

113TH CONGRESS
2D SESSION

S. 2592

To promote energy production and security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 10, 2014

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

A BILL

To promote energy production and security, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “North Atlantic Energy Security Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATURAL GAS GATHERING ENHANCEMENT

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Authority to approve natural gas pipelines.

- Sec. 104. Certain natural gas gathering lines located on Federal land and Indian land.
- Sec. 105. Deadlines for permitting natural gas gathering lines under the Mineral Leasing Act.
- Sec. 106. Deadlines for permitting natural gas gathering lines under the Federal Land Policy and Management Act of 1976.
- Sec. 107. LNG regulatory certainty.
- Sec. 108. Expedited approval of exportation of natural gas to Ukraine and North Atlantic Treaty Organization member countries and Japan.

TITLE II—ONSHORE OIL AND GAS PERMIT STREAMLINING

Subtitle A—Streamlining Permitting

- Sec. 201. Short title.
- Sec. 202. Permit to drill application timeline.
- Sec. 203. Making pilot offices permanent to improve energy permitting on Federal land.
- Sec. 204. Administration.
- Sec. 205. Judicial review.

Subtitle B—BLM Live Internet Auctions

- Sec. 211. Short title.
- Sec. 212. Internet-based onshore oil and gas lease sales.

1 **TITLE I—NATURAL GAS** 2 **GATHERING ENHANCEMENT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Natural Gas Gather-
5 ing Enhancement Act”.

6 **SEC. 102. 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
10 Act are providing enormous benefits to the United
11 States, including by—

12 (A) reducing the need for imports of nat-
13 ural gas, thereby directly reducing the trade
14 deficit;

1 (B) strengthening trade ties among the
2 United States, Canada, and Mexico;

3 (C) providing the opportunity for the
4 United States to join the emerging global gas
5 trade through the export of liquefied natural
6 gas;

7 (D) creating and supporting millions of
8 new jobs across the United States;

9 (E) adding billions of dollars to the gross
10 domestic product of the United States every
11 year;

12 (F) generating additional Federal, State,
13 and local government tax revenues; and

14 (G) revitalizing the manufacturing sector
15 by providing abundant and affordable feedstock;

16 (2) large quantities of natural gas are lost due
17 to venting and flaring, primarily in areas where nat-
18 ural gas infrastructure has not been developed
19 quickly enough, such as States with large quantities
20 of Federal land and Indian land;

21 (3) permitting processes can hinder the develop-
22 ment of natural gas infrastructure, such as pipeline
23 lines and gathering lines on Federal land and Indian
24 land; and

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

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

6 (B) significantly increase royalties collected
 7 by the Secretary of the Interior and disbursed
 8 to Federal, State, and tribal governments and
 9 individual Indians.

10 **SEC. 103. AUTHORITY TO APPROVE NATURAL GAS PIPE-**
 11 **LINES.**

12 Section 1 of the Act of February 15, 1901 (31 Stat.
 13 790, chapter 372; 16 U.S.C. 79), is amended by inserting
 14 “, for natural gas pipelines” after “distribution of elec-
 15 trical power”.

16 **SEC. 104. CERTAIN NATURAL GAS GATHERING LINES LO-**
 17 **CATED ON FEDERAL LAND AND INDIAN**
 18 **LAND.**

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

22 **“SEC. 319. CERTAIN NATURAL GAS GATHERING LINES LO-**
 23 **CATED ON FEDERAL LAND AND INDIAN**
 24 **LAND.**

25 “(a) DEFINITIONS.—In this section:

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

3 “(A) IN GENERAL.—The term ‘gas gath-
4 ering line and associated field compression unit’
5 means—

6 “(i) a pipeline that is installed to
7 transport natural gas production associ-
8 ated with 1 or more wells drilled and com-
9 pleted to produce crude oil; and

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

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

21 “(2) FEDERAL LAND.—

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

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

3 “(i) a unit of the National Park Sys-
4 tem;

5 “(ii) a unit of the National Wildlife
6 Refuge System; or

7 “(iii) a component of the National
8 Wilderness Preservation System.

