

113TH CONGRESS
2D SESSION

S. 2112

To authorize the approval of natural gas pipelines and establish deadlines and expedite permits for certain natural gas gathering lines on Federal land and Indian land.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2014

Mr. BARRASSO (for himself, Mr. HOEVEN, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the approval of natural gas pipelines and establish deadlines and expedite permits for certain natural gas gathering lines on Federal land and Indian land.

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 “Natural Gas Gathering
5 Enhancement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) record volumes of natural gas production in
9 the United States as of the date of enactment of this

1 Act are providing enormous benefits to the United
2 States, including by—

3 (A) reducing the need for imports of nat-
4 ural gas, thereby directly reducing the trade
5 deficit;

6 (B) strengthening trade ties among the
7 United States, Canada, and Mexico;

8 (C) providing the opportunity for the
9 United States to join the emerging global gas
10 trade through the export of liquefied natural
11 gas;

12 (D) creating and supporting millions of
13 new jobs across the United States;

14 (E) adding billions of dollars to the gross
15 domestic product of the United States every
16 year;

17 (F) generating additional Federal, State,
18 and local government tax revenues; and

19 (G) revitalizing the manufacturing sector
20 by providing abundant and affordable feedstock;

21 (2) large quantities of natural gas are lost due
22 to venting and flaring, primarily in areas where nat-
23 ural gas infrastructure has not been developed
24 quickly enough, such as States with large quantities
25 of Federal land and Indian land;

1 (3) permitting processes can hinder the develop-
 2 ment of natural gas infrastructure, such as pipeline
 3 lines and gathering lines on Federal land and Indian
 4 land; and

5 (4) additional authority for the Secretary of the
 6 Interior to approve natural gas pipelines and gath-
 7 ering lines on Federal land and Indian land would—

8 (A) assist in bringing gas to market that
 9 would otherwise be vented or flared; and

10 (B) significantly increase royalties collected
 11 by the Secretary of the Interior and disbursed
 12 to Federal, State, and tribal governments and
 13 individual Indians.

14 **SEC. 3. AUTHORITY TO APPROVE NATURAL GAS PIPELINES.**

15 Section 1 of the Act of February 15, 1901 (31 Stat.
 16 790, chapter 372; 16 U.S.C. 79) is amended by inserting
 17 “, for natural gas pipelines” after “distribution of elec-
 18 trical power”.

19 **SEC. 4. CERTAIN NATURAL GAS GATHERING LINES LO-**
 20 **CATED ON FEDERAL LAND AND INDIAN**
 21 **LAND.**

22 (a) IN GENERAL.—Subtitle B of title III of the En-
 23 ergy Policy Act of 2005 (Public Law 109–58; 119 Stat.
 24 685) is amended by adding at the end the following:

1 **“SEC. 319. CERTAIN NATURAL GAS GATHERING LINES LO-**
2 **CATED ON FEDERAL LAND AND INDIAN**
3 **LAND.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) GAS GATHERING LINE AND ASSOCIATED
6 FIELD COMPRESSION UNIT.—

7 “(A) IN GENERAL.—The term ‘gas gath-
8 ering line and associated field compression unit’
9 means—

10 “(i) a pipeline that is installed to
11 transport natural gas production associ-
12 ated with 1 or more wells drilled and com-
13 pleted to produce crude oil; and

14 “(ii) if necessary, a compressor to
15 raise the pressure of that transported nat-
16 ural gas to higher pressures suitable to en-
17 able the gas to flow into pipelines and
18 other facilities.

19 “(B) EXCLUSIONS.—The term ‘gas gath-
20 ering line and associated field compression unit’
21 does not include a pipeline or compression unit
22 that is installed to transport natural gas from
23 a processing plant to a common carrier pipeline
24 or facility.

25 “(2) FEDERAL LAND.—

1 “(A) IN GENERAL.—The term ‘Federal
2 land’ means land the title to which is held by
3 the United States.

