

114TH CONGRESS
2^D SESSION

S. 2276

AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
 2 **ERENCES.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Securing America’s Future Energy: Protecting our In-
 5 frastructure of Pipelines and Enhancing Safety Act” or
 6 the “SAFE PIPES Act”.

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

- Sec. 1. Short title; table of contents; references.
- 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 response plans to appropriate committees of Congress.
- Sec. 25. Consultation with FERC as part of pre-filing procedures and permitting process for new natural gas pipeline infrastructure.
- Sec. 26. Maintenance of effort.
- Sec. 27. Aliso Canyon natural gas leak task force.

9 (c) **REFERENCES TO TITLE 49, UNITED STATES**
 10 **CODE.**—Except as otherwise expressly provided, wherever
 11 in this Act an amendment or repeal is expressed in terms
 12 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
2 section or other provision of title 49, United States Code.

3 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) GAS AND HAZARDOUS LIQUID.—Section
5 60125(a) is amended—

6 (1) in paragraph (1), by striking “there is au-
7 thORIZED to be appropriated to the Department of
8 Transportation for each of fiscal years 2012 through
9 2015, from fees collected under section 60301,
10 \$90,679,000, of which \$4,746,000 is for carrying
11 out such section 12 and \$ 36,194,000 is for making
12 grants.” and inserting the following: “there are au-
13 thORIZED to be appropriated to the Department of
14 Transportation from fees collected under section
15 60301—

16 “(A) \$127,060,000 for fiscal year 2016, of
17 which \$9,325,000 shall be expended for car-
18 rying out such section 12 and \$42,515,000
19 shall be expended for making grants;

20 “(B) \$129,671,000 for fiscal year 2017, of
21 which \$9,418,000 shall be expended for car-
22 rying out such section 12 and \$42,941,000
23 shall be expended for making grants;

24 “(C) \$132,334,000 for fiscal year 2018, of
25 which \$9,512,000 shall be expended for car-

1 rying out such section 12 and \$43,371,000
2 shall be expended for making grants; and

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

7 (2) in paragraph (2), by striking “there is au-
8 thorized to be appropriated for each of fiscal years
9 2012 through 2015 from the Oil Spill Liability
10 Trust Fund to carry out the provisions of this chap-
11 ter related to hazardous liquid and section 12 of the
12 Pipeline Safety Improvement Act of 2002 (49
13 U.S.C. 60101 note; Public Law 107–355),
14 \$18,573,000, of which \$2,174,000 is for carrying
15 out such section 12 and \$4,558,000 is for making
16 grants.” and inserting the following: “there are au-
17 thorized to be appropriated from the Oil Spill Liabil-
18 ity Trust Fund to carry out the provisions of this
19 chapter related to hazardous liquid and section 12 of
20 the Pipeline Safety Improvement Act of 2002 (49
21 U.S.C. 60101 note; Public Law 107–355)—”

22 “(A) \$19,890,000 for fiscal year 2016, of
23 which \$3,108,000 shall be expended for car-
24 rying out such section 12 and \$8,708,000 shall
25 be expended for making grants;

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

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

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

13 (b) EMERGENCY RESPONSE GRANTS.—Section
14 60125(b)(2) is amended by striking “2012 through 2015”
15 and inserting “2016 through 2019”.

16 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
17 6107 is amended—

18 (1) in subsection (a), by striking “\$1,000,000
19 for each of fiscal years 2012 through 2015” and in-
20 serting “\$1,060,000 for each of the fiscal years
21 2016 through 2019”; and

22 (2) in subsection (b), by striking “2012 through
23 2015” and inserting “2016 through 2019”.

1 (d) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
2 tion 60134(i) is amended by striking “2012 through
3 2015” and inserting “2016 through 2019”.

4 (e) COMMUNITY PIPELINE SAFETY INFORMATION
5 GRANTS.—Section 60130(c) is amended by striking “2012
6 through 2015” and inserting “2016 through 2019”.

7 (f) PIPELINE INTEGRITY PROGRAM.—Section 12(f)
8 of the Pipeline Safety Improvement Act of 2002 (49
9 U.S.C. 60101 note) is amended by striking “2012 through
10 2015” and inserting “2016 through 2019”.