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

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

13 “(B) an Indian tribe or an individual In-
14 dian subject to a restriction by the United
15 States against alienation.

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

17 “(1) IN GENERAL.—Subject to paragraph (2),
18 the issuance of a sundry notice or right-of-way for
19 a gas gathering line and associated field compression
20 unit that is located on Federal land or Indian land
21 and that services any oil well shall be considered to
22 be an action that is categorically excluded (as de-
23 fined in section 1508.4 of title 40, Code of Federal
24 Regulations (as in effect on the date of enactment
25 of this Act)) for purposes of the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
 2 if the gas gathering line and associated field com-
 3 pression unit are—

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

11 “(B) located adjacent to an existing dis-
 12 turbed area for the construction of a road or
 13 pad.

14 “(2) APPLICABILITY.—

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

23 “(B) INDIAN LAND.—Paragraph (1) shall
 24 apply to Indian land, or a portion of Indian
 25 land, for which the Indian tribe with jurisdic-

1 tion over the Indian land submits to the Sec-
 2 retary of the Interior a written request that
 3 paragraph (1) apply to that Indian land (or
 4 portion of Indian land).

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

7 “(1) relating to prior consent under—

8 “(A) section 2 of the Act of February 5,
 9 1948 (25 U.S.C. 324); or

10 “(B) section 16(e) of the Act of June 18,
 11 1934 (25 U.S.C. 476(e)) (commonly known as
 12 the ‘Indian Reorganization Act’); or

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

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

19 **“SEC. 1841. NATURAL GAS GATHERING SYSTEM ASSESS-**
 20 **MENTS.**

21 “(a) DEFINITION OF GAS GATHERING LINE AND AS-
 22 SOCIATED FIELD COMPRESSION UNIT.—In this section,
 23 the term ‘gas gathering line and associated field compres-
 24 sion unit’ has the meaning given the term in section 319.

1 “(b) STUDY.—Not later than 1 year after the date
2 of enactment of the North Atlantic Energy Security Act
3 of 2014, the Secretary of the Interior, in consultation with
4 other appropriate Federal agencies, States, and Indian
5 tribes, shall conduct a study to identify—

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

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

22 “(c) REPORT.—Not later than 180 days after the
23 date of enactment of the North Atlantic Energy Security
24 Act of 2014, and every 180 days thereafter, the Secretary
25 of the Interior, in consultation with other appropriate Fed-

1 eral agencies, States, and Indian tribes, shall submit to
 2 Congress a report that describes—

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

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

11 (c) TECHNICAL AMENDMENTS.—

12 (1) Section 1(b) of the Energy Policy Act of
 13 2005 (Public Law 109–58; 119 Stat. 594) is amend-
 14 ed by adding at the end of subtitle B of title III the
 15 following:

“Sec. 319. Certain natural gas gathering lines located on Federal land and In-
 dian land.”.

16 (2) Section 1(b) of the Energy Policy Act of
 17 2005 (Public Law 109–58; 119 Stat. 594) is amend-
 18 ed by adding at the end of title XXVIII the fol-
 19 lowing:

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

1 **SEC. 105. DEADLINES FOR PERMITTING NATURAL GAS**
2 **GATHERING LINES UNDER THE MINERAL**
3 **LEASING 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.”.

1 **SEC. 106. DEADLINES FOR PERMITTING NATURAL GAS**
 2 **GATHERING LINES UNDER THE FEDERAL**
 3 **LAND POLICY AND MANAGEMENT ACT OF**
 4 **1976.**

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

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

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

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

22 **SEC. 107. LNG REGULATORY CERTAINTY.**

23 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
 24 is amended by adding at the end the following:

25 “(g) DEADLINE FOR CERTAIN APPLICATIONS FOR
 26 EXPORTATION OF NATURAL GAS.—

1 “(1) IN GENERAL.—The Commission shall
2 make a public interest determination and issue an
3 order under subsection (a) for an application for the
4 exportation of natural gas to a foreign country
5 through a particular LNG terminal not later than
6 45 days after receipt of an application under sub-
7 section (e) for—

8 “(A) the conversion of that LNG terminal
9 into an LNG import or export facility; or

10 “(B) the construction of that LNG ter-
11 minal.

