

Calendar No. 370

114TH CONGRESS
2D SESSION**S. 2276****[Report No. 114–209]**

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2015

Mrs. FISCHER (for herself, Mr. BOOKER, Mr. DAINES, Mr. PETERS, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

FEBRUARY 24, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, 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; REFERENCES.**

4 (a) ~~SHORT TITLE.—~~This Act may be cited as the
5 ~~“Securing America’s Future Energy: Protecting our In-~~

1 frastructure of Pipelines and Enhancing Safety Act” or
 2 the “SAFE PIPES Act”.

3 (b) REFERENCES TO TITLE 49, UNITED STATES
 4 CODE.—Except as otherwise expressly provided, wherever
 5 in this Act an amendment or repeal is expressed in terms
 6 of an amendment to, or repeal of, a section or other provi-
 7 sion, the reference shall be considered to be made to a
 8 section or other provision of title 49, United States Code.

9 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) GAS AND HAZARDOUS LIQUID.—Section
 11 60125(a) is amended—

12 (1) in paragraph (1), by striking “there is au-
 13 thorized to be appropriated to the Department of
 14 Transportation for each of fiscal years 2012 through
 15 2015, from fees collected under section 60301,
 16 \$90,679,000, of which \$4,746,000 is for carrying
 17 out such section 12 and \$ 36,194,000 is for making
 18 grants.” and inserting the following: “there are au-
 19 thorized to be appropriated to the Department of
 20 Transportation from fees collected under section
 21 60301—

22 “(A) \$127,060,000 for fiscal year 2016, of
 23 which \$9,325,000 shall be expended for ear-
 24 rying out such section 12 and \$42,515,000
 25 shall be expended for making grants;

1 “(B) \$129,671,000 for fiscal year 2017, of
 2 which \$9,418,000 shall be expended for ear-
 3 rying out such section 12 and \$42,941,000
 4 shall be expended for making grants;

5 “(C) \$132,334,000 for fiscal year 2018, of
 6 which \$9,512,000 shall be expended for ear-
 7 rying out such section 12 and \$43,371,000
 8 shall be expended for making grants; and

9 “(D) \$135,051,000 for fiscal year 2019, of
 10 which \$9,607,000 shall be expended for ear-
 11 rying out such section 12 and \$43,805,000
 12 shall be expended for making grants.”; and

13 (2) in paragraph (2), by striking “there is au-
 14 thorized to be appropriated for each of fiscal years
 15 2012 through 2015 from the Oil Spill Liability
 16 Trust Fund to carry out the provisions of this chap-
 17 ter related to hazardous liquid and section 12 of the
 18 Pipeline Safety Improvement Act of 2002 (49
 19 U.S.C. 60101 note; Public Law 107-355),
 20 \$18,573,000, of which \$2,174,000 is for carrying
 21 out such section 12 and \$4,558,000 is for making
 22 grants” and inserting the following: “there are au-
 23 thorized to be appropriated from the Oil Spill Liabil-
 24 ity Trust Fund to carry out the provisions of this
 25 chapter related to hazardous liquid and section 12 of

the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355)—

“(A) \$19,890,000 for fiscal year 2016, of which \$3,108,000 shall be expended for carrying out such section 12 and \$8,708,000 shall be expended for making grants;

“(B) \$20,288,000 for fiscal year 2017, of which \$3,139,000 shall be expended for carrying out such section 12 and \$8,795,000 shall be expended for making grants;

“(C) \$20,694,000 for fiscal year 2018, of which \$3,171,000 shall be expended for carrying out such section 12 and \$8,883,000 shall be expended for making grants; and

“(D) \$21,108,000 for fiscal year 2019, of which \$3,203,000 shall be expended for carrying out such section 12 and \$8,972,000 shall be expended for making grants.”.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a), by striking “\$1,000,000 for each of fiscal years 2012 through 2015” and in-

1 serting “\$1,060,000 for each of the fiscal years
2 2016 through 2019”; and

3 (2) in subsection (b), by striking “2012 through
4 2015” and inserting “2016 through 2019”.

5 (d) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
6 tion 60134(i) is amended by striking “2012 through
7 2015” and inserting “2016 through 2019”.

8 (e) COMMUNITY PIPELINE SAFETY INFORMATION
9 GRANTS.—Section 60130(e) is amended by striking “2012
10 through 2015” and inserting “2016 through 2019”.

11 (f) PIPELINE INTEGRITY PROGRAM.—Section 12(f)
12 of the Pipeline Safety Improvement Act of 2002 (49
13 U.S.C. 60101 note) is amended by striking “2012 through
14 2015” and inserting “2016 through 2019”.

15 **SEC. 3. REGULATORY UPDATES.**

16 (a) IN GENERAL.—Not later than 120 days after the
17 date of enactment of this Act, and every 90 days there-
18 after until a final rule has been issued for each of the
19 requirements described under paragraphs (1), (2), and
20 (3), the Secretary of Transportation shall submit a report
21 to the Committee on Commerce, Science, and Transpor-
22 tation of the Senate and the Committee on Transportation
23 and Infrastructure of the House of Representatives re-
24 garding the status of a final rule for—

1 (1) regulations required under the Pipeline
 2 Safety Regulatory Certainty and Job Creation Act
 3 of 2011 (Public Law 112–90; 125 Stat. 1904) for
 4 which no interim final rule or direct final rule has
 5 been issued;

6 (2) any regulation relating to pipeline safety re-
 7 quired by law, other than a regulation described
 8 under paragraph (1), for which for more than 2
 9 years after the date of the enacting statute or statu-
 10 tory deadline no interim final rule or direct final rule
 11 has been issued; and

12 (3) any other rulemaking categorized as signifi-
 13 cant.

14 (b) CONTENTS.—Each report under subsection (a)
 15 shall include—

16 (1) a description of the work plan for the out-
 17 standing regulation;

18 (2) an updated rulemaking timeline for the out-
 19 standing regulation;

20 (3) current staff allocations;

21 (4) current data collection or research relating
 22 to the development of the rulemaking;

23 (5) current collaborative efforts with safety ex-
 24 perts and other stakeholders;

1 (6) any resource constraints impacting the rule-
 2 making process for the outstanding regulation; and
 3 (7) any other details associated with the devel-
 4 opment of the rulemaking that impact the progress
 5 of the rulemaking.

6 **SEC. 4. STATUTORY PREFERENCE.**

7 The Administrator of the Pipeline and Hazardous
 8 Materials Safety Administration shall prioritize the use of
 9 Pipeline and Hazardous Materials Safety Administration
 10 resources for the completion of each outstanding statutory
 11 requirement for a rulemaking described in a report under
 12 section 3 before beginning any new rulemaking required
 13 after the date of the enactment of this Act unless the Sec-
 14 retary of Transportation certifies to Congress that there
 15 is a significant need to move forward with a new rule-
 16 making.

17 **SEC. 5. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.**

18 (a) REPORT.—Not later than 18 months after the
 19 publication of a final rule regarding the safety of gas
 20 transmission pipelines (76 Fed. Reg. 53086), the Comp-
 21 troller General shall submit a report to Congress regard-
 22 ing the natural gas integrity management program.

23 (b) CONTENTS.—The report under subsection (a)
 24 shall include—

1 (1) an analysis of the extent to which the nat-
2 ural gas integrity management program under sec-
3 tion 60109(e) of title 49, United States Code, has
4 improved the safety of natural gas transmission
5 pipelines;

6 (2) an analysis or recommendations regarding
7 changes to the program that would prevent inad-
8 vertent releases from pipelines and mitigate any ad-
9 verse consequences of an inadvertent release, includ-
10 ing changes to the current definition of high con-
11 sequence area, or would expand integrity manage-
12 ment beyond high consequence areas;

13 (3) a review of the cost effectiveness of the leg-
14 acy class location regulations;

15 (4) an analysis of and recommendations regard-
16 ing what impact the age of a pipeline should have
17 on risk analysis of a particular pipeline;

18 (5) a description of any challenges affecting
19 Federal or State regulators in their oversight of the
20 program and how the challenges are being ad-
21 dressed; and

22 (6) a description of any challenges affecting the
23 natural gas industry in complying with the program,
24 and how the challenges are being addressed.

1 (c) **DEFINITION OF HIGH CONSEQUENCE AREA.**—In
 2 this section and in section 6, the term “high consequence
 3 area” means an area described in section 60109(a) of title
 4 49, United States Code.