11 **SEC. 3. REGULATORY UPDATES.**

12 (a) IN GENERAL.—Not later than 120 days after the
13 date of enactment of this Act, and every 90 days there-
14 after until a final rule has been issued for each of the
15 requirements described under paragraphs (1), (2), and
16 (3), the Secretary of Transportation shall publish an up-
17 date on a public website regarding the status of a final
18 rule for—

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

24 (2) any regulation relating to pipeline safety re-
25 quired by law, other than a regulation described

1 under paragraph (1), for which for more than 2
2 years after the date of the enacting statute or statu-
3 tory deadline no interim final rule or direct final rule
4 has been issued; and

5 (3) any other pipeline safety rulemaking cat-
6 egorized as significant.

7 (b) CONTENTS.—Each report under subsection (a)
8 shall include—

9 (1) a description of the work plan for the out-
10 standing regulation;

11 (2) an updated rulemaking timeline for the out-
12 standing regulation;

13 (3) current staff allocations;

14 (4) any other information collection request
15 with substantial changes;

16 (5) current data collection or research relating
17 to the development of the rulemaking;

18 (6) current collaborative efforts with safety ex-
19 perts and other stakeholders;

20 (7) any resource constraints impacting the rule-
21 making process for the outstanding regulation; and

22 (8) any other details associated with the devel-
23 opment of the rulemaking that impact the progress
24 of the rulemaking.

1 **SEC. 4. HAZARDOUS MATERIALS IDENTIFICATION NUM-**
2 **BERS.**

3 The Administrator of the Pipeline and Hazardous
4 Materials Safety Administration shall—

5 (1) rescind the implementation of the June 26,
6 2015 PHMSA interpretative letter (#14–0178); and

7 (2) reinstate paragraphs (4) and (5) of section
8 172.336(c) of title 49, Code of Federal Regulations,
9 without the reference to “gasohol”, as was originally
10 intended in the March 7, 2013 final rule (PHMSA–
11 2011–0142).

12 **SEC. 5. STATUTORY PREFERENCE.**

13 The Administrator of the Pipeline and Hazardous
14 Materials Safety Administration shall prioritize the use of
15 Office of Pipeline Safety resources for the development of
16 each outstanding pipeline safety statutory requirement, in-
17 cluding requirements for rulemakings and information col-
18 lection requests, for a rulemaking described in a report
19 under section 3 before beginning any new rulemaking re-
20 quired after the date of the enactment of this Act unless
21 the Secretary of Transportation certifies to Congress that
22 there is a significant need to move forward with a new
23 rulemaking.

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

25 (a) REPORT.—Not later than 18 months after the
26 publication of a final rule regarding the safety of gas

1 transmission pipelines (76 Fed. Reg. 53086), the Comp-
2 troller General of the United States shall submit a report
3 to Congress regarding the natural gas integrity manage-
4 ment program.

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

7 (1) an analysis of the extent to which the nat-
8 ural gas integrity management program under sec-
9 tion 60109(c) of title 49, United States Code, has
10 improved the safety of natural gas transmission
11 pipelines;

12 (2) an analysis or recommendations, including
13 consideration of technical, operational, and economic
14 feasibility, regarding changes to the program that
15 would prevent inadvertent releases from pipelines
16 and mitigate any adverse consequences of an inad-
17 vertent release, including changes to the current def-
18 inition of high consequence area, or would expand
19 integrity management beyond high consequence
20 areas;

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

23 (4) an analysis of and recommendations regard-
24 ing what impact pipeline features and conditions, in-
25 cluding the age, condition, materials, and construc-

1 tion of a pipeline, should have on risk analysis of a
2 particular pipeline;

3 (5) a description of any challenges affecting
4 Federal or State regulators in their oversight of the
5 program and how the challenges are being ad-
6 dressed; and

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

10 (c) DEFINITION OF HIGH CONSEQUENCE AREA.—In
11 this section and in section 7, the term “high consequence
12 area” means an area described in section 60109(a) of title
13 49, United States Code.

14 **SEC. 7. HAZARDOUS LIQUID INTEGRITY MANAGEMENT RE-**
15 **VIEW.**

16 (a) SAFETY STUDY.—Not later than 18 months after
17 the publication of a final rule regarding the safety of haz-
18 ardous liquid pipelines (80 Fed. Reg. 61610), the Comp-
19 troller General of the United States shall submit a report
20 to Congress regarding the hazardous liquid integrity man-
21 agement program.

