

111TH CONGRESS
1ST SESSION

H. R. 1462

To provide for a study by the National Academy of Engineering regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands and Indian lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2009

Mrs. MALONEY (for herself, Mr. HINCHEY, Mr. GRIJALVA, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for a study by the National Academy of Engineering regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands and Indian lands, 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.**

4 This Act may be cited as the “Study of Ways to Im-
5 prove the Accuracy of the Collection of Federal Oil, Con-
6 densate, and Natural Gas Royalties Act of 2009”.

1 **SEC. 2. STUDY OF ACTIONS TO IMPROVE THE ACCURACY**
2 **OF COLLECTION OF FEDERAL OIL, CONDENSE,**
3 **SATE, AND NATURAL GAS ROYALTIES.**

4 The Secretary of the Interior shall seek to enter into
5 an arrangement with the National Academy of Engineer-
6 ing under which the Academy, by not later than six
7 months after the date of the enactment of this Act, shall
8 study and report to the Secretary regarding whether the
9 accuracy of collection of royalties on production of oil, con-
10 densate, and natural gas under leases of Federal lands (in-
11 cluding submerged and deep water lands) and Indian
12 lands would be improved by any of the following:

13 (1) Requiring the installation of digital meters,
14 calibrated at least monthly to an absolute zero value,
15 for all lands from which natural gas (including con-
16 densate) is produced under such leases.

17 (2) Requiring that—

18 (A) the size of every orifice plate on each
19 natural gas well operated under such leases be
20 inspected at least quarterly by the Secretary;
21 and

22 (B) chipped orifice plates and wrong-sized
23 orifice plates be replaced immediately after
24 those inspections and reported to the Secretary
25 for retroactive volume measurement corrections

1 and royalty payments with interest of 8 percent
2 compounded monthly.

3 (3) Requiring that any plug valves that are in
4 natural gas gathering lines be removed and replaced
5 with ball valves.

6 (4) Requiring that—

7 (A) all meter runs should be opened for in-
8 spection by the Secretary and the producer at
9 all times; and

10 (B) any welding or closing of the meter
11 runs leading to the orifice plates should be pro-
12 hibited unless authorized by the Secretary.

13 (5) Requiring the installation of straightening
14 vanes approximately 10 feet before natural gas en-
15 ters each orifice meter, including each master meter
16 and each sales meter.

17 (6) Requiring that all master meters be in-
18 spected and the results of such inspections be made
19 available to the Secretary and the producers imme-
20 diately.

21 (7) Requiring that—

22 (A) all sampling of natural gas for heating
23 content analysis be performed monthly up-
24 stream of each natural gas meter, including up-
25 stream of each master meter;

1 (B) records of such sampling and heating
2 content analysis be maintained by the pur-
3 chaser and made available to the Secretary and
4 to the producer monthly;

5 (C) probes for such upstream sampling be
6 installed upstream within three feet of each
7 natural gas meter;

8 (D) any oil and natural gas lease for which
9 heat content analysis is falsified shall be subject
10 to cancellation;

11 (E) natural gas sampling probes be lo-
12 cated—

13 (i) upstream of the natural gas meter
14 at all times;

15 (ii) within a few feet of the natural
16 gas meter; and

17 (iii) after the natural gas goes
18 through a Welker or Y-Z vanishing cham-
19 ber; and

20 (F) temperature probes and testing probes
21 be located between the natural gas sampling
22 probe and the orifice of the natural gas meter.

23 (8)(A) Reinstating the requirement to file Fed-
24 eral Energy Regulatory Commission (FERC) Form
25 16 in April and September of each year for every

1 natural gas pipeline, including each intrastate pipe-
2 lines, in addition to the filing of FERC Form 2.

3 (B) Requiring—

4 (i) use of such FERC Form 2 to create
5 FERC Form 16 data for the years beginning
6 April and September, respectively, 1992, and
7 for each year thereafter; and

8 (ii) filing with the Federal Energy Regu-
9 latory Commission a FERC Form 16 for April
10 and September that is completed with such
11 data back to April 1992.

12 (9) Requiring that administrative jurisdiction
13 over all natural gas gathering lines, interstate pipe-
14 lines, and intrastate pipelines revert immediately to
15 the Federal Energy Regulatory Commission.

16 (10) Prohibiting the dilution of natural gas
17 with inert nitrogen or inert carbon dioxide gas for
18 royalty determination, sale, or resale at any point.

19 (11) Requiring that both the measurement of
20 the volume of natural gas and the heating content
21 analyses be reported only on the basis of 14.73 PSI
22 and 60 degrees Fahrenheit, regardless of the ele-
23 vation above sea level of such volume measurement
24 and heating content analysis, for both purchases and
25 sales of natural gas.

1 (12) Prohibiting the construction of bypass
2 pipes that go around the natural gas meter, and im-
3 posing criminal penalties for any such construction
4 or subsequent removal including, but not limited to,
5 automatic cancellation of the lease.