4 “(B) EXCLUSIONS.—The term ‘Federal
5 land’ does not include—

6 “(i) a unit of the National Park Sys-
7 tem;

8 “(ii) a unit of the National Wildlife
9 Refuge System; or

10 “(iii) a component of the National
11 Wilderness Preservation System.

12 “(3) INDIAN LAND.—The term ‘Indian land’
13 means land the title to which is held by—

14 “(A) the United States in trust for an In-
15 dian tribe or an individual Indian; or

16 “(B) an Indian tribe or an individual In-
17 dian subject to a restriction by the United
18 States against alienation.

19 “(b) CERTAIN NATURAL GAS GATHERING LINES.—

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 the issuance of a sundry notice or right-of-way for
22 a gas gathering line and associated field compression
23 unit that is located on Federal land or Indian land
24 and that services any oil well shall be considered to
25 be an action that is categorically excluded (as de-

1 fined in section 1508.4 of title 40, Code of Federal
2 Regulations (as in effect on the date of enactment
3 of this Act)) for purposes of the National Environ-
4 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
5 if the gas gathering line and associated field com-
6 pression unit are—

7 “(A) within a field or unit for which an ap-
8 proved land use plan or an environmental docu-
9 ment prepared pursuant to the National Envi-
10 ronmental Policy Act of 1969 (42 U.S.C. 4321
11 et seq.) analyzed transportation of natural gas
12 produced from 1 or more oil wells in that field
13 or unit as a reasonably foreseeable activity; and

14 “(B) located adjacent to an existing dis-
15 turbed area for the construction of a road or
16 pad.

17 “(2) APPLICABILITY.—

18 “(A) FEDERAL LAND.—Paragraph (1)
19 shall not apply to Federal land, or a portion of
20 Federal land, for which the Governor of the
21 State in which the Federal land is located sub-
22 mits to the Secretary of the Interior or the Sec-
23 retary of Agriculture, as applicable, a written
24 request that paragraph (1) not apply to that
25 Federal land (or portion of Federal land).

1 “(B) INDIAN LAND.—Paragraph (1) shall
 2 apply to Indian land, or a portion of Indian
 3 land, for which the Indian tribe with jurisdic-
 4 tion over the Indian land submits to the Sec-
 5 retary of the Interior a written request that
 6 paragraph (1) apply to that Indian land (or
 7 portion of Indian land).

8 “(c) EFFECT ON OTHER LAW.—Nothing in this sec-
 9 tion affects or alters any requirement—

10 “(1) relating to prior consent under—

11 “(A) section 2 of the Act of February 5,
 12 1948 (25 U.S.C. 324); or

13 “(B) section 16(e) of the Act of June 18,
 14 1934 (25 U.S.C. 476(e)) (commonly known as
 15 the ‘Indian Reorganization Act’); or

16 “(2) under any other Federal law (including
 17 regulations) relating to tribal consent for rights-of-
 18 way across Indian land.”.

19 (b) ASSESSMENTS.—Title XVIII of the Energy Policy
 20 Act of 2005 (Public Law 109–58; 119 Stat. 1122) is
 21 amended by adding at the end the following:

22 **“SEC. 1841. NATURAL GAS GATHERING SYSTEM ASSESS-**
 23 **MENTS.**

24 “(a) DEFINITION OF GAS GATHERING LINE AND AS-
 25 SOCIATED FIELD COMPRESSION UNIT.—In this section,

1 the term ‘gas gathering line and associated field compres-
2 sion unit’ has the meaning given the term in section 319.

3 “(b) STUDY.—Not later than 1 year after the date
4 of enactment of the Natural Gas Gathering Enhancement
5 Act, the Secretary of the Interior, in consultation with
6 other appropriate Federal agencies, States, and Indian
7 tribes, shall conduct a study to identify—

8 “(1) any actions that may be taken, under Fed-
9 eral law (including regulations), to expedite permit-
10 ting for gas gathering lines and associated field com-
11 pression units that are located on Federal land or
12 Indian land, for the purpose of transporting natural
13 gas associated with crude oil production on any land
14 to a processing plant or a common carrier pipeline
15 for delivery to markets; and

16 “(2) any proposed changes to Federal law (in-
17 cluding regulations) to expedite permitting for gas
18 gathering lines and associated field compression
19 units that are located on Federal land or Indian
20 land, for the purpose of transporting natural gas as-
21 sociated with crude oil production on any land to a
22 processing plant or a common carrier pipeline for
23 delivery to markets.

