To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation’s energy products by pipeline, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2011

Mr. SHUSTER (for himself and Mr. MICA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

DECEMBER 1, 2011

Reported from the Committee on Transportation and Infrastructure with an amendment

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

DECEMBER 1, 2011

The Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 7, 2011]
A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation’s energy products by pipeline, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; DEFINITIONS; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011”.

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) Definitions.—Any term used in this Act that is defined in chapter 601 of title 49, United States Code, shall have the meaning given that term in that chapter.

(d) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; definitions; table of contents.
Sec. 2. Civil penalties.
Sec. 3. Pipeline damage prevention.
Sec. 4. Automatic and remote-controlled shut-off valves.
Sec. 5. Integrity management.
Sec. 6. Public education and awareness.
Sec. 7. Cast iron gas pipelines.
Sec. 8. Leak detection.
Sec. 9. Accident and incident notification.
Sec. 10. Transportation-related onshore facility response plan compliance.
Sec. 11. Transportation-related oil flow lines.
Sec. 12. Cost recovery for design reviews.
Sec. 13. Biofuel pipelines.
Sec. 15. Study of transportation of diluted bitumen.
Sec. 16. Study of non-petroleum hazardous liquids transported by pipeline.
Sec. 17. Clarifications.
Sec. 18. Maintenance of effort.
Sec. 19. Administrative enforcement process.
Sec. 20. Gas and hazardous liquid gathering lines.
Sec. 21. Authorization of appropriations.

SEC. 2. CIVIL PENALTIES.

(a) General Penalties; Penalty Considerations.—Section 60122 is amended—

(1) in subsection (a)(1)—

(A) in the first sentence by striking "$100,000" and inserting "$175,000"; and

(B) in the last sentence by striking "$1,000,000" and inserting "$1,750,000"; and

(2) in subsection (b)(1)(B) by striking "the ability to pay."

(b) Operator Assistance in Investigations.—Section 60118(e) is amended to read as follows:

"(e) Operator Assistance in Investigations.—"

"(1) Assistance and Access.—If the Secretary or the National Transportation Safety Board investigates an accident involving a pipeline facility, the operator of the facility shall—

"(A) make available to the Secretary or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results); and"
“(B) afford all reasonable assistance in the investigation of the accident.

“(2) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

“(A) IN GENERAL.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

“(B) DEFINITIONS.—In this paragraph, the following definitions apply:

“(i) O_BSTRUCTS.—The term ‘obstructs’ includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

“(ii) GOOD CAUSE.—The term ‘good cause’ includes, at a minimum, restricting access to facilities that are not secure or safe for non-pipeline personnel or visitors.”.

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: “The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.”.
(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) in the subsection heading by striking “AND WAIVER ORDERS” and inserting “ORDERS, AND OTHER FINAL AGENCY ACTIONS”; and

(2) by striking “about an application for a waiver under section 60118(c) or (d) of this title” and inserting “under this chapter”.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

“(a) MINIMUM STANDARDS.—

“(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program, at a minimum, shall provide for—

“(A) appropriate participation by all underground facility operators, including all government operators;

“(B) appropriate participation by all excavators, including all government and contract excavators; and

“(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.
“(2) Exemptions Prohibited.—In order to qualify for a grant under section 6106, a State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(b) State Damage Prevention Programs.—Section 60134(a) is amended—

(1) in paragraph (1) by striking “and” after the semicolon;

(2) in paragraph (2)(B) by striking “(b).” and inserting “(b); and”;

(3) by adding at the end the following:

“(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(c) Effective Date.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(d) Third Party Damage.—

(1) Study.—The Secretary of Transportation shall conduct a study on the impact of third party damage on pipeline safety.

(2) Contents.—The study shall include—
(A) an analysis of the frequency and severity of different types of third party damage incidents;

(B) an analysis of exemptions to the one-call notification system requirements in each State;

(C) a comparison of exemptions to the one-call notification system requirements in each State to the types of third party damage incidents in that State; and

(D) an analysis of the potential safety benefits and adverse consequences of eliminating all exemptions for mechanized excavation from State one-call notification systems.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report on the results of the study.

SEC. 4. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended—

(1) by striking subsection (j)(3); and
(2) by adding at the end the following:

“(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.—

“(1) IN GENERAL.—The Secretary may require by regulation, if determined appropriate by the Secretary, the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

“(2) FACTORS FOR CONSIDERATION.—In determining whether to proceed with a rulemaking under paragraph (1), the Secretary shall consider the factors specified in subsection (b)(2).”.