6 (13) Requiring that all natural gas sold to con-
7 sumers have a minimum BTU content of 960 at an
8 atmospheric pressure of 14.73 PSI and be at a tem-
9 perature of 60 degrees Fahrenheit, as required by
10 the State of Wyoming Public Utilities Commission.

11 (14) Requiring that all natural gas sold in the
12 USA will be on a MMBTU basis with the BTU con-
13 tent adjusted for elevation above sea level in higher
14 altitudes. Thus all natural gas meters must correct
15 for BTU content in higher elevations (altitudes).

16 (15) Issuance by the Secretary of rules for the
17 measurement at the wellhead of the standard volume
18 of natural gas produced, based on independent in-
19 dustry standards such as those suggested by the
20 American Society of Testing Materials (ASTM).

21 (16) Requiring use of the fundamental orifice
22 meter mass flow equation, as revised in 1990, for
23 calculating the standard volume of natural gas pro-
24 duced.

1 (17) Requiring the use of Fpv in standard vol-
2 ume measurement computations as described in the
3 1992 American Gas Association Report No. 8 enti-
4 tled Compressibility Factor of Natural Gas and
5 Other Related Hydrocarbon Gases.

6 (18) Requiring that gathering lines must be
7 constructed so as to have as few angles and turns
8 as possible, with a maximum of three angles, before
9 they connect with the natural gas meter.

10 (19) Requiring that for purposes of reporting
11 the royalty value of natural gas, condensate, oil, and
12 associated natural gases, such royalty value must be
13 based upon the natural gas' condensate's, oil's, and
14 associated natural gases' arm's length, independent
15 market value, as reported in independent, respected
16 market reports such as Platts or Bloomborgs, and
17 not based upon industry controlled posted prices,
18 such as Koch's.

19 (20) Requiring that royalties be paid on all the
20 condensate recovered through purging gathering
21 lines and pipelines with a cone-shaped device to push
22 out condensate (popularly referred to as a pig) and
23 on condensate recovered from separators, dehydra-
24 tors, and processing plants.

1 (21) Requiring that all royalty deductions for
2 dehydration, treating, natural gas gathering, com-
3 pression, transportation, marketing, removal of im-
4 purities such as carbon dioxide (CO₂), nitrogen (N₂),
5 hydrogen sulphide (H₂S), mercaptain (HS), helium
6 (He), and other similar charges on natural gas, con-
7 densate, and oil produced under such leases that are
8 now in existence be eliminated.

9 (22) Requiring that at all times—

10 (A) the quantity, quality, and value ob-
11 tained for natural gas liquids (condensate) be
12 reported to the Secretary; and

13 (B) such reported value be based on fair
14 independent arm's length market value.

15 (23) Issuance by the Secretary of regulations
16 that prohibit venting or flaring (or both) of natural
17 gas in cases for which technology exists to reason-
18 ably prevent it, strict enforcement of such prohibi-
19 tions, and cancellation of leases for violations.

20 (24) Requiring lessees to pay full royalties on
21 any natural gas that is vented, flared, or otherwise
22 avoidably lost.

23 (25)(A) Requiring payment of royalties on car-
24 bon dioxide at the wellhead used for tertiary oil re-
25 covery from depleted oil fields on the basis of 5 per-

1 cent of the West Texas Intermediate crude oil fair
2 market price to be used for one MCF (1,000 cubic
3 feet) of carbon dioxide gas.

4 (B) Requiring that—

5 (i) carbon dioxide used for edible purposes
6 should be subjected to a royalty per thousand
7 cubic feet (MCF) on the basis of the sales price
8 at the downstream delivery point without de-
9 ducting for removal of impurities, processing,
10 transportation, and marketing costs;

11 (ii) such price to apply with respect to gas-
12 eous forms, liquid forms, and solid (dry ice)
13 forms of carbon dioxide converted to equivalent
14 MCF; and

15 (iii) such royalty to apply with respect to
16 both a direct producer of carbon dioxide and
17 purchases of carbon dioxide from another per-
18 son that is either affiliated or not affiliated with
19 the purchaser.

20 (26) Requiring that—

21 (A) all carbon dioxide produced from Fed-
22 eral and Indian leases be analyzed for carcino-
23 genic benzene; and

24 (B) benzene produced with such carbon di-
25 oxide must be filtered out and removed safely

1 as necessary to prevent harm to the environ-
2 ment subjected to such benzene content, in
3 order to create a maximum permissible level
4 (MPL) of 5 parts per billion.

5 (27) Requiring that—

6 (A) royalties be paid on the fair market
7 value of nitrogen extracted from such leases
8 that is used industrially for well stimulation,
9 helium recovery, or other uses; and

10 (B) royalties be paid on the fair market
11 value of ultimately processed helium recovered
12 from such leases.

13 (28) Allowing only 5 percent of the value of the
14 elemental sulfur recovered during processing of hy-
15 drogen sulfide gas from such leases to be deducted
16 for processing costs in determining royalty pay-
17 ments.

18 (29) Requiring that all heating content analysis
19 of natural gas be conducted to a minimum level of
20 C₁₅.