12 “(2) APPLICATION.—This subsection shall not
13 apply with respect to an application under sub-
14 section (a) for the exportation of natural gas—

15 “(A) to a foreign country—

16 “(i) to which the exportation of nat-
17 ural gas is otherwise prohibited by law; or

18 “(ii) described in subsection (c); or

19 “(B) if the Commission has made a contin-
20 gent determination with respect to the applica-
21 tion.

22 “(3) EFFECT.—Except as specifically provided
23 in this subsection, nothing in this subsection affects
24 the authority of the Commission to review, process,

1 and make a determination with respect to an appli-
2 cation for the exportation of natural gas.”.

3 **SEC. 108. EXPEDITED APPROVAL OF EXPORTATION OF NAT-**
4 **URAL GAS TO UKRAINE AND NORTH ATLAN-**
5 **TIC TREATY ORGANIZATION MEMBER COUN-**
6 **TRIES AND JAPAN.**

7 (a) IN GENERAL.—In accordance with clause 3 of
8 section 8 of article I of the Constitution of the United
9 States (delegating to Congress the power to regulate com-
10 merce with foreign nations), Congress finds that exports
11 of natural gas produced in the United States to Ukraine,
12 member countries of the North Atlantic Treaty Organiza-
13 tion, and Japan is—

14 (1) necessary for the protection of the essential
15 security interests of the United States; and

16 (2) in the public interest pursuant to section 3
17 of the Natural Gas Act (15 U.S.C. 717b).

18 (b) EXPEDITED APPROVAL.—Section 3(c) of the Nat-
19 ural Gas Act (15 U.S.C. 717b(c)) is amended by inserting
20 “, to Ukraine, to a member country of the North Atlantic
21 Treaty Organization, or to Japan” after “trade in natural
22 gas”.

23 (c) EFFECTIVE DATE.—The amendment made by
24 subsection (b) shall apply to applications for the author-
25 ization to export natural gas under section 3 of the Nat-

1 ural Gas Act (15 U.S.C. 717b) that are pending on, or
 2 filed on or after, the date of the enactment of this Act.

3 **TITLE II—ONSHORE OIL AND**
 4 **GAS PERMIT STREAMLINING**
 5 **Subtitle A—Streamlining**
 6 **Permitting**

7 **SEC. 201. SHORT TITLE.**

8 This subtitle may be cited as the “Streamlining Per-
 9 mitting of American Energy Act of 2014”.

10 **SEC. 202. PERMIT TO DRILL APPLICATION TIMELINE.**

11 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
 12 226(p)) is amended by striking paragraph (2) and insert-
 13 ing the following:

14 “(2) APPLICATIONS FOR PERMITS TO DRILL RE-
 15 FORM AND PROCESS.—

16 “(A) TIMELINE.—

17 “(i) IN GENERAL.—Not later than 30
 18 days after the date on which the Secretary
 19 receives an application for a permit to
 20 drill, the Secretary shall decide whether to
 21 issue or deny the permit.

22 “(ii) EXTENSION.—On giving written
 23 notice of a delay to the applicant, the Sec-
 24 retary may extend the period described in

1 clause (i) for not more than 2 additional
2 periods of 15 days each.

3 “(iii) FORM OF NOTICE.—The notice
4 referred to in clause (ii) shall—

5 “(I) be in the form of a letter
6 from the Secretary or a designee of
7 the Secretary; and

8 “(II) shall include the names and
9 titles of the persons processing the ap-
10 plication, the specific reasons for the
11 delay, and a specific date a final deci-
12 sion on the application is expected.