5 **SEC. 6. HAZARDOUS LIQUID INTEGRITY MANAGEMENT RE-**
 6 **VIEW.**

7 (a) **SAFETY STUDY.**—Not later than 18 months after
 8 the publication of a final rule regarding the safety of haz-
 9 ardous liquid pipelines (80 Fed. Reg. 61610), the Comp-
 10 troller General shall submit a report to Congress regard-
 11 ing the hazardous liquid integrity management program.

12 (b) **CONTENTS.**—The report under subsection (a)
 13 shall include—

14 (1) an analysis of the extent to which liquid
 15 pipeline integrity management in high consequence
 16 areas for operators of certain hazardous liquid pipe-
 17 line facilities, as regulated under sections 195.450
 18 and 195.452 of title 49, Code of Federal Regula-
 19 tions, has improved the safety of hazardous liquid
 20 pipelines;

21 (2) recommendations, including consideration of
 22 technical, operational, and economic feasibility, re-
 23 garding changes to the program that could prevent
 24 inadvertent releases from pipelines and mitigate any
 25 adverse consequences of an inadvertent release, in-

1 eluding changes to the current definition of high
2 consequence area;

3 ~~(3)~~ an analysis of how surveying, assessment,
4 mitigation, and monitoring activities, including real-
5 time hazardous liquid pipeline monitoring during
6 significant flood events and information sharing with
7 other Federal agencies, are being used to address
8 risks associated with the dynamic and unique nature
9 of rivers, flood plains, and lakes;

10 ~~(4)~~ an analysis of and recommendations regard-
11 ing what impact pipeline features and conditions, in-
12 cluding the age, condition, materials, and construc-
13 tion of a pipeline should have on risk analysis of a
14 particular pipeline and what changes to the defini-
15 tion of high consequence area could be made to im-
16 prove pipeline safety; and

17 ~~(5)~~ a description of any challenges affecting
18 Federal or State regulators in their oversight of the
19 program and how the challenges are being ad-
20 dressed.

21 **SEC. 7. TECHNICAL SAFETY STANDARDS COMMITTEES.**

22 Section 60115(b)(4)(A) is amended by striking
23 “State commissioners. The Secretary shall consult with
24 the national organization of State commissions before se-
25 lecting those 2 individuals.” and inserting “State officials.

1 The Secretary shall consult with national organizations
 2 representing State commissioners or governors when mak-
 3 ing a selection under this subparagraph.”.

4 **SEC. 8. INSPECTION REPORT INFORMATION.**

5 (a) IN GENERAL.—Not later than 30 days after the
 6 completion of a pipeline safety inspection, the Adminis-
 7 trator of the Pipeline and Hazardous Materials Safety Ad-
 8 ministration, or the head of the agency leading the inspec-
 9 tion, shall—

10 (1) conduct a post-inspection briefing with the
 11 operator outlining concerns, and to the extent prae-
 12 ticable, provide written preliminary findings of the
 13 inspection; or

14 (2) issue to the operator a final report, notice
 15 of amendment of plans or procedures, safety order,
 16 or corrective action order.

17 (b) REPORT.—

18 (1) IN GENERAL.—The Administrator shall
 19 submit an annual report to Congress regarding—

20 (A) the actions that the Pipeline and Haz-
 21 ardous Materials Safety Administration has
 22 taken to ensure that inspections by State au-
 23 thorities provide effective and timely oversight;
 24 and

1 ~~(B)~~ statistics relating to the timeliness of
 2 the actions described in paragraphs (1) and (2)
 3 of subsection (a).

4 ~~(2)~~ CESSATION OF EFFECTIVENESS.—Para-
 5 graph (1) shall cease to be effective on September
 6 30, 2019.

7 **SEC. 9. IMPROVING LOCATION MAPPING TECHNOLOGY.**

8 ~~(a)~~ STUDY.—The Secretary of Transportation, in
 9 consultation with stakeholders, shall conduct a study on
 10 improving damage prevention through technological im-
 11 provements in location and communications practices to
 12 prevent accidental excavation damage to a pipe or its coat-
 13 ing, including considerations of technical, operational, and
 14 economic feasibility.

15 ~~(b)~~ CONTENTS.—The study under subsection (a)
 16 shall include—

17 ~~(1)~~ an identification of any methods that could
 18 improve damage prevention through location and
 19 mapping data in an effort to reduce unintended re-
 20 leases caused by excavation;

21 ~~(2)~~ an analysis of how increased use of GPS
 22 digital mapping technologies, predictive analytic
 23 tools, public awareness initiatives, including one-call
 24 initiatives, the use of mobile devices, and other ad-
 25 vanced technologies could supplement existing one-

1 call notification and damage prevention programs to
 2 reduce the frequency and severity of incidents
 3 caused by excavation damage;

4 (3) an analysis of the feasibility of a national
 5 data repository for pipeline excavation accident data
 6 that creates standardized data models for storing
 7 and sharing pipeline accident information; and

8 (4) an identification of opportunities for stake-
 9 holder engagement in preventing excavation damage.

10 (c) REPORT.—Not later than 1 year after the date
 11 of the enactment of this Act, the Secretary of Transpor-
 12 tation shall submit a report to the Committee on Com-
 13 merce, Science, and Transportation of the Senate and the
 14 Committee on Transportation and Infrastructure of the
 15 House of Representatives regarding the study under this
 16 section, including recommendations, that include the con-
 17 sideration of technical, operational, and economic feasi-
 18 bility, on how to incorporate technological improvements
 19 and practices that may help prevent accidental excavation
 20 damage.

21 **SEC. 10. WORKFORCE OF PIPELINE AND HAZARDOUS MA-**
 22 **TERIALS SAFETY ADMINISTRATION.**

23 (a) REVIEW.—Not later than 1 year after the date
 24 of the enactment of this Act, the Administrator of the
 25 Pipeline and Hazardous Materials Safety Administration

1 shall submit to Congress a review of Pipeline and Haz-
 2 ardous Materials Safety Administration staff resource
 3 management, including geographic allocation plans, hiring
 4 challenges, and expected retirement rates and strategies.
 5 The review shall include recommendations to address hir-
 6 ing challenges, training needs, and any other identified
 7 staff resource challenges.

8 (b) CRITICAL HIRING NEEDS.—

9 (1) IN GENERAL.—Beginning on the date on
 10 which the review is submitted under subsection (a),
 11 the Administrator may certify to Congress, not less
 12 frequently than annually, that a severe shortage of
 13 qualified candidates or a critical hiring need exists
 14 for a position or group of positions in the Pipeline
 15 and Hazardous Materials Safety Administration.

16 (2) DIRECT HIRE AUTHORITY.—Notwith-
 17 standing sections 3309 through 3318 of title 5,
 18 United States Code, the Administrator, after making
 19 a certification under paragraph (1), may hire a can-
 20 didate for the position or candidates for the group
 21 of positions, as applicable.

22 (3) TERMINATIONS OF EFFECTIVENESS.—The
 23 direct hire authority provided under paragraph (2)
 24 shall terminate on September 30, 2019.

1 **SEC. 11. RESEARCH AND DEVELOPMENT.**

2 (a) ~~IN GENERAL.~~—In developing a research and de-
 3 velopment program plan under paragraph (3) of section
 4 12(d) of the Pipeline Safety Improvement Act of 2002 (49
 5 U.S.C. 60101 note), the Administrator of the Pipeline and
 6 Hazardous Materials Safety Administration, in consulta-
 7 tion with the Assistant Secretary for Research and Tech-
 8 nology, shall—

9 (1) detail compliance with the consultation re-
 10 quirement under paragraph (2) of such section;

11 (2) provide opportunities for joint research ven-
 12 tures with non-Federal entities, whenever practicable
 13 and appropriate, to leverage limited Federal research
 14 resources; and

15 (3) permit collaborative research and develop-
 16 ment projects with appropriate non-Federal organi-
 17 zations.

18 (b) ~~COLLABORATIVE SAFETY RESEARCH REPORT.~~—

19 Section 60124(a)(6) is amended—

20 (1) in subparagraph (A), by striking “and” at
 21 the end;

22 (2) in subparagraph (B), by striking the period
 23 at the end and inserting “; and”; and

24 (3) by adding at the end the following:

25 “(C) research activities in collaboration
 26 with non-Federal entities, including the in-

1 tended improvements to safety technology, in-
 2 spection technology, operator response time,
 3 and emergency responder incident response
 4 time.”.

5 **SEC. 12. INFORMATION SHARING SYSTEM.**

6 (a) IN GENERAL.—Not later than 180 days after the
 7 date of the enactment of this Act, the Secretary of Trans-
 8 portation shall convene a working group to consider the
 9 development of a voluntary no-fault information sharing
 10 system to encourage collaborative efforts to improve in-
 11 spection information feedback and information sharing
 12 with the purpose of improving natural gas transmission
 13 and hazardous liquid pipeline integrity risk analysis.

