AMENDMENT TO THE RULES COMMITTEE PRINT
113-35
OFFERED BY MR. MARINO OF PENNSYLVANIA

At the end of the bill, add the following:

TITLE XI—ENERGY INFRASTRUCTURE IMPROVEMENT ACT

SEC. 1101. SHORT TITLE.
This title may be cited as the “Energy Infrastructure Improvement Act”.

SEC. 1102. AUTHORITY FOR NATURAL GAS AND OIL PIPELINES.
(a) IN GENERAL.—Notwithstanding any provision of the Mineral Leasing Act (cite), the Secretary may issue permits for rights-of-way, temporary easements, or other necessary authorizations to allow a permittee to construct, operate, maintain, expand, or modify a natural gas, oil, or petroleum products pipeline and related facilities on eligible Federal lands.

(b) TERMS AND CONDITIONS.—A permit issued under this section shall be consistent with the laws and regulations generally applicable to utility rights-of-way within the respective eligible Federal land and subject to
such terms and conditions as the Secretary deems appropriate.

(c) FEES.—

(1) PERMIT FEE.—The Secretary shall charge and retain a fee for any permit issued under this section. The fee shall be calculated to provide for recovery of costs incurred by the United States associated with processing, issuing, and monitoring the permit.

(2) ANNUAL FEE.—The Secretary shall charge an annual fee related to each permit which requires payment, in advance, of the fair market rental value of permitted use as determined by the Secretary.

(d) TERM.—

(1) INITIAL TERM.—The Secretary shall determine the initial fixed term for a permit issued under this section, taking into consideration the following:

(A) The cost of planning, approval, construction, operation, and maintenance of the pipeline and its related facility (in terms of time and money).

(B) The useful life of the pipeline and its related facility.

(C) The public or economic purpose served by the pipeline and its related facility.
(2) RENEWALS.—The Secretary shall renew any right-of-way issued under this section, in accordance with the provisions of this section, if the pipeline and its related facility is in commercial operation and operated and maintained in accordance with this section and the permit issued under this section for that pipeline and its related facility.

c) ENFORCEMENT.—

(1) IN GENERAL.—The Secretary may impose citations or fines or suspend or revoke any authority under a permit issued under this section for failure to comply with or for violation of any term or condition of the permit.

(2) SUSPENSION OR TERMINATION OF THE RIGHT-OF-WAY.—Abandonment of a permit or deliberate noncompliance with any provision of this section or of a permit issued under this section may be grounds for suspension or termination of the permit if the Secretary determines that such grounds exist and that suspension or termination is justified after the permittee has been given—

(A) due notice;

(B) a reasonable opportunity to remedy the abandonment or noncompliance; and
(C) an appropriate administrative proceeding pursuant to section 554 of title 5, United States Code.

(3) MISUSE OR NONUSE OF PERMIT.—Deliberate failure to use a permit for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the permit. Where the failure to use the permit is due to circumstances not within the permittee’s control, the Secretary is not required to commence proceedings to suspend or terminate the permit.

(4) JUDICIAL REVIEW.—Not later than 90 days after a final decision by the Secretary under this subsection, a permittee may file a suit to challenge that decision in the United States court of appeals for the circuit in which the Federal land which is the subject of the permit is located. Such court shall have jurisdiction to hear and determine any suit brought as provided in this subsection.

(f) MODIFICATIONS.—The Secretary may modify a permit issued under this section if the modification is agreed upon by the permittee and complies with this section. Any action taken by the Secretary pursuant to this subsection shall not be considered a major Federal action
requiring a detailed statement under section 102(2)(C) of
the National Environmental Policy Act of 1970 (42 U.S.C.
4332(2)(C)).

(g) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE FEDERAL LANDS.—The term “eligible Federal lands” means—

(A) Federal lands under the administrative
jurisdiction of the Secretary of the Interior, ex-
cept—

(i) lands held in trust for a federal
recognized Indian tribe or a member of a
federally recognized Indian tribe; and

(ii) lands on the Outer Continental

(B) National Forest System lands.

(2) FACILITY.—The term “facility”—

(A) includes such things as buildings, pipe-
lines, and auxiliary or appurtenant facilities re-
lated to the construction, operation, and main-
tenance of the pipeline; and

(B) does not include wells, drills, or drilling platforms.

(3) PERMITTEE.—The term “permittee” means
the owner of a natural gas, oil, or petroleum prod-
ucts pipeline and the owner’s successors or assigns.
(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate in regard the Secretary with administrative jurisdiction over the Federal lands involved.