13 “(B) APPLICATION CONSIDERED AP-
14 PROVED.—If the Secretary has not made a de-
15 cision on the application by the end of the 60-
16 day period beginning on the date the applica-
17 tion is received by the Secretary, the application
18 shall be considered to be approved, except in a
19 case in which an existing review under the Na-
20 tional Environmental Policy Act of 1969 (42
21 U.S.C. 4321 et seq.) or the Endangered Species
22 Act of 1973 (16 U.S.C. 1531 et seq.) is incom-
23 plete.

24 “(C) DENIAL OF PERMIT.—If the Sec-
25 retary decides not to issue a permit to drill in

1 accordance with subparagraph (A), the Sec-
2 retary shall—

3 “(i) provide to the applicant a descrip-
4 tion of the reasons for the denial of the
5 permit;

6 “(ii) allow the applicant to resubmit
7 an application for a permit to drill during
8 the 10-day period beginning on the date
9 the applicant receives the description of
10 the denial from the Secretary; and

11 “(iii) issue or deny any resubmitted
12 application not later than 10 days after the
13 date on which the application is submitted
14 to the Secretary.

15 “(D) FEE.—

16 “(i) IN GENERAL.—Notwithstanding
17 any other provision of law, the Secretary
18 shall collect a single \$6,500 permit proc-
19 essing fee per application from each appli-
20 cant at the time the final decision is made
21 whether to issue a permit under subpara-
22 graph (A).

23 “(ii) LIMITATION.—The fee described
24 in clause (i) shall not apply to any resub-
25 mitted application.

1 “(iii) TREATMENT OF PERMIT PROC-
 2 ESSING FEE.—Of all amounts collected as
 3 fees under this paragraph, 50 percent shall
 4 be—

5 “(I) transferred to the field office
 6 where the fee is collected; and

7 “(II) used to process leases and
 8 permits under this Act, subject to ap-
 9 propriation.”.

10 **SEC. 203. MAKING PILOT OFFICES PERMANENT TO IM-**
 11 **PROVE ENERGY PERMITTING ON FEDERAL**
 12 **LAND.**

13 (a) DEFINITIONS.—In this section:

14 (1) ENERGY PROJECTS.—The term “energy
 15 projects” includes oil, natural gas, and other energy
 16 projects, as defined by the Secretary.

17 (2) PROJECT.—The term “Project” means the
 18 Federal Permit Streamlining Project established
 19 under subsection (b).

20 (3) SECRETARY.—The term “Secretary” means
 21 the Secretary of the Interior.

22 (b) ESTABLISHMENT.—The Secretary shall establish
 23 a Federal Permit Streamlining Project in every Bureau
 24 of Land Management field office with responsibility for
 25 permitting energy projects on Federal land.

1 (c) MEMORANDUM OF UNDERSTANDING.—

2 (1) IN GENERAL.—Not later than 90 days after
3 the date of enactment of this Act, the Secretary
4 shall enter into a memorandum of understanding for
5 purposes of this section with—

6 (A) the Secretary of Agriculture;

7 (B) the Administrator of the Environ-
8 mental Protection Agency; and

9 (C) the Chief of Engineers.

10 (2) STATE PARTICIPATION.—The Secretary
11 may request that the Governor of any State in which
12 energy projects on Federal land are located be a sig-
13 natory to the memorandum of understanding.

14 (d) DESIGNATION OF QUALIFIED STAFF.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of the signing of the memorandum of un-
17 derstanding under subsection (c), all Federal signa-
18 tory parties shall, if appropriate, assign to each of
19 the Bureau of Land Management field offices an
20 employee who has expertise in the regulatory issues
21 relating to the office in which the employee is em-
22 ployed, including, as applicable, particular expertise
23 in—

24 (A) the consultations and the preparation
25 of biological opinions under section 7 of the En-

1 dangered Species Act of 1973 (16 U.S.C.
2 1536);

3 (B) permits under section 404 of Federal
4 Water Pollution Control Act (33 U.S.C. 1344);

5 (C) regulatory matters under the Clean Air
6 Act (42 U.S.C. 7401 et seq.);

7 (D) planning under the National Forest
8 Management Act of 1976 (16 U.S.C. 472a et
9 seq.); and

10 (E) the preparation of analyses under the
11 National Environmental Policy Act of 1969 (42
12 U.S.C. 4321 et seq.).

13 (2) DUTIES.—Each employee assigned under
14 paragraph (1) shall—

15 (A) not later than 90 days after the date
16 of assignment, report to the Bureau of Land
17 Management Field Managers in the office to
18 which the employee is assigned;

19 (B) be responsible for all issues relating to
20 the energy projects that arise under the au-
21 thorities of the agency of the employee; and

22 (C) participate as part of the team of per-
23 sonnel working on proposed energy projects,
24 planning, and environmental analyses on Fed-
25 eral land.

1 (e) ADDITIONAL PERSONNEL.—The Secretary shall
2 assign to each Bureau of Land Management field office
3 identified in subsection (b) any additional personnel that
4 are necessary to ensure the effective approval and imple-
5 mentation of energy projects administered by the Bureau
6 of Land Management field offices, including inspection
7 and enforcement relating to energy development on Fed-
8 eral land, in accordance with the multiple use mandate
9 of the Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1701 et seq.).

11 (f) FUNDING.—Salaries for the additional personnel
12 shall be funded from the collection of fees described in
13 section 17(p)(2)(D) of the Mineral Leasing Act (30 U.S.C.
14 226(p)(2)(D)) (as amended by section 202).

15 (g) SAVINGS PROVISION.—Nothing in this section af-
16 fects—

17 (1) the operation of any Federal or State law;

18 or

19 (2) any delegation of authority made by the
20 head of a Federal agency whose employees are par-
21 ticipating in the Project.

22 **SEC. 204. ADMINISTRATION.**

23 Notwithstanding any other law, the Secretary of the
24 Interior shall not require a finding of extraordinary cir-

1 cumstances in administering section 390 of the Energy
 2 Policy Act of 2005 (42 U.S.C. 15942).

3 **SEC. 205. JUDICIAL REVIEW.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED CIVIL ACTION.—The term “cov-
 6 ered civil action” means a civil action containing a
 7 claim under section 702 of title 5, United States
 8 Code, regarding agency action (as defined for the
 9 purposes of that section) affecting a covered energy
 10 project on Federal land.

11 (2) COVERED ENERGY PROJECT.—

12 (A) IN GENERAL.—The term “covered en-
 13 ergy project” means the leasing of Federal land
 14 for the exploration, development, production,
 15 processing, or transmission of oil, natural gas,
 16 or any other source of energy, and any action
 17 carried out pursuant to that lease.

18 (B) EXCLUSION.—The term “covered en-
 19 ergy project” does not include any disputes be-
 20 tween the parties to a lease regarding the obli-
 21 gations under the lease, including regarding any
 22 alleged breach of the lease.

23 (b) EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS
 24 RELATING TO COVERED ENERGY PROJECTS.—Venue for

1 any covered civil action shall lie in the district court where
2 the project or leases exist or are proposed.

3 (c) TIMELY FILING.—To ensure timely redress by the
4 courts, a covered civil action shall be filed not later than
5 the last day of the 90-day period beginning on the date
6 of the final Federal agency action to which the covered
7 civil action relates.

8 (d) EXPEDITION IN HEARING AND DETERMINING
9 THE ACTION.—The court shall endeavor to hear and de-
10 termine any covered civil action as expeditiously as pos-
11 sible.

12 (e) STANDARD OF REVIEW.—In any judicial review
13 of a covered civil action, administrative findings and con-
14 clusions relating to the challenged Federal action or deci-
15 sion shall be presumed to be correct, and the presumption
16 may be rebutted only by the preponderance of the evidence
17 contained in the administrative record.