14 (b) MEMBERSHIP.—The working group described in
 15 subsection (a) shall include representatives from—

16 (1) the Pipeline and Hazardous Materials Safe-
 17 ty Administration;

18 (2) industry stakeholders, including operators
 19 of pipeline facilities, inspection technology vendors,
 20 and pipeline inspection organizations;

21 (3) safety advocacy groups;

22 (4) research institutions;

23 (5) State public utility commissions or State of-
 24 ficials responsible for pipeline safety oversight;

25 (6) State pipeline safety inspectors; and

1 ~~(7) labor representatives.~~

2 ~~(e) CONSIDERATIONS.—The working group described~~
3 ~~in subsection (a) shall consider and provide recommenda-~~
4 ~~tions, if applicable, to the Secretary on—~~

5 ~~(1) the need for and the identification of a sys-~~
6 ~~tem to ensure that dig verification data is shared~~
7 ~~with inline inspection operators to the extent con-~~
8 ~~sistent with the need to maintain proprietary data in~~
9 ~~a confidential manner to improve pipeline safety and~~
10 ~~inspection technology;~~

11 ~~(2) ways to encourage the exchange of pipeline~~
12 ~~inspection information and the development of ad-~~
13 ~~vanced pipeline inspection technologies and enhanced~~
14 ~~risk analysis;~~

15 ~~(3) opportunities to share data, including dig~~
16 ~~verification data between operators of pipeline facili-~~
17 ~~ties and in-line inspector vendors to expand knowl-~~
18 ~~edge of the advantages and disadvantages of the dif-~~
19 ~~ferent types of in-line inspection technology and~~
20 ~~methodologies;~~

21 ~~(4) options to create a secure system that pro-~~
22 ~~tects proprietary data while encouraging the ex-~~
23 ~~change of pipeline inspection information and the~~
24 ~~development of advanced pipeline inspection tech-~~
25 ~~nologies and enhanced risk analysis; and~~

1 ~~(5) regulatory, funding, and legal barriers to~~
 2 ~~sharing the information described in paragraphs (1)~~
 3 ~~through (4).~~

4 ~~(d) FACA.—The working group shall not be subject~~
 5 ~~to the Federal Advisory Committee Act (5 U.S.C. App.).~~

6 ~~(e) PUBLICATION.—The Secretary shall publish the~~
 7 ~~recommendations provided under subsection (e) on a pub-~~
 8 ~~licly available website.~~

9 ~~**SEC. 13. NATIONWIDE INTEGRATED PIPELINE SAFETY REG-**~~
 10 ~~**ULATORY DATABASE.**~~

11 ~~(a) REPORT.—Not later than 18 months after the~~
 12 ~~date of the enactment of this Act and subject to subsection~~
 13 ~~(e), the Secretary of Transportation shall submit a report~~
 14 ~~to Congress on the feasibility of a national integrated pipe-~~
 15 ~~line safety regulatory inspection database to improve com-~~
 16 ~~munication and collaboration between the Pipeline and~~
 17 ~~Hazardous Materials Safety Administration and State~~
 18 ~~pipeline regulators.~~

19 ~~(b) CONTENTS.—The report under subsection (a)~~
 20 ~~shall include—~~

21 ~~(1) a description of any efforts currently under-~~
 22 ~~way to test a secure information-sharing system for~~
 23 ~~the purpose described in subsection (a);~~

24 ~~(2) a description of any progress in establishing~~
 25 ~~common standards for maintaining, collecting, and~~

presenting pipeline safety regulatory inspection data;
and a methodology for the sharing of the data;

~~(3) a description of any existing inadequacies or
gaps in State and Federal inspection, enforcement,
geospatial, or other pipeline safety regulatory inspec-
tion data;~~

(4) a description of the potential safety benefits
of a national integrated pipeline database; and

~~(5) recommendations for how to implement a
secure information-sharing system for the purpose
described in subsection (a).~~

(c) CONSULTATION.—In preparing the report under
subsection (a), the Secretary shall consult with stake-
holders, including each State authority operating under a
certification to regulate intrastate pipelines under section
60105 of title 49, United States Code.

**SEC. 14. UNDERGROUND NATURAL GAS STORAGE FACILI-
TIES.**

(a) DEFINITION OF UNDERGROUND NATURAL GAS
STORAGE FACILITY.—In this section, the term “under-
ground natural gas storage facility” means a gas pipeline
facility (as defined in section 60101 of title 49, United
States Code) that stores gas in an underground facility,
including—

(1) a depleted hydrocarbon reservoir;

1 ~~(2) an aquifer reservoir; or~~

2 ~~(3) a solution mined salt cavern reservoir.~~

3 ~~(b) MINIMUM UNIFORM SAFETY STANDARDS.—Not~~
 4 ~~later than 2 years after the date of the enactment of this~~
 5 ~~Act, the Secretary of Transportation, in consultation with~~
 6 ~~the heads of other relevant Federal agencies, shall issue~~
 7 ~~minimum uniform safety standards, incorporating, to the~~
 8 ~~extent practicable, consensus standards for the operation,~~
 9 ~~environmental protection, and integrity management of~~
 10 ~~underground natural gas storage facilities.~~

11 ~~(c) CONSIDERATIONS.—In developing the uniform~~
 12 ~~safety standards under subsection (b), the Secretary~~
 13 ~~shall—~~

14 ~~(1) consider the economic impacts of the regu-~~
 15 ~~lations on individual gas customers to the extent~~
 16 ~~practicable;~~

17 ~~(2) ensure that the regulations do not have a~~
 18 ~~significant economic impact on end users to the ex-~~
 19 ~~tent practicable; and~~

20 ~~(3) consider existing consensus standards.~~

21 ~~(d) CERTIFICATIONS.—The Secretary may authorize~~
 22 ~~an intrastate underground natural gas storage safety pro-~~
 23 ~~gram by a State authority that annually submits a certifi-~~
 24 ~~cation to the Secretary in the same manner as provided~~

1 under subsections (b) and (c) of section 60105 of title 49,
2 United States Code.

3 (c) AGREEMENTS.—

4 (1) IN GENERAL.—The Secretary may make an
5 agreement, in the same manner as provided in sec-
6 tion 60106 of title 49, United States Code, with a
7 State authority authorizing the State authority to
8 take necessary action to provide or participate in the
9 oversight of interstate underground natural gas stor-
10 age facilities.

11 (2) RULE OF CONSTRUCTION.—Notwith-
12 standing the limitation under section 60104(b) of
13 title 49, United States Code, to the extent a State
14 has oversight of the wellbore piping and hole drilled
15 to connect the surface wellhead with the under-
16 ground reservoir, the standards adopted under sub-
17 section (b) may be enforced by the State.

18 (f) GRANTS.—If a State authority with responsibility
19 for regulating gas pipelines in that State under a certifi-
20 cation under section 60105 of title 49, United States
21 Code, an agreement under section 60106 of that title, or
22 both, files an application in such form and manner as pre-
23 scribed by the Secretary not later than September 30 of
24 a calendar year, the Secretary shall pay not more than
25 80 percent of the cost of the personnel, equipment, and

1 activities the authority reasonably requires during the next
2 calendar year—

3 ~~(1)~~ to carry out an intrastate underground nat-
4 ural gas storage safety program under a certification
5 under subsection ~~(d)~~; or

6 ~~(2)~~ to act as an agent of the Secretary on inter-
7 state underground natural gas storage facilities
8 under an agreement under subsection ~~(e)~~.

9 ~~(g)~~ USER FEES.—

10 ~~(1)~~ IN GENERAL.—A fee shall be imposed on an
11 entity operating an underground natural gas storage
12 facility to which this section applies. Any such fee
13 imposed shall be collected before the end of the fiscal
14 year to which it applies.

15 ~~(2)~~ MEANS OF COLLECTION.—The Secretary
16 shall prescribe procedures to collect fees under this
17 subsection. The Secretary may use a department,
18 agency, or instrumentality of the United States Gov-
19 ernment or of a State or local government to collect
20 the fee and may reimburse the department, agency,
21 or instrumentality a reasonable amount for its serv-
22 ices.

23 ~~(3)~~ USE OF FEES.—

24 ~~(A)~~ ACCOUNT.—There is established an
25 underground natural gas storage facility safety

1 account in the Pipeline Safety Fund established
 2 under section 60301 of title 49, United States
 3 Code, in the Treasury of the United States.