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

24 (1) an analysis of the extent to which liquid
25 pipeline integrity management in high consequence

1 areas for operators of certain hazardous liquid pipe-
2 line facilities, as regulated under sections 195.450
3 and 195.452 of title 49, Code of Federal Regula-
4 tions, has improved the safety of hazardous liquid
5 pipelines;

6 (2) recommendations, including consideration of
7 technical, operational, and economic feasibility, re-
8 garding changes to the program that could prevent
9 inadvertent releases from pipelines and mitigate any
10 adverse consequences of an inadvertent release, in-
11 cluding changes to the current definition of high
12 consequence area;

13 (3) an analysis of how surveying, assessment,
14 mitigation, and monitoring activities, including real-
15 time hazardous liquid pipeline monitoring during
16 significant flood events and information sharing with
17 other Federal agencies, are being used to address
18 risks associated with the dynamic and unique nature
19 of rivers, flood plains, and lakes;

20 (4) an analysis of and recommendations regard-
21 ing what impact pipeline features and conditions, in-
22 cluding the age, condition, materials, and construc-
23 tion of a pipeline, should have on risk analysis of a
24 particular pipeline and what changes to the defini-

1 tion of high consequence area could be made to im-
2 prove pipeline safety; and

3 (5) a description of any challenges affecting
4 Federal or State regulators in their oversight of the
5 program and how the challenges are being ad-
6 dressed.

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

8 Section 60115(b)(4)(A) is amended by striking
9 “State commissioners. The Secretary shall consult with
10 the national organization of State commissions before se-
11 lecting those 2 individuals.” and inserting “State officials.
12 The Secretary shall consult with national organizations
13 representing State commissioners or governors when mak-
14 ing a selection under this subparagraph.”

15 **SEC. 9. INSPECTION REPORT INFORMATION.**

16 (a) IN GENERAL.—Not later than 30 days after the
17 completion of a pipeline safety inspection, the Adminis-
18 trator of the Pipeline and Hazardous Materials Safety Ad-
19 ministration, or the State authority certified under section
20 60105 of title 49, United States Code, shall—

21 (1) conduct a post-inspection briefing with the
22 operator outlining concerns, and to the extent prac-
23 ticable, provide written preliminary findings of the
24 inspection; or

1 (2) issue to the operator a final report, notice
2 of amendment of plans or procedures, safety order,
3 or corrective action order, or such other applicable
4 report, notice, or order.

5 (b) REPORT.—

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

8 (A) the actions that the Pipeline and Haz-
9 arduous Materials Safety Administration has
10 taken to ensure that inspections by State au-
11 thorities provide effective and timely oversight;
12 and

13 (B) statistics relating to the timeliness of
14 the actions described in paragraphs (1) and (2)
15 of subsection (a).

16 (2) CESSATION OF EFFECTIVENESS.—Para-
17 graph (1) shall cease to be effective on September
18 30, 2019.

19 **SEC. 10. PIPELINE ODORIZATION STUDY.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Comptroller General of the United
22 States shall submit a report to the Committee on Com-
23 merce, Science, and Transportation of the Senate and the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives that assesses—

1 (1) the feasibility of odorizing all combustible
2 gas in transportation;

3 (2) the impacts of the odorization of all com-
4 bustible gas in transportation on manufacturers, ag-
5 riculture, and other end users; and

6 (3) the relative benefits and costs associated
7 with odorizing all combustible gas in transportation,
8 including impacts on health and safety, compared to
9 using other methods to mitigate pipeline leaks.

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

11 (a) **STUDY.**—The Secretary of Transportation, in
12 consultation with stakeholders, shall conduct a study on
13 improving existing damage prevention programs through
14 technological improvements in location, mapping, exca-
15 vation, and communications practices to prevent acci-
16 dental excavation damage to a pipe or its coating, includ-
17 ing considerations of technical, operational, and economic
18 feasibility and existing damage prevention programs.

19 (b) **CONTENTS.**—The study under subsection (a)
20 shall include—

21 (1) an identification of any methods that could
22 improve existing damage prevention programs
23 through location and mapping practices or tech-
24 nologies in an effort to reduce unintended releases
25 caused by excavation;

1 (2) an analysis of how increased use of GPS
2 digital mapping technologies, predictive analytic
3 tools, public awareness initiatives including one-call
4 initiatives, the use of mobile devices, and other ad-
5 vanced technologies could supplement existing one-
6 call notification and damage prevention programs to
7 reduce the frequency and severity of incidents
8 caused by excavation damage;

9 (3) an identification of any methods that could
10 improve excavation practices or technologies in an
11 effort to reduce pipeline damages;

12 (4) an analysis of the feasibility of a national
13 data repository for pipeline excavation accident data
14 that creates standardized data models for storing
15 and sharing pipeline accident information; and

16 (5) an identification of opportunities for stake-
17 holder engagement in preventing excavation damage.

18 (c) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, the Secretary of Transpor-
20 tation shall submit a report to the Committee on Com-
21 merce, Science, and Transportation of the Senate and the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives regarding the study under this
24 section, including recommendations, that include the con-
25 sideration of technical, operational, and economic feasi-

1 bility, on how to incorporate, into existing damage preven-
2 tion programs, technological improvements and practices
3 that may help prevent accidental excavation damage.

4 **SEC. 12. WORKFORCE OF PIPELINE AND HAZARDOUS MA-**
5 **TERIALS SAFETY ADMINISTRATION.**

6 (a) REVIEW.—Not later than 1 year after the date
7 of the enactment of this Act, the Administrator of the
8 Pipeline and Hazardous Materials Safety Administration
9 shall submit to Congress a review of Pipeline and Haz-
10 ardous Materials Safety Administration staff resource
11 management, including geographic allocation plans, hiring
12 challenges, and expected retirement rates and strategies.
13 The review shall include recommendations to address hir-
14 ing challenges, training needs, and any other identified
15 staff resource challenges.

16 (b) CRITICAL HIRING NEEDS.—

17 (1) IN GENERAL.—Beginning on the date on
18 which the review is submitted under subsection (a),
19 the Administrator may certify to Congress, not less
20 frequently than annually, that a severe shortage of
21 qualified candidates or a critical hiring need exists
22 for a position or group of positions in the Pipeline
23 and Hazardous Material Safety Administration.

24 (2) DIRECT HIRE AUTHORITY.—Notwith-
25 standing sections 3309 through 3318 of title 5,

1 United States Code, the Administrator, after making
2 a certification under paragraph (1), may hire a can-
3 didate for the position or candidates for the group
4 of positions indicated in the certification, as applica-
5 ble.

6 (3) TERMINATIONS OF EFFECTIVENESS.—The
7 direct hire authority provided under paragraph (2)
8 shall terminate on September 30, 2019.

9 **SEC. 13. RESEARCH AND DEVELOPMENT.**

10 (a) IN GENERAL.—In developing a research and de-
11 velopment program plan under paragraph (3) of section
12 12(d) of the Pipeline Safety Improvement Act of 2002 (49
13 U.S.C. 60101 note), the Administrator of the Pipeline and
14 Hazardous Material Safety Administration, in consulta-
15 tion with the Assistant Secretary for Research and Tech-
16 nology, shall—

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

19 (2) provide opportunities for joint research ven-
20 tures with non-Federal entities, whenever practicable
21 and appropriate, to leverage limited Federal research
22 resources; and

23 (3) permit collaborative research and develop-
24 ment projects with appropriate non-Federal organi-
25 zations.

1 (b) COLLABORATIVE SAFETY RESEARCH REPORT.—

2 Section 60124(a)(6) is amended—

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

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

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

8 “(C) research activities in collaboration
9 with non-Federal entities, including the in-
10 tended improvements to safety technology, in-
11 spection technology, operator response time,
12 and emergency responder incident response
13 time.”.

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

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of Trans-
17 portation shall convene a working group to consider the
18 development of a voluntary no-fault information sharing
19 system to encourage collaborative efforts to improve in-
20 spection information feedback and information sharing
21 with the purpose of improving natural gas transmission
22 and hazardous liquid pipeline integrity risk analysis.

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

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

3 (2) industry stakeholders, including operators
4 of pipeline facilities, inspection technology vendors,
5 and pipeline inspection organizations;

6 (3) safety advocacy groups;

7 (4) research institutions;

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

10 (6) State pipeline safety inspectors; and

11 (7) labor representatives.

12 (c) CONSIDERATIONS.—The working group described
13 in subsection (a) shall consider and provide recommenda-
14 tions, if applicable, to the Secretary on—

15 (1) the need for and the identification of a sys-
16 tem to ensure that dig verification data is shared
17 with inline inspection operators to the extent con-
18 sistent with the need to maintain proprietary and se-
19 curity sensitive data in a confidential manner to im-
20 prove pipeline safety and inspection technology;

21 (2) ways to encourage the exchange of pipeline
22 inspection information and the development of ad-
23 vanced pipeline inspection technologies and enhanced
24 risk analysis;

1 (3) opportunities to share data, including dig
2 verification data between operators of pipeline facili-
3 ties and in-line inspector vendors to expand knowl-
4 edge of the advantages and disadvantages of the dif-
5 ferent types of in-line inspection technology and
6 methodologies;

7 (4) options to create a secure system that pro-
8 tects proprietary data while encouraging the ex-
9 change of pipeline inspection information and the
10 development of advanced pipeline inspection tech-
11 nologies and enhanced risk analysis; and

12 (5) regulatory, funding, and legal barriers to
13 sharing the information described in paragraphs (1)
14 through (4).

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

17 (e) PUBLICATION.—The Secretary shall publish the
18 recommendations provided under subsection (c) on a pub-
19 licly available website.

20 **SEC. 15. NATIONWIDE INTEGRATED PIPELINE SAFETY REG-**
21 **ULATORY DATABASE.**

22 (a) REPORT.—Not later than 18 months after the
23 date of the enactment of this Act, the Secretary of Trans-
24 portation shall submit a report to Congress on the feasi-
25 bility of a national integrated pipeline safety regulatory

1 inspection database to improve communication and col-
2 laboration between the Pipeline and Hazardous Materials
3 Safety Administration and State pipeline regulators.

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

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

9 (2) a description of any progress in establishing
10 common standards for maintaining, collecting, and
11 presenting pipeline safety regulatory inspection data,
12 and a methodology for the sharing of the data;

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

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

19 (5) recommendations for how to implement a
20 secure information-sharing system that protects pro-
21 prietary and security sensitive information and data
22 for the purpose described in subsection (a).

23 (c) CONSULTATION.—In preparing the report under
24 subsection (a), the Secretary shall consult with stake-
25 holders, including each State authority operating under a

1 certification to regulate intrastate pipelines under section
2 60105 of title 49, United States Code.

3 **SEC. 16. UNDERGROUND NATURAL GAS STORAGE FACILI-**
4 **TIES.**

5 (a) **DEFINED TERM.**—Section 60101(a) is amend-
6 ed—

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

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

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

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

14 “(27) ‘underground natural gas storage facility’
15 means a gas pipeline facility that stores gas in an
16 underground facility, including—

17 “(A) a depleted hydrocarbon reservoir;

18 “(B) an aquifer reservoir; or

19 “(C) a solution mined salt cavern res-
20 ervoir.”.

21 (b) **STANDARDS FOR UNDERGROUND NATURAL GAS**
22 **STORAGE FACILITIES.**—Chapter 601 is amended by in-
23 serting after section 60103 the following:

1 **“§ 60103A. Standards for underground natural gas**
2 **storage facilities**

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

12 “(b) CONSIDERATIONS.—In developing uniform safe-
13 ty standards under subsection (a), the Secretary 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;

20 “(3) consider existing consensus standards; and

21 “(4) consider the recommendations of the Aliso
22 Canyon Task Force under section 27 of the Secur-
23 ing America’s Future Energy: Protecting our Infra-
24 structure of Pipelines and Enhancing Safety Act.

25 “(c) USER FEES.—

1 “(1) IN GENERAL.—A fee shall be imposed on
2 an entity operating an underground natural gas
3 storage facility to which this section applies. Any
4 such fee imposed shall be collected before the end of
5 the fiscal year to which it applies.

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

14 “(3) USE OF FEES.—

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

20 “(B) USE OF FEES.—A fee collected under
21 this subsection—

22 “(i) shall be deposited in the under-
23 ground natural gas storage facility safety
24 account; and

1 “(ii) if the fee is related to an under-
2 ground natural gas storage facility, may be
3 used only for an activity related to under-
4 ground natural gas storage safety under
5 this section.