SEC. 5. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional
areas would mitigate the need for class location requirements.

(b) REPAIR CRITERIA.—In conducting the evaluation under subsection (a), the Secretary shall consider applying repair criteria, such as pressure reductions and special requirements for scheduling remediation, to areas that are not high consequence areas.

(c) REPORT.—Based on the evaluation to be conducted under subsection (a), the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report containing the Secretary’s analysis and findings regarding—

(1) expansion of integrity management requirements, or elements thereof, beyond high consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying the integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(d) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a).
(e) Technical Correction.—Section 60109(c)(3)(B) is amended to read as follows:

“(B) Subject to paragraph (5), periodic re-assessments of the facility, at a minimum of once every 7 calendar years, using methods described in subparagraph (A). Such deadline shall be extended for an additional 6 months if the operator submits written notice to the Secretary that includes an explanation of the need for the extension.”.

(f) Rulemaking Requirements.—

(1) Review period defined.—In this subsection, the term “review period” means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (c); or

(B) the date that is 3 years after the date of enactment of this Act.

(2) Congressional authority.—In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, proceed with a
rulemaking to prescribe regulations described in paragraph (3).

(3) STANDARDS.—Following the review period, the Secretary may, as appropriate, prescribe regulations that—

(A) expand integrity management system requirements, or elements thereof, beyond high consequence areas; and

(B) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may proceed to a rulemaking to prescribe regulations described in paragraph (3), and may prescribe the regulations, if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the rulemaking will address the risk or hazard.
(B) **Imminent Hazard Defined.**—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

(g) **Report to Congress on Risk-Based Pipeline Reassessment Intervals.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall evaluate—

(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are complete when compared to a 7-year reassessment interval;

(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and

(3) the progress made in incorporating the recommendations in GAO Report 06–945 and the cur-
rent relevance of recommendations not incorporated to date.

(h) **HIGH CONSEQUENCE AREA DEFINED.**—In this section, the term “high consequence area” means an area described in section 60109(a) of title 49, United States Code.

**SEC. 6. PUBLIC EDUCATION AND AWARENESS.**

(a) **NATIONAL PIPELINE MAPPING SYSTEM.**—

(1) **MAP OF HIGH CONSEQUENCE AREAS.**—The Secretary of Transportation shall—

(A) maintain, as part of the National Pipeline Mapping System, a map of all designated high consequence areas (as described in section 60109(a) of title 49, United States Code) in which pipelines are required to meet integrity management safety regulations, excluding any proprietary or sensitive security information; and

(B) update the map biennially.

(2) **PROGRAM TO PROMOTE AWARENESS OF NATIONAL PIPELINE MAPPING SYSTEM.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local
emergency responders and other interested parties.

The program shall include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.

(b) INFORMATION TO EMERGENCY RESPONSE AGENCIES.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue guidance to owners and operators of pipeline facilities on the importance of providing system-specific information about their pipeline facilities to emergency response agencies of the communities and jurisdictions in which those facilities are located.

(2) CONSULTATION.—Before issuing guidance under paragraph (1), the Secretary shall consult with owners and operators of pipeline facilities to determine the extent to which the owners and operators are already providing system-specific information about their pipeline facilities to emergency response agencies.

SEC. 7. CAST IRON GAS PIPELINES.

(a) FOLLOW-UP SURVEYS.—Section 60108(d) is amended by adding at the end the following:

“(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up
survey to measure the progress that owners and operators
of pipeline facilities have made in implementing their plans
for the safe management and replacement of cast iron gas
pipelines.”.

(b) STATUS REPORT.—Not later than December 31,
2013, the Secretary of Transportation shall transmit to the
House of Representatives Committee on Transportation and
Infrastructure and Committee on Energy and Commerce
and the Senate Committee on Commerce, Science, and
Transportation a report that—

(1) identifies the total mileage of cast iron gas
pipelines in the United States; and

(2) evaluates the progress that owners and opera-
tors of pipeline facilities have made in implementing
their plans for the safe management and replacement
of cast iron gas pipelines.

SEC. 8. LEAK DETECTION.