21 (30) Eliminating artificial conversion from dry
22 BTU to wet BTU, and requiring that natural gas be
23 analyzed and royalties paid for at all times on the
24 basis of dry BTU only.

1 (31) Requiring that natural gas sampling be
2 performed at all times with a floating piston cylinder
3 container at the same pressure intake as the pres-
4 sure of the natural gas gathering line.

5 (32) Requiring use of natural gas filters with a
6 minimum of 10 microns, and preferably 15 microns,
7 both in the intake to natural gas sampling con-
8 tainers and in the exit from the natural gas sam-
9 pling containers into the chromatograph.

10 (33) Mandate the use of a Quad Unit for both
11 portable and stationary chromatographs in order to
12 correct for the presence of nitrogen and oxygen, if
13 any, in certain natural gas streams.

14 (34) Require the calibration of all chro-
15 matograph equipment every three months and the
16 use of only American Gas Association-approved
17 standard comparison containers for such calibration.

18 (35) Requiring that natural gas stored during
19 the summer period and marketed during the winter
20 period—

21 (A) be sold on the basis of the purchase
22 price minus a maximum of \$0.50 per MMBTU
23 storage charges; or

1 (B) be subject to payment of royalties on
2 the basis of winter sales price minus \$0.50 per
3 MMBTU.

4 (36) Requiring payment of royalties on any
5 such natural gas stored on Federal or Indian lands
6 on the basis of corresponding storage charges for the
7 use of Federal or Indian lands, respectively, for such
8 storage service.

9 (37) Imposing penalties for the intentional non-
10 payment of royalties for natural gas liquids recov-
11 ered—

12 (A) from purging of natural gas gathering
13 lines and natural gas pipelines; or

14 (B) from field separators, dehydrators, and
15 processing plants,
16 including cancellation of oil and natural gas leases
17 and criminal penalties.

18 (38) Requiring that the separator, dehydrator,
19 and natural gas meter be located within 100 feet of
20 each natural gas wellhead.

21 (39) Requiring that BTU heating content anal-
22 ysis be performed when the natural gas is at a tem-
23 perature of 140 to 150 degrees Fahrenheit at all
24 times, as required by the American Gas Association
25 (AGA) regulations.

1 (40) Requiring that heating content analysis
2 and volume measurements are identical at the sales
3 point to what they are at the purchase point, after
4 allowing for a small volume for leakage in old pipes,
5 but with no allowance for heating content discrep-
6 ancy.

7 (41) Requiring that all natural gas produced
8 under such leases be at all times sold to public, in-
9 dustrial, storage, and private customers only on a
10 MMBTU basis of MCF (1000 CF) x MBTU (1000
11 BTU).

12 (42) Verification by the Secretary that the spe-
13 cific gravity of natural gas produced under such
14 leases, as measured at the meter run, corresponds to
15 the heating content analysis data for such natural
16 gas, in accordance with the Natural Gas Processors
17 Association Publication 2145–71(1), entitled “Phys-
18 ical Constants Of Paraffin Hydrocarbons And Other
19 Components Of Natural Gas”, and reporting of all
20 discrepancies immediately.

21 (43) Prohibiting all deductions on royalty pay-
22 ments for marketing of natural gas, condensate, and
23 oil by an affiliate or agent.

24 (44) Requiring that all standards of the Amer-
25 ican Petroleum Institute, the American Gas Associa-

tion, the Gas Processors Association, and the American Society of Testing Materials, Minerals Management Service Order No. 5, and all other Minerals Management Service orders be faithfully observed and applied, and willful misconduct of such standards and orders be subject to oil and gas lease cancellation.

(45) Requiring that all oil and condensate produced from Federal and Indian lands must be stored and measured in cylindrical tanks, and prohibiting any distortion, such as squeezing or bending of a storage tank, that hinders the true and honest measurement of volume of condensate and oil.

SEC. 3. REVIEW OF ROYALTY PAYMENTS.

The Secretary of the Interior, subject to the availability of appropriations, shall award a contract under which the contractor shall—

(1) compare royalty payments made under Federal oil and gas lease provisions for covered lands against data supplied to the Federal Energy Regulatory Commission;

(2) make such comparison retroactive to June 1, 1974, by integrating existing natural gas analog charts or digital meter results (or both) for each natural gas meter and multiplying the corresponding

1 standard volume results by heating content analysis
2 obtained from corresponding specific gravity meas-
3 urement relationship;

4 (3) determine whether the correct production
5 standard volume and total heating content analysis
6 was used to calculate such payments; and

7 (4) determine whether such payments were ade-
8 quate under the terms of such oil and gas leases, by
9 among other procedures comparing the reported roy-
10 alty values with respected published market price re-
11 ports, such as Platts or Bloombergs.

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) COVERED LANDS.—The term “covered
15 lands” means—

16 (A) all Federal onshore lands and offshore
17 lands that are under the administrative jurisdic-
18 tion of the Department of the Interior for pur-
19 poses of oil and gas leasing; and

20 (B) Indian onshore lands.

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

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