6 “(C) LIMITATION.—Amounts collected
7 under this subsection shall be made available
8 only to the extent provided in advance in an ap-
9 propriation law for an activity related to under-
10 ground natural gas storage safety.

11 “(d) RULES OF CONSTRUCTION.—

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

17 “(2) LIMITATIONS.—Nothing in this section
18 may be construed to authorize the Secretary—

19 “(A) to prescribe the location of an under-
20 ground natural gas storage facility; or

21 “(B) to require the Secretary’s permission
22 to construct a facility referred to in subpara-
23 graph (A).”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 for chapter 601 is amended by inserting after the item
3 relating to section 60103 the following:

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

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

5 To ensure the safety of pipeline transportation, the
6 Secretary of Transportation shall coordinate with States
7 to ensure safety through the following:

8 (1) At the request of a State authority, the Sec-
9 retary shall allow for a certified state authority
10 under section 60105 of title 49, United States Code,
11 to participate in the inspection of an interstate pipe-
12 line facility.

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

19 **SEC. 18. RESPONSE PLANS.**

20 In preparing or reviewing a response plan under part
21 194 of title 49, Code of Federal Regulations, the Adminis-
22 trator of the Pipeline and Hazardous Materials Safety Ad-
23 ministration and an operator shall each address, to the
24 maximum extent practicable, the impact of a worse case
25 discharge of oil, or the substantial threat of such a dis-

1 charge, into or on any navigable waters or adjoining shore-
2 lines that may be covered in whole or in part by ice.

3 **SEC. 19. HIGH CONSEQUENCE AREAS.**

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

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

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

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

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

1 “(26) ‘small scale liquefied natural gas facility’
2 means a permanent intrastate liquefied natural gas
3 facility (other than a peak shaving facility) that pro-
4 duces liquefied natural gas for—

5 “(A) use as a fuel in the United States; or

6 “(B) transportation in the United States
7 by a means other than a pipeline facility; and”.

8 (b) SITING STANDARDS FOR PERMANENT SMALL
9 SCALE LIQUEFIED NATURAL GAS FACILITIES.—Section
10 60103(a) is amended to read as follows:

11 “(a) LOCATION STANDARDS.—

12 “(1) IN GENERAL.—The Secretary of Transpor-
13 tation shall prescribe minimum safety standards for
14 deciding on the permanent location of a new lique-
15 fied natural gas pipeline facility or small scale lique-
16 fied natural gas facility.

17 “(2) LIQUEFIED NATURAL GAS FACILITIES.—In
18 prescribing a minimum safety standard for deciding
19 on the permanent location of a new liquefied natural
20 gas facility, the Secretary of Transportation shall
21 consider—

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

23 “(B) the existing and projected population
24 and demographic characteristics of the location;

1 “(C) the existing and proposed land uses
2 near the location;

3 “(D) the natural physical aspects of the lo-
4 cation;

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

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

9 “(3) SMALL SCALE LIQUEFIED NATURAL GAS
10 FACILITIES.—

11 “(A) IN GENERAL.—Not later than 18
12 months after the date of the enactment of the
13 SAFE PIPES Act, the Secretary of Transpor-
14 tation shall prescribe minimum safety standards
15 for permanent small scale liquefied natural gas
16 facilities.

17 “(B) CONSIDERATIONS.—In prescribing
18 minimum safety standards under this para-
19 graph, the Secretary shall consider—

20 “(i) the value of establishing risk-
21 based approaches;

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

24 “(iii) the need to encourage the use of
25 best available technology; and

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

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

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of the enactment of this Act, the Administrator of
6 the Pipeline and Hazardous Materials Safety Administra-
7 tion shall submit to Congress a report on the metrics pro-
8 vided to the Pipeline and Hazardous Materials Safety Ad-
9 ministration and other Federal and State agencies related
10 to lost and unaccounted for natural gas from distribution
11 pipelines and systems.

12 (b) ELEMENTS.—The report required under sub-
13 section (a) shall include the following elements:

14 (1) An examination of different reporting re-
15 quirements or standards for lost and unaccounted
16 for natural gas to different agencies, the reasons for
17 any such discrepancies, and recommendations for
18 harmonizing and improving the accuracy of report-
19 ing.