(a) LEAK DETECTION REPORT.—

(1) IN GENERAL.—Not later than 1 year after
the date of enactment of this Act, the Secretary of
Transportation shall submit to the Senate Committee
on Commerce, Science, and Transportation and the
House of Representatives Committee on Transport-
ation and Infrastructure and Committee on Energy
and Commerce a report on leak detection systems uti-
lized by operators of hazardous liquid pipeline facili-
ties and transportation-related flow lines.

(2) CONTENTS.—The report shall include—

(A) an analysis of the technical limitations
of current leak detection systems, including the
systems’ ability to detect ruptures and small
leaks that are ongoing or intermittent, and what
can be done to foster development of better tech-
nologies; and

(B) an analysis of the feasibility of estab-
lishing technically, operationally, and economi-
cally feasible standards for the capability of such
systems to detect leaks, and the safety benefits
and adverse consequences of requiring operators
to use leak detection systems.

(b) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this sub-
section, the term “review period” means the period
beginning on the date of enactment of this Act and
ending on the earlier of—

(A) the date that is 1 year after the date of
completion of the report under subsection (a); or

(B) the date that is 2 years after the date
of enactment of this Act.
(2) **CONGRESSIONAL AUTHORITY.**—In order to provide Congress the necessary time to review the results of the report required by subsection (a) and implement appropriate recommendations, the Secretary shall not, during the review period, proceed with a rulemaking to prescribe regulations described in paragraph (3).

(3) **STANDARDS.**—Following the review period, the Secretary may, as appropriate, prescribe regulations that—

(A) require operators of hazardous liquid pipeline facilities to use leak detection systems; and

(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.

(4) **SAVINGS CLAUSE.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may proceed to a rulemaking to prescribe regulations described in paragraph (3), and may prescribe the regulations, if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent
hazard exists and that the rulemaking will address the risk or hazard.

**(B) Imminent Hazard Defined.**—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

**SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.**

**(a) Revision of Regulations.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

**(b) Minimum Requirements.**—In revising the regulations, the Secretary, at a minimum, shall—

1. establish time limits for telephonic or electronic notification of an accident or incident to require such notification not less than 1 hour and not
(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an estimated amount of the product released, an estimated number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 24 to 48 hours of the accident or incident, to the extent practicable.

(c) UPDATING OF REPORTS.—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.
SEC. 10. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking “Administrator or” and inserting “Administrator, the Secretary of Transportation, or”.

(b) CONFORMING AMENDMENT.—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking “operating or” and inserting “operating, the Secretary of Transportation, or”.

SEC. 11. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by this Act, is further amended by adding at the end the following:

“(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

“(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.
“(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.”.

SEC. 12. COST RECOVERY FOR DESIGN REVIEWS.

(a) In General.—Section 60117(n) is amended to read as follows:

“(n) Cost Recovery for Design Reviews.—

“(1) In General.—

“(A) Review costs.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline facility or liquefied natural gas pipeline facility, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this subsection, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this subsection. The Secretary shall not collect
design safety review fees under this chapter and
section 60301 for the same design safety review.

“(B) PROJECTS TO WHICH APPLICABLE.—
Subparagraph (A) applies to any project that—

“(i) has design and construction costs
totaling at least $3,400,000,000, as adjusted
for inflation, based on a good faith estimate
developed by the person proposing the
project; or

“(ii) uses new or novel technologies or
design.

“(2) NOTIFICATION.—For any new pipeline fa-
cility construction project for which the Secretary will
conduct design reviews, the person proposing the
project shall notify the Secretary and provide the de-
sign specifications, construction plans and proce-
dures, and related materials at least 120 days prior
to the commencement of construction. If the Secretary
determines that the proposed design of the project is
inconsistent with pipeline safety, the Secretary shall
provide written comments, feedback, and guidance on
the project on or before the 60th day following the
date of receipt of the design specifications, construc-
tion plans and procedures, and related materials for
the project.
“(3) PIPELINE SAFETY DESIGN REVIEW FUND.—

“(A) ESTABLISHMENT.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

“(B) DEPOSITS.—The Secretary shall deposit funds paid under this subsection into the Fund.

“(C) USE.—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

“(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection shall be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).”.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term “new or novel technologies or design” as used in section 60117(n) of title 49, United States Code, as amended by subsection (a) of this section.
SEC. 13. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) in subparagraph (A) by striking “and” after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) non-petroleum fuels, including biofuels, that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and”.