18 (f) LIMITATION ON INJUNCTION AND PROSPECTIVE
19 RELIEF.—

20 (1) IN GENERAL.—In a covered civil action, the
21 court shall not grant or approve any prospective re-
22 lief unless the court finds that the relief is narrowly
23 drawn, extends no further than necessary to correct
24 the violation of a legal requirement, and is the least
25 intrusive means necessary to correct that violation.

1 (2) DURATION OF PRELIMINARY INJUNC-
2 TIONS.—A court shall limit the duration of a pre-
3 liminary injunction to halt a covered energy project
4 to a period of not more than 60 days, unless the
5 court finds clear reasons to extend the injunction.

6 (3) DURATION OF EXTENSION.—An extension
7 under paragraph (2) shall—

8 (A) only be for a period of not more than
9 30 days; and

10 (B) require action by the court to renew
11 the injunction.

12 (g) LIMITATION ON ATTORNEYS' FEES.—Sections
13 504 of title 5 and 2412 of title 28, United States Code
14 (commonly known as the “Equal Access to Justice Act”)
15 shall not apply to a covered civil action, nor shall any
16 party in the covered civil action receive payment from the
17 Federal Government for attorneys' fees, expenses, or other
18 court costs.

19 (h) LEGAL STANDING.—A person filing an appeal
20 with the Department of the Interior Board of Land Ap-
21 peals shall meet the same standing requirements as a per-
22 son before a United States district court.

1 **Subtitle B—BLM Live Internet** 2 **Auctions**

3 **SEC. 211. SHORT TITLE.**

4 This subtitle may be cited as the “BLM Live Internet
5 Auctions Act”.

6 **SEC. 212. INTERNET-BASED ONSHORE OIL AND GAS LEASE** 7 **SALES.**

8 (a) AUTHORIZATION.—Section 17(b)(1) of the Min-
9 eral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

10 (1) in subparagraph (A), in the third sentence,
11 by inserting “, except as provided in subparagraph
12 (C)” after “by oral bidding”; and

13 (2) by adding at the end the following:

14 “(C) INTERNET-BASED BIDDING.—

15 “(i) IN GENERAL.—In order to diver-
16 sify and expand the onshore leasing pro-
17 gram in the United States to ensure the
18 best return to the Federal taxpayer, reduce
19 fraud, and secure the leasing process, the
20 Secretary may conduct onshore lease sales
21 through Internet-based bidding methods.

22 “(ii) CONCLUSION OF SALE.—Each
23 individual Internet-based lease sale shall
24 conclude not later than 7 days after the
25 date of initiation of the sale.”.

1 (b) REPORT.—Not later than 90 days after the tenth
2 Internet-based lease sale conducted pursuant to subpara-
3 graph (C) of section 17(b)(1) of the Mineral Leasing Act
4 (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the
5 Secretary of the Interior shall conduct, and submit to Con-
6 gress a report describing the results of, an analysis of the
7 first 10 such lease sales, including—

8 (1) estimates of increases or decreases in the
9 lease sales, compared to sales conducted by oral bid-
10 ding, in—

11 (A) the number of bidders;

12 (B) the average amount of the bids;

13 (C) the highest amount of the bids; and

14 (D) the lowest amount of the bids;

15 (2) an estimate on the total cost or savings to
16 the Department of the Interior as a result of the
17 sales, as compared to sales conducted by oral bid-
18 ding; and

19 (3) an evaluation of the demonstrated or ex-
20 pected effectiveness of different structures for lease
21 sales, which may—

22 (A) provide an opportunity to better maxi-
23 mize bidder participation;

24 (B) ensure the highest return to the Fed-
25 eral taxpayers;

1 (C) minimize opportunities for fraud or
2 collusion; and

3 (D) ensure the security and integrity of
4 the leasing process.

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