20 (2) An analysis of whether separate or alter-
21 native reporting could better measure the amounts
22 and identify the location of lost and unaccounted for
23 natural gas from natural gas distribution systems.

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

4 (4) An assessment of whether alternate report-
 5 ing and measures will resolve any safety issues iden-
 6 tified under paragraph (3), including an analysis of
 7 the potential impact, including potential savings, on
 8 rate payers and end users of natural gas products
 9 of such reporting and measures.

10 (c) CONSIDERATION OF RECOMMENDATIONS.—If the
 11 Administrator determines that alternate reporting struc-
 12 tures or recommendations included in the report required
 13 under subsection (a) would significantly improve the re-
 14 porting and measurement of lost and unaccounted for gas
 15 or safety of systems, the Administrator shall, not later
 16 than 180 days after making such determination, issue reg-
 17 ulations, as the Administrator determines appropriate, to
 18 implement the recommendations.

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

21 (a) REVIEW.—The Comptroller General of the United
 22 States shall conduct a State-by-State review of State-level
 23 policies that—

24 (1) encourage the repair and replacement of
 25 leaking natural gas distribution pipelines or systems

1 that pose a safety threat, such as timelines to repair
2 leaks and limits on cost recovery from ratepayers;
3 and

4 (2) that may create barriers for entities to con-
5 duct work to repair and replace leaking natural gas
6 pipelines or distribution systems.

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

21 (c) CONSIDERATION OF RECOMMENDATIONS.—If the
22 Comptroller General makes recommendations in the report
23 submitted under subsection (a) on Federal or State poli-
24 cies or best practices within the jurisdiction of the Pipeline
25 and Hazardous Materials Safety Administration, the Ad-

1 administrator shall, not later than 90 days after such sub-
2 mission, review such recommendations and report to Con-
3 gress on the feasibility of implementing such recommenda-
4 tions. If the Administrator determines that the rec-
5 ommendations would significantly improve pipeline safety,
6 the Administrator shall, not later than 180 days after
7 making such determination and in coordination with the
8 heads of other relevant agencies as appropriate, issue reg-
9 ulations, as the Administrator determines appropriate, to
10 implement the recommendations.

11 **SEC. 24. PROVISION OF RESPONSE PLANS TO APPRO-**
12 **RIATE COMMITTEES OF CONGRESS.**

13 (a) PROVISION OF PLANS.—

14 (1) IN GENERAL.—Notwithstanding subsection
15 (a)(2) of section 60138 of title 49, United States
16 Code, and subject to paragraph (2), upon the re-
17 quest of the Chairperson or Ranking Member of an
18 appropriate committee of Congress, the Adminis-
19 trator of the Pipeline and Hazardous Materials Safe-
20 ty Administration shall provide the Chairperson or
21 Ranking Member, as applicable, a uniquely identifi-
22 able, unredacted copy of an oil response plan under
23 that section.

24 (2) PROTECTION OF INFORMATION.—Any infor-
25 mation subject to exclusion under section

1 60138(a)(2) of title 49, United States Code, that is
2 provided under paragraph (1) shall be afforded ap-
3 propriate protection against unauthorized public dis-
4 closure, consistent with the rules and practices re-
5 lated to the protection of confidential information re-
6 ceived by Congress.

7 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed as affecting the provision of any
9 other report, data, or other information to Congress, or
10 its handling thereof.

11 **SEC. 25. CONSULTATION WITH FERC AS PART OF PRE-FIL-**
12 **ING PROCEDURES AND PERMITTING PROC-**
13 **ESS FOR NEW NATURAL GAS PIPELINE IN-**
14 **FRASTRUCTURE.**

15 Where appropriate, the Administrator of the Pipeline
16 and Hazardous Materials Safety Administration shall con-
17 sult with the Federal Energy Regulatory Commission dur-
18 ing its pre-filing procedures and permitting process for
19 new natural gas pipeline infrastructure to ensure the pro-
20 tection of people and the environment from the potential
21 risks of hazardous materials transportation by pipeline.

22 **SEC. 26. MAINTENANCE OF EFFORT.**

23 Section 60107(b) is amended to read as follows:

24 “(b) **PAYMENTS.**—After notifying and consulting
25 with a State authority, the Secretary may withhold any

1 part of a payment when the Secretary decides that the
2 authority is not carrying out satisfactorily a safety pro-
3 gram or not acting satisfactorily as an agent. The Sec-
4 retary may pay an authority under this section only when
5 the authority ensures the Secretary that it will provide the
6 remaining costs of a safety program, except when the Sec-
7 retary waives this requirement.”.