4 (B) USE OF FEES.—A fee collected under
 5 this subsection—

6 (i) shall be deposited in the under-
 7 ground natural gas storage facility safety
 8 account; and

9 (ii) if the fee is related to an under-
 10 ground natural gas storage facility, may be
 11 used only for an activity related to under-
 12 ground natural gas storage safety under
 13 this section.

14 (C) LIMITATION.—Amounts collected
 15 under this subsection shall be made available
 16 only to the extent provided in advance in an ap-
 17 propriation law for an activity related to under-
 18 ground natural gas storage safety.

19 (h) RULES OF CONSTRUCTION.—

20 (1) IN GENERAL.—Nothing in this section may
 21 be construed to affect any regulation relating to gas
 22 pipeline facilities that is in effect on the day before
 23 the date of enactment of this Act.

24 (2) LIMITATIONS.—Nothing in this section may
 25 be construed to authorize the Secretary to prescribe

1 the location of an underground natural gas storage
2 facility or to require the Secretary's permission to
3 construct such a facility.

4 **SEC. 15. RESPONSE PLANS.**

5 (a) IN GENERAL.—In preparing or reviewing a re-
6 sponse plan under part 194 of title 49, Code of Federal
7 Regulations, the Administrator of the Pipeline and Haz-
8 ardous Materials Safety Administration and an operator
9 shall each consider, to the maximum extent practicable,
10 the impact of a worst-case discharge of hazardous liquid,
11 or the substantial threat of such a discharge, into or on
12 any navigable waters or adjoining shorelines that may be
13 covered in whole or in part by ice.

14 (b) DEFINITIONS.—In this section, any applicable
15 definitions set forth in section 194.5 of title 49, Code of
16 Federal Regulations (as in effect on the day before the
17 date of enactment of this Act), shall apply.

18 **SEC. 16. HIGH CONSEQUENCE AREAS.**

19 The Secretary of Transportation shall revise section
20 195.6(b) of title 49, Code of Federal Regulations, to ex-
21 plicitly state that the Great Lakes are a U.S.A. ecological
22 resource (as defined in section 195.6(b) of that title) for
23 purposes of determining whether a pipeline is in a high
24 consequence area (as defined in section 195.450 of that
25 title).

1 **SEC. 17. SURFACE TRANSPORTATION SECURITY REVIEW.**

2 Not later than 1 year after the date of the enactment
 3 of this Act, the Comptroller General shall submit a report
 4 to Congress on the staffing, resource allocation, oversight
 5 strategy, and management of the Transportation Security
 6 Administration's pipeline security program and other sur-
 7 face transportation programs. The report shall include in-
 8 formation on the coordination between the Transportation
 9 Security Administration, other Federal stakeholders, and
 10 industry.

11 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
 12 **TENTS.**

13 (a) *SHORT TITLE.*—This Act may be cited as the “Se-
 14 curing America’s Future Energy: Protecting our Infrastruc-
 15 ture of Pipelines and Enhancing Safety Act” or the “SAFE
 16 PIPES Act”.

17 (b) *REFERENCES TO TITLE 49, UNITED STATES*
 18 *CODE.*—Except as otherwise expressly provided, wherever
 19 in this Act an amendment or repeal is expressed in terms
 20 of an amendment to, or repeal of, a section or other provi-
 21 sion, the reference shall be considered to be made to a section
 22 or other provision of title 49, United States Code.

23 (c) *TABLE OF CONTENTS.*—The table of contents of this
 24 Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Authorization of appropriations.
Sec. 3. Regulatory updates.

- Sec. 4. Hazardous materials identification numbers.*
- Sec. 5. Statutory preference.*
- Sec. 6. Natural gas integrity management review.*
- Sec. 7. Hazardous liquid integrity management review.*
- Sec. 8. Technical safety standards committees.*
- Sec. 9. Inspection report information.*
- Sec. 10. Pipeline odorization study.*
- Sec. 11. Improving damage prevention technology.*
- Sec. 12. Workforce of Pipeline and Hazardous Materials Safety Administration.*
- Sec. 13. Research and development.*
- Sec. 14. Information sharing system.*
- Sec. 15. Nationwide integrated pipeline safety regulatory database.*
- Sec. 16. Underground natural gas storage facilities.*
- Sec. 17. Joint inspection and oversight.*
- Sec. 18. Response plans.*
- Sec. 19. High consequence areas.*
- Sec. 20. Surface transportation security review.*
- Sec. 21. Small scale liquefied natural gas facilities.*
- Sec. 22. Report on natural gas leak reporting.*
- Sec. 23. Comptroller General review of State policies relating to natural gas leaks.*
- Sec. 24. Provision of pipeline oil spill response plans to congressional committees.*
- Sec. 25. Consultation with FERC as part of pre-filing procedures and permitting process for new natural gas pipeline infrastructure.*

1 SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

2 (a) *GAS AND HAZARDOUS LIQUID.*—Section 60125(a)
 3 *is amended—*

4 (1) *in paragraph (1), by striking “there is au-*
 5 *thorized to be appropriated to the Department of*
 6 *Transportation for each of fiscal years 2012 through*
 7 *2015, from fees collected under section 60301,*
 8 *\$90,679,000, of which \$4,746,000 is for carrying out*
 9 *such section 12 and \$ 36,194,000 is for making*
 10 *grants.” and inserting the following: “there are au-*
 11 *thorized to be appropriated to the Department of*
 12 *Transportation from fees collected under section*
 13 *60301—*

1 “(A) \$127,060,000 for fiscal year 2016, of
 2 which \$9,325,000 shall be expended for carrying
 3 out such section 12 and \$42,515,000 shall be ex-
 4 pended for making grants;

5 “(B) \$129,671,000 for fiscal year 2017, of
 6 which \$9,418,000 shall be expended for carrying
 7 out such section 12 and \$42,941,000 shall be ex-
 8 pended for making grants;

9 “(C) \$132,334,000 for fiscal year 2018, of
 10 which \$9,512,000 shall be expended for carrying
 11 out such section 12 and \$43,371,000 shall be ex-
 12 pended for making grants; and

13 “(D) \$135,051,000 for fiscal year 2019, of
 14 which \$9,607,000 shall be expended for carrying
 15 out such section 12 and \$43,805,000 shall be ex-
 16 pended for making grants.”; and

17 (2) in paragraph (2), by striking “there is au-
 18 thorized to be appropriated for each of fiscal years
 19 2012 through 2015 from the Oil Spill Liability Trust
 20 Fund to carry out the provisions of this chapter re-
 21 lated to hazardous liquid and section 12 of the Pipe-
 22 line Safety Improvement Act of 2002 (49 U.S.C.
 23 60101 note; Public Law 107–355), \$18,573,000, of
 24 which \$2,174,000 is for carrying out such section 12
 25 and \$4,558,000 is for making grants.” and inserting

1 the following: “there are authorized to be appro-
 2 priated from the Oil Spill Liability Trust Fund to
 3 carry out the provisions of this chapter related to haz-
 4 ardous liquid and section 12 of the Pipeline Safety
 5 Improvement Act of 2002 (49 U.S.C. 60101 note;
 6 Public Law 107–355)—”

7 “(A) \$19,890,000 for fiscal year 2016, of
 8 which \$3,108,000 shall be expended for carrying
 9 out such section 12 and \$8,708,000 shall be ex-
 10 pended for making grants;

11 “(B) \$20,288,000 for fiscal year 2017, of
 12 which \$3,139,000 shall be expended for carrying
 13 out such section 12 and \$8,795,000 shall be ex-
 14 pended for making grants;

15 “(C) \$20,694,000 for fiscal year 2018, of
 16 which \$3,171,000 shall be expended for carrying
 17 out such section 12 and \$8,883,000 shall be ex-
 18 pended for making grants; and

19 “(D) \$21,108,000 for fiscal year 2019, of
 20 which \$3,203,000 shall be expended for carrying
 21 out such section 12 and \$8,972,000 shall be ex-
 22 pended for making grants.”.

23 (b) *EMERGENCY RESPONSE GRANTS.*—Section
 24 60125(b)(2) is amended by striking “2012 through 2015”
 25 and inserting “2016 through 2019”.

1 (c) *ONE-CALL NOTIFICATION PROGRAMS.*—Section
2 6107 is amended—

3 (1) in subsection (a), by striking “\$1,000,000 for
4 each of fiscal years 2012 through 2015” and inserting
5 “\$1,060,000 for each of the fiscal years 2016 through
6 2019”; and

7 (2) in subsection (b), by striking “2012 through
8 2015” and inserting “2016 through 2019”.

