

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**113-35**

**OFFERED BY MR. MARINO OF PENNSYLVANIA**

At the end of the bill, add the following:

1 **TITLE XI—ENERGY INFRASTRUC-**  
2 **TURE IMPROVEMENT ACT**

3 **SEC. 1101. SHORT TITLE.**

4 This title may be cited as the “Energy Infrastructure  
5 Improvement Act”.

6 **SEC. 1102. AUTHORITY FOR NATURAL GAS AND OIL PIPE-**  
7 **LINES.**

8 (a) **IN GENERAL.**—Notwithstanding any provision of  
9 the Mineral Leasing Act (cite), the Secretary may issue  
10 permits for rights-of-way, temporary easements, or other  
11 necessary authorizations to allow a permittee to construct,  
12 operate, maintain, expand, or modify a natural gas, oil,  
13 or petroleum products pipeline and related facilities on eli-  
14 gible Federal lands.

15 (b) **TERMS AND CONDITIONS.**—A permit issued  
16 under this section shall be consistent with the laws and  
17 regulations generally applicable to utility rights-of-way  
18 within the respective eligible Federal land and subject to

1 such terms and conditions as the Secretary deems appro-  
2 priate.

3 (c) FEES.—

4 (1) PERMIT FEE.—The Secretary shall charge  
5 and retain a fee for any permit issued under this  
6 section. The fee shall be calculated to provide for re-  
7 covery of costs incurred by the United States associ-  
8 ated with processing, issuing, and monitoring the  
9 permit.

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

14 (d) TERM.—

15 (1) INITIAL TERM.—The Secretary shall deter-  
16 mine the initial fixed term for a permit issued under  
17 this section, taking into consideration the following:

18 (A) The cost of planning, approval, con-  
19 struction, operation, and maintenance of the  
20 pipeline and its related facility (in terms of time  
21 and money).

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

24 (C) The public or economic purpose served  
25 by the pipeline and its related facility.

1           (2) RENEWALS.—The Secretary shall renew  
2           any right-of-way issued under this section, in accord-  
3           ance with the provisions of this section, if the pipe-  
4           line and its related facility is in commercial oper-  
5           ation and operated and maintained in accordance  
6           with this section and the permit issued under this  
7           section for that pipeline and its related facility.

8           (e) ENFORCEMENT.—

9           (1) IN GENERAL.—The Secretary may impose  
10          citations or fines or suspend or revoke any authority  
11          under a permit issued under this section for failure  
12          to comply with or for violation of any term or condi-  
13          tion of the permit.

14          (2) SUSPENSION OR TERMINATION OF THE  
15          RIGHT-OF-WAY.—Abandonment of a permit or delib-  
16          erate noncompliance with any provision of this sec-  
17          tion or of a permit issued under this section may be  
18          grounds for suspension or termination of the permit  
19          if the Secretary determines that such grounds exist  
20          and that suspension or termination is justified after  
21          the permittee has been given—

22                   (A) due notice;

23                   (B) a reasonable opportunity to remedy  
24          the abandonment or noncompliance; and

1 (C) an appropriate administrative pro-  
2 ceeding pursuant to section 554 of title 5,  
3 United States Code.

4 (3) MISUSE OR NONUSE OF PERMIT.—Delib-  
5 erate failure to use a permit for the purpose for  
6 which it was granted or renewed for any continuous  
7 two-year period shall constitute a rebuttable pre-  
8 sumption of abandonment of the permit. Where the  
9 failure to use the permit is due to circumstances not  
10 within the permittee's control, the Secretary is not  
11 required to commence proceedings to suspend or ter-  
12 minate the permit.

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

21 (f) MODIFICATIONS.—The Secretary may modify a  
22 permit issued under this section if the modification is  
23 agreed upon by the permittee and complies with this sec-  
24 tion. Any action taken by the Secretary pursuant to this  
25 subsection shall not be considered a major Federal action

1 requiring a detailed statement under section 102(2)(C) of  
2 the National Environmental Policy Act of 1970 (42 U.S.C.  
3 4332(2)(C)).

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

5 (1) ELIGIBLE FEDERAL LANDS.—The term “el-  
6 igible Federal lands” means—

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

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

13 (ii) lands on the Outer Continental  
14 Shelf; and

15 (B) National Forest System lands.

16 (2) FACILITY.—The term “facility”—

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

21 (B) does not include wells, drills, or drill-  
22 ing platforms.

23 (3) PERMITTEE.—The term “permittee” means  
24 the owner of a natural gas, oil, or petroleum prod-  
25 ucts pipeline and the owner’s successors or assigns.

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior or the Secretary of Ag-  
3           riculture, as appropriate in regard the Secretary  
4           with administrative jurisdiction over the Federal  
5           lands involved.