8 **SEC. 27. ALISO CANYON NATURAL GAS LEAK TASK FORCE.**

9 (a) ESTABLISHMENT OF TASK FORCE.—Not later
10 than 15 days after the date of enactment of this Act, the
11 Secretary of Energy shall lead and establish an Aliso Can-
12 yon Task Force (referred to in this section as the “task
13 force”).

14 (b) MEMBERSHIP OF TASK FORCE.—In addition to
15 the Secretary, the task force shall be composed of—

16 (1) 1 representative from the Pipeline and Haz-
17 arduous Materials Safety Administration;

18 (2) 1 representative from the Department of
19 Health and Human Services;

20 (3) 1 representative from the Environmental
21 Protection Agency;

22 (4) 1 representative from the Department of
23 the Interior;

24 (5) 1 representative from the Department of
25 Commerce; and

1 (6) 1 representative from the Federal Energy
2 Regulatory Commission.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the task
6 force shall submit a final report that contains the in-
7 formation described in paragraph (2) to—

8 (A) the Committee on Energy and Natural
9 Resources of the Senate;

10 (B) the Committee on Natural Resources
11 of the House of Representatives;

12 (C) the Committee on Environment and
13 Public Works of the Senate;

14 (D) the Committee on Transportation and
15 Infrastructure of the House of Representatives;

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

18 (F) the Committee on Energy and Com-
19 merce of the House of Representatives;

20 (G) the Committee on Health, Education,
21 Labor, and Pensions of the Senate;

22 (H) the Committee on Education and the
23 Workforce of the House of Representatives;

24 (I) the President; and

25 (J) relevant Federal and State agencies.

1 (2) INFORMATION INCLUDED.—The report sub-
2 mitted under paragraph (1) shall include, at a min-
3 imum—

4 (A) an analysis and conclusion of the cause
5 and contributing factors of the Aliso Canyon
6 natural gas leak;

7 (B) an analysis of measures taken to stop
8 the natural gas leak, with an immediate focus
9 on other, more effective measures that could be
10 taken;

11 (C) an assessment of the impact of the
12 natural gas leak on health, safety, the environ-
13 ment, and the economy of the residents and
14 property surrounding Aliso Canyon, on whole-
15 sale and retail electricity prices, and on the reli-
16 ability of the bulk-power system;

17 (D) an analysis of how Federal, State, and
18 local agencies responded to the natural gas
19 leak;

20 (E) in order to lessen the negative impacts
21 of natural gas leaks from underground storage
22 facilities, recommendations on how to im-
23 prove—

24 (i) the response to a future leak; and

1 (ii) coordination between all appro-
2 priate Federal, State, and local agencies in
3 the response to the Aliso Canyon natural
4 gas leak and future natural gas leaks;

5 (F) an analysis of the potential for a simi-
6 lar natural gas leak to occur at other under-
7 ground natural gas storage facilities in the
8 United States;

9 (G) recommendations on how to prevent
10 any future natural gas leaks;

11 (H) recommendations on whether to con-
12 tinue operations at Aliso Canyon and other un-
13 derground storage facilities in close proximity
14 to residential populations based on an assess-
15 ment of the risk of a future natural gas leak;
16 and

17 (I) a recommendation on information that
18 is not currently collected but that would be in
19 the public interest to collect and distribute to
20 agencies and institutions for the continued
21 study and monitoring of natural gas storage in-
22 frastructure in the United States.

23 (3) PUBLICATION.—The final report under
24 paragraph (1) shall be made available to the public
25 in an electronically accessible format.

1 (4) FINDINGS.—If, before the final report is
2 submitted under paragraph (1), the task force finds
3 methods to solve the natural gas leak at Aliso Can-
4 yon, finds methods to better protect the affected
5 communities, or finds methods to help prevent other
6 leaks, the task force shall immediately submit such
7 findings to the entities described in subparagraphs
8 (A) through (J) of paragraph (1).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 such sums as may be necessary.

Passed the Senate March 3, 2016.

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

S. 2276

AN ACT

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