

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

#### SEC. 26. MAINTENANCE OF EFFORT.

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

“(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a 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.”

#### SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline's physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allow-

able operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—The Secretary shall, not later than 18 months after the date of the enactment of this Act, prescribe regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in areas identified pursuant to section 60109(a) of title 49, United States Code, and operating at a pressure greater than 30 percent of specified minimum yield strength. The Secretary shall consider safety testing methodologies including, at a minimum, pressure testing or other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account consequences to public safety and the environment and that minimize costs and service disruptions.

#### SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the 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 sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

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

(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, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”

#### SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$92,206,000, of which \$9,200,000 is for carrying out such section 12 and \$36,958,000 is for making grants;

“(B) for fiscal year 2013, \$96,144,000, of which \$9,600,000 is for carrying out such section 12 and \$39,611,000 is for making grants;

“(C) for fiscal year 2014, \$99,876,000, of which \$9,900,000 is for carrying out such sec-

tion 12 and \$41,148,000 is for making grants; and

“(D) for fiscal year 2015, \$102,807,000, of which \$10,200,000 is for carrying out such section 12 and \$42,356,000 is for making grants.”

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$18,905,000, of which \$7,562,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(B) for fiscal year 2013, \$19,661,000, of which \$7,864,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(C) for fiscal year 2014, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants; and

“(D) for fiscal year 2015, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 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) by striking “2007 through 2010.” in subsection (a) and inserting “2012 through 2015.”;

(2) by striking “2007 through 2010.” in subsection (b) 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 are authorized to be appropriated to the Secretary to provide grants under this section \$2,000,000 for each of fiscal years 2012 through 2015. The funds shall remain available until expended.”

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking “\$50,000” in subsection (a)(1) and inserting “\$100,000”; and

(2) by striking “2003 through 2010.” in subsection (d) and inserting “2012 through 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) by adding at the end of subsection (d) the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—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 each year that funds are appropriated for carrying out the plan.”; and

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

#### NOTICE OF INTENT TO OBJECT

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1385, a bill to terminate the \$1 presidential coin program, dated October 17, 2001.

#### PRIVILEGES OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that the following staff be granted the privileges of the floor during consideration of H.R. 2112: Galen Fountain, Jessica Frederick, Dianne Nellor, Stacy McBride, Phil

Karsting, Chad Metzler, Michael Lavender, Aliza Fishbein, Brian Diffell, Zach Kinne, Kristina Weger; as well as Bob Ross and Mary Koskinen, detailees from the Department of Agriculture to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, on behalf of Senator MURRAY and myself, I ask unanimous consent that the following staff have unlimited floor privileges during the consideration of H.R. 2112: Heideh Shahmoradi, Brooke Stringer, Carl Barrick, Alex Keenan, Meaghan McCarthy, Dabney Hegg, Molly O'Rourke, Terri Curtain, Elizabeth McDonnell, Kenneth Altman, Jessica James Morgan Cashwell, Lorinda Harris, Cyrus Cheslak, and Mark LeDuc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I also ask unanimous consent that Michael Clarke, a detailee from the Department of Transportation to the Committee on Appropriations, be granted unlimited floor privileges during the consideration of H.R. 2112.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PIPELINE TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 96.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 275) 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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Transportation Safety Improvement 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) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. Civil penalties.
- Sec. 3. Pipeline damage prevention.
- Sec. 4. Offshore gathering pipelines.
- Sec. 5. Automatic and remote-controlled shut-off valves.

Sec. 6. Excess flow valves.

Sec. 7. Integrity management.

Sec. 8. Public education and awareness.

Sec. 9. Cast iron gas pipelines.

Sec. 10. Leak detection.

Sec. 11. Incident notification.

Sec. 12. Transportation-related onshore facility response plan compliance.

Sec. 13. Pipeline infrastructure data collection.

Sec. 14. International cooperation and consultation.

Sec. 15. Gas and hazardous liquid gathering lines.

Sec. 16. Transportation-related oil flow lines.

Sec. 17. Alaska project coordination.

Sec. 18. Cost recovery for design reviews.

Sec. 19. Special permits.

Sec. 20. Biofuel pipelines.

Sec. 21. Carbon dioxide pipelines.

Sec. 22. Study of the transportation of tar sands crude oil.

Sec. 23. Study of non-petroleum hazardous liquids transported by pipeline.

Sec. 24. Clarifications.

Sec. 25. Additional resources.

Sec. 26. Maintenance of effort.

Sec. 27. Maximum allowable operating pressure.

Sec. 28. Administrative enforcement process.

Sec. 29. Authorization of appropriations.

#### SEC. 2. CIVIL PENALTIES.

(a) PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended—

(1) by striking "the ability to pay," in subsection (b)(1)(B);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

"(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

"(1) IN GENERAL.—A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has committed a major consequence violation of section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$250,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of major consequence violations is \$2,500,000.

"(2) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty for a major consequence violation under this subsection, the Secretary shall consider the factors prescribed in subsection (b).

"(3) MAJOR CONSEQUENCE VIOLATION DEFINED.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in—

"(A) 1 or more deaths;

"(B) 1 or more injuries or illnesses requiring in-patient hospitalization; or

"(C) environmental harm exceeding \$250,000 in estimated damage to the environment including property loss other than the value of natural gas or hazardous liquid lost, or damage to pipeline equipment."

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended by adding at the end the following: "The Secretary may impose a civil penalty under section 60122 of this title on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter."

(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 of this title shall not apply to enforcement actions under this section."

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) by striking the subsection caption and inserting "(a) REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS.—"; and

(2) by striking "about an application for a waiver under section 60118(c) or (d) of" and inserting "under".

#### 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 shall, at a minimum, 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.—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) by striking "and" after the semicolon in paragraph (1);

(2) by striking "(b)." in paragraph (2) and inserting "(b); and"; 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.

#### SEC. 4. OFFSHORE GATHERING PIPELINES.

Section 60102(k)(1) is amended by striking the last sentence and inserting "Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering pipelines and hazardous liquid gathering pipelines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering pipelines. The regulations issued under this paragraph shall not apply to low-stress distribution pipelines."

#### SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended by adding at the end the following:

"(m) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipelines constructed or entirely replaced after the date on which the Secretary issues a final rule."

#### SEC. 6. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

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

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

"(B) DISTRIBUTION BRANCH SERVICES, MULTI-FAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Transportation