9 (d) *STATE DAMAGE PREVENTION PROGRAMS.*—Sec-
10 tion 60134(i) is amended by striking “2012 through 2015”
11 and inserting “2016 through 2019”.

12 (e) *COMMUNITY PIPELINE SAFETY INFORMATION*
13 *GRANTS.*—Section 60130(c) is amended by striking “2012
14 through 2015” and inserting “2016 through 2019”.

15 (f) *PIPELINE INTEGRITY PROGRAM.*—Section 12(f) of
16 the Pipeline Safety Improvement Act of 2002 (49 U.S.C.
17 60101 note) is amended by striking “2012 through 2015”
18 and inserting “2016 through 2019”.

19 **SEC. 3. REGULATORY UPDATES.**

20 (a) *IN GENERAL.*—Not later than 120 days after the
21 date of enactment of this Act, and every 90 days thereafter
22 until a final rule has been issued for each of the require-
23 ments described under paragraphs (1), (2), and (3), the Sec-
24 retary of Transportation shall submit a report to the Com-
25 mittee on Commerce, Science, and Transportation of the

1 *Senate and the Committee on Transportation and Infra-*
 2 *structure of the House of Representatives regarding the sta-*
 3 *tus of a final rule for—*

4 (1) *regulations required under the Pipeline Safe-*
 5 *ty Regulatory Certainty and Job Creation Act of*
 6 *2011 (Public Law 112–90; 125 Stat. 1904) for which*
 7 *no interim final rule or direct final rule has been*
 8 *issued;*

9 (2) *any regulation relating to pipeline safety re-*
 10 *quired by law, other than a regulation described*
 11 *under paragraph (1), for which for more than 2 years*
 12 *after the date of the enacting statute or statutory*
 13 *deadline no interim final rule or direct final rule has*
 14 *been issued; and*

15 (3) *any other pipeline safety rulemaking cat-*
 16 *egorized as significant.*

17 (b) *CONTENTS.—Each report under subsection (a)*
 18 *shall include—*

19 (1) *a description of the work plan for the out-*
 20 *standing regulation;*

21 (2) *an updated rulemaking timeline for the out-*
 22 *standing regulation;*

23 (3) *current staff allocations;*

24 (4) *any other information collection request with*
 25 *substantial changes;*

1 (5) *current data collection or research relating to*
 2 *the development of the rulemaking;*

3 (6) *current collaborative efforts with safety ex-*
 4 *perts and other stakeholders;*

5 (7) *any resource constraints impacting the rule-*
 6 *making process for the outstanding regulation; and*

7 (8) *any other details associated with the develop-*
 8 *ment of the rulemaking that impact the progress of*
 9 *the rulemaking.*

10 **SEC. 4. HAZARDOUS MATERIALS IDENTIFICATION NUM-**
 11 **BERS.**

12 *The Administrator of the Pipeline and Hazardous Ma-*
 13 *terials Safety Administration shall—*

14 (1) *rescind the implementation of the June 26,*
 15 *2015 PHMSA interpretative letter (#14-0178); and*

16 (2) *reinstate paragraphs (4) and (5) of section*
 17 *172.336(c) of title 49, Code of Federal Regulations,*
 18 *without the reference to “gasohol”, as was originally*
 19 *intended in the March 7, 2013 final rule (PHMSA–*
 20 *2011–0142).*

21 **SEC. 5. STATUTORY PREFERENCE.**

22 *The Administrator of the Pipeline and Hazardous Ma-*
 23 *terials Safety Administration shall prioritize the use of*
 24 *Pipeline and Hazardous Materials Safety Administration*
 25 *resources for the completion of each outstanding statutory*

1 *requirement, including requirements for rulemakings and*
 2 *information collection requests, for a rulemaking described*
 3 *in a report under section 3 before beginning any new rule-*
 4 *making required after the date of the enactment of this Act*
 5 *unless the Secretary of Transportation certifies to Congress*
 6 *that there is a significant need to move forward with a new*
 7 *rulemaking.*

8 **SEC. 6. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.**

9 (a) *REPORT.*—Not later than 18 months after the pub-
 10 *lication of a final rule regarding the safety of gas trans-*
 11 *mission pipelines (76 Fed. Reg. 53086), the Comptroller*
 12 *General of the United States shall submit a report to Con-*
 13 *gress regarding the natural gas integrity management pro-*
 14 *gram.*

15 (b) *CONTENTS.*—The report under subsection (a) shall
 16 *include—*

17 (1) *an analysis of the extent to which the nat-*
 18 *ural gas integrity management program under sec-*
 19 *tion 60109(c) of title 49, United States Code, has im-*
 20 *proved the safety of natural gas transmission pipe-*
 21 *lines;*

22 (2) *an analysis or recommendations, including*
 23 *consideration of technical, operational, and economic*
 24 *feasibility, regarding changes to the program that*
 25 *would prevent inadvertent releases from pipelines and*

(4) an analysis of and recommendations regarding what impact pipeline features and conditions, including the age, condition, materials, and construction of a pipeline, should have on risk analysis of a particular pipeline;

(6) a description of any challenges affecting the natural gas industry in complying with the program, and how the challenges are being addressed.

22 **SEC. 7. HAZARDOUS LIQUID INTEGRITY MANAGEMENT RE-**
23 **VIEW.**

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1 *ardous liquid pipelines (80 Fed. Reg. 61610), the Comp-*
 2 *troller General of the United States shall submit a report*
 3 *to Congress regarding the hazardous liquid integrity man-*
 4 *agement program.*

5 (b) *CONTENTS.—The report under subsection (a) shall*
 6 *include—*

7 (1) *an analysis of the extent to which liquid*
 8 *pipeline integrity management in high consequence*
 9 *areas for operators of certain hazardous liquid pipe-*
 10 *line facilities, as regulated under sections 195.450*
 11 *and 195.452 of title 49, Code of Federal Regulations,*
 12 *has improved the safety of hazardous liquid pipelines;*

13 (2) *recommendations, including consideration of*
 14 *technical, operational, and economic feasibility, re-*
 15 *garding changes to the program that could prevent*
 16 *inadvertent releases from pipelines and mitigate any*
 17 *adverse consequences of an inadvertent release, includ-*
 18 *ing changes to the current definition of high con-*
 19 *sequence area;*

20 (3) *an analysis of how surveying, assessment,*
 21 *mitigation, and monitoring activities, including real-*
 22 *time hazardous liquid pipeline monitoring during*
 23 *significant flood events and information sharing with*
 24 *other Federal agencies, are being used to address risks*

1 *associated with the dynamic and unique nature of*
 2 *rivers, flood plains, and lakes;*

3 *(4) an analysis of and recommendations regard-*
 4 *ing what impact pipeline features and conditions, in-*
 5 *cluding the age, condition, materials, and construc-*
 6 *tion of a pipeline, should have on risk analysis of a*
 7 *particular pipeline and what changes to the defini-*
 8 *tion of high consequence area could be made to im-*
 9 *prove pipeline safety; and*

10 *(5) a description of any challenges affecting Fed-*
 11 *eral or State regulators in their oversight of the pro-*
 12 *gram and how the challenges are being addressed.*

13 **SEC. 8. TECHNICAL SAFETY STANDARDS COMMITTEES.**

14 *Section 60115(b)(4)(A) is amended by striking “State*
 15 *commissioners. The Secretary shall consult with the na-*
 16 *tional organization of State commissions before selecting*
 17 *those 2 individuals.” and inserting “State officials. The*
 18 *Secretary shall consult with national organizations rep-*
 19 *resenting State commissioners or governors when making*
 20 *a selection under this subparagraph.”*

21 **SEC. 9. INSPECTION REPORT INFORMATION.**

22 *(a) IN GENERAL.—Not later than 30 days after the*
 23 *completion of a pipeline safety inspection, the Adminis-*
 24 *trator of the Pipeline and Hazardous Materials Safety Ad-*

1 *ministration, or the State authority certified under section*
 2 *60105 of title 49, United States Code, shall—*

3 *(1) conduct a post-inspection briefing with the*
 4 *operator outlining concerns, and to the extent prac-*
 5 *ticable, provide written preliminary findings of the*
 6 *inspection; or*

7 *(2) issue to the operator a final report, notice of*
 8 *amendment of plans or procedures, safety order, or*
 9 *corrective action order, or such other applicable re-*
 10 *port, notice, or order.*

11 *(b) REPORT.—*

12 *(1) IN GENERAL.—The Administrator shall sub-*
 13 *mit an annual report to Congress regarding—*

14 *(A) the actions that the Pipeline and Haz-*
 15 *ardous Materials Safety Administration has*
 16 *taken to ensure that inspections by State au-*
 17 *thorities provide effective and timely oversight;*
 18 *and*

