Americans is a proper use of eminent domain – the process by which the government can put property to a public use after paying just compensation to the property owner. That’s how things like highways, public schools, and public hospitals are built as well.

While Americans might take issue with how any particular eminent domain project is conducted, Americans overwhelmingly support our country’s energy industry. Americans understand that natural gas is critical to the health and sustainability of the American economy, and that pipelines that transport natural gas are essential to ensure that it’s easily accessible to all consumers.

Indeed, one news report about the very pipeline at issue at this hearing today states that the property owners affected “don't cite concerns about climate change or even object to having a pipeline on their land. Most already have many, and they're fine with that.”<sup>1</sup>

In my own state of Texas, property owners have had their fair share – or should I say, unfair share – of negative experiences with pipeline projects, even as Texans overwhelmingly support the natural gas and fossil fuel industries. The President of the Texas Farm Bureau, Russell Boening, has said “We know that we must have the means to move people, goods and energy across Texas, but private property owners should be treated fairly when forced to give up their property.”

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<sup>1</sup> Mike Soraghan, *Angry Oklahoma Farmers Fight Pipeline Builder – And FERC*, E&E News (March 15, 2021), available at <https://www.eenews.net/stories/1063727417>.

Americans support our domestic energy industry, and Americans support the due process rights of property owners during the course of any project that uses eminent domain. In these United States, we can and should do both.

America should be able to lead the world in the production of energy, and in the protection of private property rights. And we as a Congress should be able to come together to do just that.

Indeed, we have. Republicans and Democrats have come together before to protect private property rights. The Private Property Rights Protection Act, a bill originally introduced by former House Judiciary Committee Chairman Jim Sensenbrenner, was an overwhelmingly bipartisan bill that has passed the House many times with large Democrat support. As recently as the 115<sup>th</sup> Congress, it passed the House by a simple voice vote.

That bill addresses the abuse of eminent domain in which the government takes private property from one private person or entity simply to give it over to another private person or entity for their own profit and private use. That legislation has the strong support of the American Farm Bureau Federation, which has pointed out that existing law threatens American farmers and ranchers “with the loss of productive farm and ranch land solely to allow someone else to put it to a different private use,” and that American farmers and ranchers need their private property rights protected “if they are to find economically feasible ways to use their land and remain in the agriculture business -- the business of feeding the American populace.”

The Private Property Rights Protection Act also has the strong support of the Institute for Justice, a public interest law firm that has testified on behalf of the Private Property Rights Protection Act many times. And I’m very pleased that a

representative from the Institute for Justice is also here with us today at this hearing as well.

That overwhelmingly bipartisan legislation doesn't cover pipelines because takings for the conveyance of water, power, and energy for use by the public have always been considered traditional "public uses" that don't constitute eminent domain abuse per se. But Congress should be able to act to protect private property owners from eminent domain abuse in all its forms -- including the abuse that would be prevented by the Private Property Rights Protection Act, and also any abuse landowners might experience during the course of pipeline projects.

While one particular pipeline project is the focus of our hearing today, when this hearing concludes we should all take a few steps back and recognize that eminent domain abuse is a national issue that Congress should address in all its forms. I

hope we can support that goal today with the same overwhelming bipartisan support this House has given to the Private Property Rights Protection Act.

I look forward to hearing from all our witnesses here today.