24 “(c) REPORT.—Not later than 180 days after the
25 date of enactment of the Natural Gas Gathering Enhance-

1 ment Act, and every 180 days thereafter, the Secretary
 2 of the Interior, in consultation with other appropriate Fed-
 3 eral agencies, States, and Indian tribes, shall submit to
 4 Congress a report that describes—

5 “(1) the progress made in expediting permits
 6 for gas gathering lines and associated field compres-
 7 sion units that are located on Federal land or Indian
 8 land, for the purpose of transporting natural gas as-
 9 sociated with crude oil production on any land to a
 10 processing plant or a common carrier pipeline for
 11 delivery to markets; and

12 “(2) any issues impeding that progress.”.

13 (c) TECHNICAL AMENDMENTS.—

14 (1) Section 1(b) of the Energy Policy Act of
 15 2005 (Public Law 109–58; 119 Stat. 594) is amend-
 16 ed by adding at the end of subtitle B of title III the
 17 following:

“Sec. 319. Natural gas gathering lines located on Federal land and Indian
 land.”.

18 (2) Section 1(b) of the Energy Policy Act of
 19 2005 (Public Law 109–58; 119 Stat. 594) is amend-
 20 ed by adding at the end of title XXVIII the fol-
 21 lowing:

“Sec. 1841. Natural gas gathering system assessments.”.

1 **SEC. 5. DEADLINES FOR PERMITTING NATURAL GAS GATH-**
 2 **ERING LINES UNDER THE MINERAL LEASING**
 3 **ACT.**

4 Section 28 of the Mineral Leasing Act (30 U.S.C.
 5 185) is amended by adding at the end the following:

6 “(z) NATURAL GAS GATHERING LINES.—The Sec-
 7 retary of the Interior or other appropriate agency head
 8 shall issue a sundry notice or right-of-way for a gas gath-
 9 ering line and associated field compression unit (as de-
 10 fined in section 319(a) of the Energy Policy Act of 2005)
 11 that is located on Federal lands—

12 “(1) for a gas gathering line and associated
 13 field compression unit described in section 319(b) of
 14 the Energy Policy Act of 2005, not later than 30
 15 days after the date on which the applicable agency
 16 head receives the request for issuance; and

17 “(2) for all other gas gathering lines and asso-
 18 ciated field compression units, not later than 60
 19 days after the date on which the applicable agency
 20 head receives the request for issuance.”.

21 **SEC. 6. DEADLINES FOR PERMITTING NATURAL GAS GATH-**
 22 **ERING LINES UNDER THE FEDERAL LAND**
 23 **POLICY AND MANAGEMENT ACT OF 1976.**

24 Section 504 of the Federal Land Policy and Manage-
 25 ment Act of 1976 (43 U.S.C. 1764) is amended by adding
 26 at the end the following:

1 “(k) NATURAL GAS GATHERING LINES.—The Sec-
2 retary concerned shall issue a sundry notice or right-of-
3 way for a gas gathering line and associated field compres-
4 sion unit (as defined in section 319(a) of the Energy Pol-
5 icy Act of 2005) that is located on public lands—

6 “(1) for a gas gathering line and associated
7 field compression unit described in section 319(b) of
8 the Energy Policy Act of 2005, not later than 30
9 days after the date on which the applicable agency
10 head receives the request for issuance; and

11 “(2) for all other gas gathering lines and asso-
12 ciated field compression units, not later than 60
13 days after the date on which the applicable agency
14 head receives the request for issuance.”.

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