19 *(B) statistics relating to the timeliness of*
 20 *the actions described in paragraphs (1) and (2)*
 21 *of subsection (a).*

22 *(2) CESSATION OF EFFECTIVENESS.—Paragraph*
 23 *(1) shall cease to be effective on September 30, 2019.*

1 **SEC. 10. PIPELINE ODORIZATION STUDY.**

2 *Not later than 180 days after the date of the enactment*
 3 *of this Act, the Comptroller General of the United States*
 4 *shall submit a report to the Committee on Commerce,*
 5 *Science, and Transportation of the Senate and the Com-*
 6 *mittee on Transportation and Infrastructure of the House*
 7 *of Representatives that assesses—*

8 *(1) the feasibility of odorizing all combustible*
 9 *gas in transportation;*

10 *(2) the impacts of the odorization of all combus-*
 11 *tible gas in transportation on manufacturers, agri-*
 12 *culture, and other end users; and*

13 *(3) the relative benefits and costs associated with*
 14 *odorizing all combustible gas in transportation com-*
 15 *pared to using other methods to mitigate pipeline*
 16 *leaks.*

17 **SEC. 11. IMPROVING DAMAGE PREVENTION TECHNOLOGY.**

18 *(a) STUDY.—The Secretary of Transportation, in con-*
 19 *sultation with stakeholders, shall conduct a study on im-*
 20 *proving existing damage prevention programs through tech-*
 21 *nological improvements in location, mapping, excavation,*
 22 *and communications practices to prevent accidental exca-*
 23 *vation damage to a pipe or its coating, including consider-*
 24 *ations of technical, operational, and economic feasibility*
 25 *and existing damage prevention programs.*

1 (b) *CONTENTS.*—*The study under subsection (a) shall*
2 *include—*

3 (1) *an identification of any methods that could*
4 *improve existing damage prevention programs*
5 *through location and mapping practices or tech-*
6 *nologies in an effort to reduce unintended releases*
7 *caused by excavation;*

8 (2) *an analysis of how increased use of GPS dig-*
9 *ital mapping technologies, predictive analytic tools,*
10 *public awareness initiatives including one-call initia-*
11 *tives, the use of mobile devices, and other advanced*
12 *technologies could supplement existing one-call notifi-*
13 *cation and damage prevention programs to reduce the*
14 *frequency and severity of incidents caused by exca-*
15 *vation damage;*

16 (3) *an identification of any methods that could*
17 *improve excavation practices or technologies in an ef-*
18 *fort to reduce pipeline damages;*

19 (4) *an analysis of the feasibility of a national*
20 *data repository for pipeline excavation accident data*
21 *that creates standardized data models for storing and*
22 *sharing pipeline accident information; and*

23 (5) *an identification of opportunities for stake-*
24 *holder engagement in preventing excavation damage.*

1 (c) *REPORT.*—Not later than 1 year after the date of
 2 the enactment of this Act, the Secretary of Transportation
 3 shall submit a report to the Committee on Commerce,
 4 Science, and Transportation of the Senate and the Com-
 5 mittee on Transportation and Infrastructure of the House
 6 of Representatives regarding the study under this section,
 7 including recommendations, that include the consideration
 8 of technical, operational, and economic feasibility, on how
 9 to incorporate, into existing damage prevention programs,
 10 technological improvements and practices that may help
 11 prevent accidental excavation damage.

12 **SEC. 12. WORKFORCE OF PIPELINE AND HAZARDOUS MATE-**
 13 **RIALS SAFETY ADMINISTRATION.**

14 (a) *REVIEW.*—Not later than 1 year after the date of
 15 the enactment of this Act, the Administrator of the Pipeline
 16 and Hazardous Materials Safety Administration shall sub-
 17 mit to Congress a review of Pipeline and Hazardous Mate-
 18 rials Safety Administration staff resource management, in-
 19 cluding geographic allocation plans, hiring challenges, and
 20 expected retirement rates and strategies. The review shall
 21 include recommendations to address hiring challenges,
 22 training needs, and any other identified staff resource chal-
 23 lenges.

24 (b) *CRITICAL HIRING NEEDS.*—

1 (1) *IN GENERAL.*—Beginning on the date on
 2 which the review is submitted under subsection (a),
 3 the Administrator may certify to Congress, not less
 4 frequently than annually, that a severe shortage of
 5 qualified candidates or a critical hiring need exists
 6 for a position or group of positions in the Pipeline
 7 and Hazardous Material Safety Administration.

8 (2) *DIRECT HIRE AUTHORITY.*—Notwithstanding
 9 sections 3309 through 3318 of title 5, United States
 10 Code, the Administrator, after making a certification
 11 under paragraph (1), may hire a candidate for the
 12 position or candidates for the group of positions, as
 13 applicable.

14 (3) *TERMINATIONS OF EFFECTIVENESS.*—The di-
 15 rect hire authority provided under paragraph (2)
 16 shall terminate on September 30, 2019.

17 **SEC. 13. RESEARCH AND DEVELOPMENT.**

18 (a) *IN GENERAL.*—In developing a research and devel-
 19 opment program plan under paragraph (3) of section 12(d)
 20 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C.
 21 60101 note), the Administrator of the Pipeline and Haz-
 22 ardous Material Safety Administration, in consultation
 23 with the Assistant Secretary for Research and Technology,
 24 shall—

1 (1) *detail compliance with the consultation re-*
 2 *quirement under paragraph (2) of such section;*

3 (2) *provide opportunities for joint research ven-*
 4 *tures with non-Federal entities, whenever practicable*
 5 *and appropriate, to leverage limited Federal research*
 6 *resources; and*

7 (3) *permit collaborative research and develop-*
 8 *ment projects with appropriate non-Federal organiza-*
 9 *tions.*

10 (b) *COLLABORATIVE SAFETY RESEARCH REPORT.*—
 11 *Section 60124(a)(6) is amended—*

12 (1) *in subparagraph (A), by striking “and” at*
 13 *the end;*

14 (2) *in subparagraph (B), by striking the period*
 15 *at the end and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 *“(C) research activities in collaboration*
 18 *with non-Federal entities, including the intended*
 19 *improvements to safety technology, inspection*
 20 *technology, operator response time, and emer-*
 21 *gency responder incident response time.”.*

22 **SEC. 14. INFORMATION SHARING SYSTEM.**

23 (a) *IN GENERAL.*—*Not later than 180 days after the*
 24 *date of the enactment of this Act, the Secretary of Transpor-*
 25 *tation shall convene a working group to consider the devel-*

1 *opment of a voluntary no-fault information sharing system*
 2 *to encourage collaborative efforts to improve inspection in-*
 3 *formation feedback and information sharing with the pur-*
 4 *pose of improving natural gas transmission and hazardous*
 5 *liquid pipeline integrity risk analysis.*

6 (b) *MEMBERSHIP.*—*The working group described in*
 7 *subsection (a) shall include representatives from—*

8 (1) *the Pipeline and Hazardous Materials Safety*
 9 *Administration;*

10 (2) *industry stakeholders, including operators of*
 11 *pipeline facilities, inspection technology vendors, and*
 12 *pipeline inspection organizations;*

13 (3) *safety advocacy groups;*

14 (4) *research institutions;*

15 (5) *State public utility commissions or State of-*
 16 *ficials responsible for pipeline safety oversight;*

17 (6) *State pipeline safety inspectors; and*

18 (7) *labor representatives.*

19 (c) *CONSIDERATIONS.*—*The working group described*
 20 *in subsection (a) shall consider and provide recommenda-*
 21 *tions, if applicable, to the Secretary on—*

22 (1) *the need for and the identification of a sys-*
 23 *tem to ensure that dig verification data is shared*
 24 *with inline inspection operators to the extent con-*
 25 *sistent with the need to maintain proprietary and se-*

1 *curity sensitive data in a confidential manner to im-*
 2 *prove pipeline safety and inspection technology;*

3 *(2) ways to encourage the exchange of pipeline*
 4 *inspection information and the development of ad-*
 5 *vanced pipeline inspection technologies and enhanced*
 6 *risk analysis;*

7 *(3) opportunities to share data, including dig*
 8 *verification data between operators of pipeline facili-*
 9 *ties and in-line inspector vendors to expand knowl-*
 10 *edge of the advantages and disadvantages of the dif-*
 11 *ferent types of in-line inspection technology and*
 12 *methodologies;*

13 *(4) options to create a secure system that pro-*
 14 *tects proprietary data while encouraging the exchange*
 15 *of pipeline inspection information and the develop-*
 16 *ment of advanced pipeline inspection technologies and*
 17 *enhanced risk analysis; and*

18 *(5) regulatory, funding, and legal barriers to*
 19 *sharing the information described in paragraphs (1)*
 20 *through (4).*

21 *(d) FACA.—The working group shall not be subject to*
 22 *the Federal Advisory Committee Act (5 U.S.C. App.).*

23 *(e) PUBLICATION.—The Secretary shall publish the*
 24 *recommendations provided under subsection (c) on a pub-*
 25 *licly available website.*

1 **SEC. 15. NATIONWIDE INTEGRATED PIPELINE SAFETY REG-**
 2 **ULATORY DATABASE.**

3 (a) *REPORT.*—Not later than 18 months after the date
 4 of the enactment of this Act, the Secretary of Transpor-
 5 tation shall submit a report to Congress on the feasibility
 6 of a national integrated pipeline safety regulatory inspec-
 7 tion database to improve communication and collaboration
 8 between the Pipeline and Hazardous Materials Safety Ad-
 9 ministration and State pipeline regulators.

10 (b) *CONTENTS.*—The report under subsection (a) shall
 11 include—

12 (1) a description of any efforts currently under-
 13 way to test a secure information-sharing system for
 14 the purpose described in subsection (a);

15 (2) a description of any progress in establishing
 16 common standards for maintaining, collecting, and
 17 presenting pipeline safety regulatory inspection data,
 18 and a methodology for the sharing of the data;

19 (3) a description of any existing inadequacies or
 20 gaps in State and Federal inspection, enforcement,
 21 geospatial, or other pipeline safety regulatory inspec-
 22 tion data;

23 (4) a description of the potential safety benefits
 24 of a national integrated pipeline database; and

25 (5) recommendations for how to implement a se-
 26 cure information-sharing system that protects propri-

3 (c) CONSULTATION.—In preparing the report under
4 subsection (a), the Secretary shall consult with stakeholders,
5 including each State authority operating under a certifi-
6 cation to regulate intrastate pipelines under section 60105
7 of title 49, United States Code.

8 SEC. 16. UNDERGROUND NATURAL GAS STORAGE FACILI-
9 TIES.

10 (a) *DEFINED TERM.*—Section 60101(a) is amended—

11 (1) in paragraph (21)(B), by striking the period
12 at the end and inserting a semicolon;

13 (2) in paragraph (24), by striking “and” at the
14 end;

15 (3) in paragraph (25), by striking the period at
16 the end and inserting a semicolon; and

17 (4) by adding at the end the following:

18 “(27) ‘underground natural gas storage facility’
19 means a gas pipeline facility that stores gas in an
20 underground facility, including—

21 “(A) a depleted hydrocarbon reservoir;

22 “(B) an aquifer reservoir; or

23 “(C) a solution mined salt cavern res-
24ervoir.”.

1 (b) *STANDARDS FOR UNDERGROUND NATURAL GAS*
 2 *STORAGE FACILITIES.*—Chapter 601 is amended by insert-
 3 ing after section 60103 the following:

4 **“§60103A. Standards for underground natural gas**
 5 **storage facilities**

6 “(a) *MINIMUM UNIFORM SAFETY STANDARDS.*—Not
 7 later than 2 years after the date of the enactment of the
 8 *SAFE PIPES Act*, the Secretary of Transportation, in con-
 9 sultation with the heads of other relevant Federal agencies,
 10 shall issue minimum uniform safety standards, incor-
 11 porating, to the extent practicable, consensus standards for
 12 the operation, environmental protection, and integrity
 13 management of underground natural gas storage facilities.

14 “(b) *CONSIDERATIONS.*—In developing uniform safety
 15 standards under subsection (a), the Secretary shall—

16 “(1) consider the economic impacts of the regula-
 17 tions on individual gas customers to the extent prac-
 18 ticable;

19 “(2) ensure that the regulations do not have a
 20 significant economic impact on end users to the extent
 21 practicable; and

22 “(3) consider existing consensus standards.

23 “(c) *USER FEES.*—

24 “(1) *IN GENERAL.*—A fee shall be imposed on an
 25 entity operating an underground natural gas storage

1 *facility to which this section applies. Any such fee*
 2 *imposed shall be collected before the end of the fiscal*
 3 *year to which it applies.*

4 “(2) *MEANS OF COLLECTION.—The Secretary*
 5 *shall prescribe procedures to collect fees under this*
 6 *subsection. The Secretary may use a department,*
 7 *agency, or instrumentality of the United States Gov-*
 8 *ernment or of a State or local government to collect*
 9 *the fee and may reimburse the department, agency, or*
 10 *instrumentality a reasonable amount for its services.*

11 “(3) *USE OF FEES.—*

12 “(A) *ACCOUNT.—There is established an*
 13 *underground natural gas storage facility safety*
 14 *account in the Pipeline Safety Fund established*
 15 *under section 60301, in the Treasury of the*
 16 *United States.*

17 “(B) *USE OF FEES.—A fee collected under*
 18 *this subsection—*

19 “(i) *shall be deposited in the under-*
 20 *ground natural gas storage facility safety*
 21 *account; and*

22 “(ii) *if the fee is related to an under-*
 23 *ground natural gas storage facility, may be*
 24 *used only for an activity related to under-*

1 *ground natural gas storage safety under*
 2 *this section.*

3 “(C) *LIMITATION.*—*Amounts collected under*
 4 *this subsection shall be made available only to*
 5 *the extent provided in advance in an appropria-*
 6 *tion law for an activity related to underground*
 7 *natural gas storage safety.*

8 “(d) *RULES OF CONSTRUCTION.*—

9 “(1) *IN GENERAL.*—*Nothing in this section may*
 10 *be construed to affect any Federal regulation relating*
 11 *to gas pipeline facilities that is in effect on the day*
 12 *before the date of enactment of the SAFE PIPES Act.*

13 “(2) *LIMITATIONS.*—*Nothing in this section may*
 14 *be construed to authorize the Secretary—*

15 “(A) *to prescribe the location of an under-*
 16 *ground natural gas storage facility; or*

17 “(B) *to require the Secretary’s permission*
 18 *to construct a facility referred to in subpara-*
 19 *graph (A).”.*

20 “(c) *CLERICAL AMENDMENT.*—*The table of sections for*
 21 *chapter 601 is amended by inserting after the item relating*
 22 *to section 60103 the following:*

 “60103A. *Standards for underground natural gas storage facilities.*”.

1 **SEC. 17. JOINT INSPECTION AND OVERSIGHT.**

2 *To ensure the safety of pipeline transportation, the*
3 *Secretary of Transportation shall coordinate with States to*
4 *ensure safety through the following:*

5 *(1) At the request of a State authority, the Sec-*
6 *retary shall allow for a certified state authority under*
7 *section 60105 of title 49, United States Code, to par-*
8 *ticipate in the inspection of an interstate pipeline fa-*
9 *cility.*

10 *(2) Where appropriate, may provide temporary*
11 *authority for a certified State authority under that*
12 *section to participate in oversight of interstate pipe-*
13 *line safety transportation to ensure proper safety*
14 *oversight and prevent an adverse impact on public*
15 *safety.*

16 **SEC. 18. RESPONSE PLANS.**

17 *In preparing or reviewing a response plan under part*
18 *194 of title 49, Code of Federal Regulations, the Adminis-*
19 *trator of the Pipeline and Hazardous Materials Safety Ad-*
20 *ministration and an operator shall each consider, to the*
21 *maximum extent practicable, the impact of a worse case*
22 *discharge of oil, or the substantial threat of such a dis-*
23 *charge, into or on any navigable waters or adjoining shore-*
24 *lines that may be covered in whole or in part by ice.*

1 **SEC. 19. HIGH CONSEQUENCE AREAS.**

2 *The Secretary of Transportation shall revise section*
 3 *195.6(b) of title 49, Code of Federal Regulations to explic-*
 4 *itly state that the Great Lakes are a USA ecological resource*
 5 *(as defined in section 195.6(b) of that title) for purposes*
 6 *of determining whether a pipeline is in a high consequence*
 7 *area (as defined in section 195.450 of that title).*

8 **SEC. 20. SURFACE TRANSPORTATION SECURITY REVIEW.**

9 *Not later than 1 year after the date of the enactment*
 10 *of this Act, the Comptroller General of the United States*
 11 *shall submit a report to Congress on the staffing, resource*
 12 *allocation, oversight strategy, and management of the*
 13 *Transportation Security Administration’s pipeline security*
 14 *program and other surface transportation programs. The*
 15 *report shall include information on the coordination be-*
 16 *tween the Transportation Security Administration, other*
 17 *Federal stakeholders, and industry.*

18 **SEC. 21. SMALL SCALE LIQUEFIED NATURAL GAS FACILI-**
 19 **TIES.**

20 *(a) DEFINED TERM.—Section 60101(a), as amended*
 21 *by section 16, is further amended by inserting after para-*
 22 *graph (25) the following:*

23 *“(26) ‘small scale liquefied natural gas facility’*
 24 *means an intrastate liquefied natural gas facility*
 25 *(other than a peak shaving facility) that produces liq-*
 26 *uefied natural gas for—*

1 “(A) use as a fuel in the United States; or
 2 “(B) transportation in the United States by
 3 a means other than a pipeline facility; and”.

4 (b) *SITING STANDARDS FOR SMALL SCALE LIQUEFIED*
 5 *NATURAL GAS FACILITIES.*—Section 60103(a) is amended
 6 to read as follows:

7 “(a) *LOCATION STANDARDS.*—

8 “(1) *IN GENERAL.*—The Secretary of Transpor-
 9 tation shall prescribe minimum safety standards for
 10 deciding on the location of a new liquefied natural
 11 gas pipeline facility or small scale liquefied natural
 12 gas facility.

13 “(2) *LIQUEFIED NATURAL GAS FACILITIES.*—In
 14 prescribing a minimum safety standard for deciding
 15 on the location of a new liquefied natural gas facility,
 16 the Secretary of Transportation shall consider—

17 “(A) the kind and use of the facility;

18 “(B) the existing and projected population
 19 and demographic characteristics of the location;

20 “(C) the existing and proposed land uses
 21 near the location;

22 “(D) the natural physical aspects of the lo-
 23 cation;

1 “(E) medical, law enforcement, and fire
2 prevention capabilities near the location that
3 can cope with a risk caused by the facility; and

4 “(F) the need to encourage remote siting.

5 “(3) SMALL SCALE LIQUEFIED NATURAL GAS FA-
6 CILITIES.—

7 “(A) IN GENERAL.—Not later than 18
8 months after the date of the enactment of the
9 SAFE PIPES Act, the Secretary of Transpor-
10 tation shall prescribe minimum safety standards
11 for small scale liquefied natural gas facilities.

12 “(B) CONSIDERATIONS.—In prescribing
13 minimum safety standards under this para-
14 graph, the Secretary shall consider—

15 “(i) the value of establishing risk-based
16 approaches;

17 “(ii) the benefit of incorporating in-
18 dustry standards and best practices;

19 “(iii) the need to encourage the use of
20 best available technology; and

21 “(iv) the factors prescribed in para-
22 graph (2), as appropriate.”.

23 **SEC. 22. REPORT ON NATURAL GAS LEAK REPORTING.**

24 (a) IN GENERAL.—Not later than 1 year after the date
25 of the enactment of this Act, the Administrator of the Pipe-

1 *line and Hazardous Materials Safety Administration shall*
 2 *submit to Congress a report on the metrics provided to the*
 3 *Pipeline and Hazardous Materials Safety Administration*
 4 *and other Federal and State agencies related to lost and*
 5 *unaccounted for natural gas from distribution pipelines*
 6 *and systems.*

7 (b) *ELEMENTS.*—*The report required under subsection*
 8 *(a) shall include the following elements:*

9 (1) *An examination of different reporting re-*
 10 *quirements or standards for lost and unaccounted for*
 11 *natural gas to different agencies, the reasons for any*
 12 *such discrepancies, and recommendations for harmo-*
 13 *nizing and improving the accuracy of reporting.*

14 (2) *An analysis of whether separate or alter-*
 15 *native reporting could better measure the amounts*
 16 *and identify the location of lost and unaccounted for*
 17 *natural gas from natural gas distribution systems.*

18 (3) *A description of potential safety issues asso-*
 19 *ciated with natural gas that is lost and unaccounted*
 20 *for from natural gas distribution systems.*

21 (4) *An assessment of whether alternate reporting*
 22 *and measures will resolve any safety issues identified*
 23 *under paragraph (3), including an analysis of the po-*
 24 *tential impact, including potential savings, on rate*

1 *payers and end users of natural gas products of such*
 2 *reporting and measures.*

3 *(c) CONSIDERATION OF RECOMMENDATIONS.—If the*
 4 *Administrator determines that alternate reporting struc-*
 5 *tures or recommendations included in the report required*
 6 *under subsection (a) would significantly improve the re-*
 7 *porting and measurement of lost and unaccounted for gas*
 8 *or safety of systems, the Administrator shall, not later than*
 9 *180 days after making such determination, issue regula-*
 10 *tions, as the Administrator determines appropriate, to im-*
 11 *plement the recommendations.*

12 **SEC. 23. COMPTROLLER GENERAL REVIEW OF STATE POLI-**
 13 **CIES RELATING TO NATURAL GAS LEAKS.**

14 *(a) REVIEW.—The Comptroller General of the United*
 15 *States shall conduct a State-by-State review of State-level*
 16 *policies that—*

17 *(1) encourage the repair and replacement of*
 18 *leaking natural gas distribution pipelines or systems*
 19 *that pose a safety threat, such as timelines to repair*
 20 *leaks and limits on cost recovery from ratepayers;*
 21 *and*

22 *(2) that may create barriers for entities to con-*
 23 *duct work to repair and replace leaking natural gas*
 24 *pipelines or distribution systems.*

1 (b) *REPORT.*—Not later than 1 year after the date of
2 the enactment of this Act, the Comptroller General shall
3 submit to Congress and the Pipeline and Hazardous Mate-
4 rials Safety Administration a report summarizing the find-
5 ings of the review conducted under subsection (a) and mak-
6 ing recommendations on Federal or State policies or best
7 practices that may improve safety by accelerating the re-
8 pair and replacement of natural gas pipelines or systems
9 that are leaking or releasing natural gas, including policies
10 within the jurisdiction of the Pipeline and Hazardous Ma-
11 terials Safety Administration. The report shall consider the
12 potential impact, including potential savings, of the imple-
13 mentation of its recommendations on ratepayers or end
14 users of the natural gas pipeline system.

15 (c) *CONSIDERATION OF RECOMMENDATIONS.*—If the
16 Comptroller General makes recommendations in the report
17 submitted under subsection (a) on Federal or State policies
18 or best practices within the jurisdiction of the Pipeline and
19 Hazardous Materials Safety Administration, the Adminis-
20 trator shall, not later than 90 days after such submission,
21 review such recommendations and report to Congress on the
22 feasibility of implementing such recommendations. If the
23 Administrator determines that the recommendations would
24 significantly improve pipeline safety, the Administrator
25 shall, not later than 180 days after making such determina-

1 *tion and in coordination with the heads of other relevant*
 2 *agencies as appropriate, issue regulations, as the Adminis-*
 3 *trator determines appropriate, to implement the rec-*
 4 *ommendations.*

5 **SEC. 24. PROVISION OF PIPELINE OIL SPILL RESPONSE**
 6 **PLANS TO CONGRESSIONAL COMMITTEES.**

7 *(a) IN GENERAL.—Notwithstanding any other provi-*
 8 *sion of law, the Administrator of the Pipeline and Haz-*
 9 *ardous Materials Safety Administration shall, upon request*
 10 *of the Chairman or Ranking Member of an appropriate*
 11 *congressional committee, provide to such committee full and*
 12 *unredacted copies of oil spill response plans.*

13 *(b) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
 14 *FINED.—In this section, the term “appropriate congres-*
 15 *sional committees” means—*

16 *(1) the Committee on Commerce, Science, and*
 17 *Transportation of the Senate; and*

18 *(2) the Committee on Transportation and Infra-*
 19 *structure and the Committee on Energy and Com-*
 20 *merce of the House of Representatives.*

1 **SEC. 25. CONSULTATION WITH FERC AS PART OF PRE-FIL-**
2 **ING PROCEDURES AND PERMITTING PROC-**
3 **ESS FOR NEW NATURAL GAS PIPELINE INFRA-**
4 **STRUCTURE.**

5 *The Administrator of the Pipeline and Hazardous Ma-*
6 *terials Safety Administration shall consult with the Federal*
7 *Energy Regulatory Commission during its pre-filing proce-*
8 *dures and permitting process for new natural gas pipeline*
9 *infrastructure to ensure the protection of people and the en-*
10 *vironment from the risks of hazardous materials transpor-*
11 *tation.*

Calendar No. 370

114TH CONGRESS
2^D Session

S. 2276

[Report No. 114-209]

A BILL

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

FEBRUARY 24, 2016

Reported with an amendment