SEC. 14. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended to read as follows:

“(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—

“(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

“(2) STANDARDS APPLICABLE TO CERTAIN PIPELINES.—For pipelines that transport carbon dioxide in both a liquid and gaseous state, the Secretary shall apply standards, in effect on the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, for the transportation of carbon dioxide by pipeline in a liquid state to the transpor-
tation of carbon dioxide by pipeline in a gaseous state.”.

SEC. 15. STUDY OF TRANSPORTATION OF DILUTED BITUMEN.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline facility regulations to determine whether these regulations are sufficient to regulate pipeline facilities used for the transportation of diluted bitumen. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipeline facilities transporting diluted bitumen. The Secretary shall report the results of this review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce.

SEC. 16. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline facility for the purpose of identifying the extent to which pipeline facilities are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land.
areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the pipeline facilities is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline facility across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce.

SEC. 17. CLARIFICATIONS.

(a) Amendment of Procedures Clarification.—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) Owner and Operator Clarification.—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

SEC. 18. MAINTENANCE OF EFFORT.

Section 60107(b) is amended by adding at the end the following: “For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic
hardship in that State. For fiscal year 2014 and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.”.

SEC. 19. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) Issuance of Regulations.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 to arrange for a transcript of that hearing, at the expense of the requesting person;

(C) ensuring expedited review of any order issued pursuant to section 60112(e);

(D) implementing a separation of functions between personnel involved with investigative and prosecutorial activities and advising the Secretary on findings and determinations; and
(E) prohibiting ex-parte communication relevant to the question to be decided in the case by parties to an investigation or hearing.

(2) **Presiding official.**—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, notices relating to civil penalty assessments, notices relating to compliance, or notices of proposed corrective actions.

(3) **Expeditied review.**—The regulations prescribed under this subsection shall define the term “expeditied review” for the purposes of paragraph (1)(C).

(b) **Standards of Judicial Review.**—Section 60119(a) is amended by adding at the end the following new paragraph:
“(3) A judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

SEC. 20. GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) REVIEW.—The Secretary of Transportation shall complete a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report on the results of the review.

(2) RECOMMENDATIONS.—The report shall include the Secretary’s recommendations with respect to—

(A) the sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;

(B) quantifying the economical and technical practicability and challenges of applying
existing Federal regulations to gathering lines that are currently not subject to Federal regulation when compared to the public safety benefits; and

(C) subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended to read as follows:

“(a) GAS AND HAZARDOUS LIQUID.—

“(1) IN GENERAL.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, $88,014,000, of which $4,686,000 is for carrying out such section 12 and $34,461,000 is for making grants.

“(2) TRUST FUND AMOUNTS.—In addition to the amounts authorized to be appropriated by paragraph (1), there is authorized to be appropriated for each of
fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this 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), $18,905,000, of which $2,185,000 is for carrying out such section 12 and $4,985,000 is for making grants.”.

(b) Emergency Response Grants.—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) One-Call Notification Programs.—Section 6107 is amended—

(1) in subsection (a) by striking “2007 through 2010.” and inserting “2012 through 2015.”;

(2) in subsection (b) by striking “2007 through 2010.” and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) State Damage Prevention Programs.—Section 60134 is amended by adding at the end the following:

“(i) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to provide grants under this section $1,500,000 for each of fiscal years 2012 through 2015. Such funds shall remain available until expended.”.
(e) **Community Pipeline Safety Information Grants.**—Section 60130 is amended—

(1) in subsection (b)—

(A) by inserting “to grant recipients and their contractors” after “this section”; and

(B) by inserting “, for any type of advocacy activity for or against a pipeline construction or expansion project,” after “for lobbying”; and

(2) in subsection (d) by striking “2010” and inserting “2015”.

(f) **Pipeline Transportation Research and Development.**—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) in subsection (d) by adding at the end the following:

“(3) **ongoing Pipeline Transportation Research and Development.**—

“(A) **In general.**—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years.
“(B) CONSULTATION.—The Secretary of Transportation shall comply with the consultation requirements of subsection (d)(2) when preparing the program plan and in the selection and prioritization of research and development projects.

“(C) FUNDING FROM NON-FEDERAL SOURCES.—When carrying out research and development activities, the Secretary, to the greatest extent practicable, shall obtain funding for research and development projects from non-Federal sources.”; and

(2) in subsection (f) by striking “2003 through 2006.” and inserting “2012 through 2015.”.
A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

DECEMBER 1, 2011

Reported from the Committee on Transportation and Infrastructure with an amendment

DECEMBER 1, 2011

The Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed.