

Deb Fischer

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2276

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. FISCHER (for herself, Mr. DAINES, Mr. BOOKER, Mr. PETERS, Mrs. BOXER, and Mrs. FEINSTEIN)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.**
4

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Securing America’s Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act” or
7 the “SAFE PIPES Act”.
8

9 (b) **TABLE OF CONTENTS.**—The table of contents of
10 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.

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

7 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) GAS AND HAZARDOUS LIQUID.—Section
9 60125(a) is amended—

10 (1) in paragraph (1), by striking “there is au-
11 thorized to be appropriated to the Department of
12 Transportation for each of fiscal years 2012 through
13 2015, from fees collected under section 60301,

1 \$90,679,000, of which \$4,746,000 is for carrying
2 out such section 12 and \$ 36,194,000 is for making
3 grants.” and inserting the following: “there are au-
4 thorized to be appropriated to the Department of
5 Transportation from fees collected under section
6 60301—

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

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

15 “(C) \$132,334,000 for fiscal year 2018, of
16 which \$9,512,000 shall be expended for car-
17 rying out such section 12 and \$43,371,000
18 shall be expended for making grants; and

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

23 (2) in paragraph (2), by striking “there is au-
24 thorized to be appropriated for each of fiscal years
25 2012 through 2015 from the Oil Spill Liability

1 Trust Fund to carry out the provisions of this chap-
2 ter related to hazardous liquid and section 12 of the
3 Pipeline Safety Improvement Act of 2002 (49
4 U.S.C. 60101 note; Public Law 107–355),
5 \$18,573,000, of which \$2,174,000 is for carrying
6 out such section 12 and \$4,558,000 is for making
7 grants.” and inserting the following: “there are au-
8 thorized to be appropriated from the Oil Spill Liabil-
9 ity Trust Fund to carry out the provisions of this
10 chapter related to hazardous liquid and section 12 of
11 the Pipeline Safety Improvement Act of 2002 (49
12 U.S.C. 60101 note; Public Law 107–355)—”

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

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

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

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

5 (b) EMERGENCY RESPONSE GRANTS.—Section
6 60125(b)(2) is amended by striking “2012 through 2015”
7 and inserting “2016 through 2019”.

8 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
9 6107 is amended—

10 (1) in subsection (a), by striking “\$1,000,000
11 for each of fiscal years 2012 through 2015” and in-
12 serting “\$1,060,000 for each of the fiscal years
13 2016 through 2019”; and

14 (2) in subsection (b), by striking “2012 through
15 2015” and inserting “2016 through 2019”.

16 (d) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
17 tion 60134(i) is amended by striking “2012 through
18 2015” and inserting “2016 through 2019”.

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

22 (f) PIPELINE INTEGRITY PROGRAM.—Section 12(f)
23 of the Pipeline Safety Improvement Act of 2002 (49
24 U.S.C. 60101 note) is amended by striking “2012 through
25 2015” and inserting “2016 through 2019”.

1 **SEC. 3. REGULATORY UPDATES.**

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

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

14 (2) any regulation relating to pipeline safety re-
15 quired by law, other than a regulation described
16 under paragraph (1), for which for more than 2
17 years after the date of the enacting statute or statu-
18 tory deadline no interim final rule or direct final rule
19 has been issued; and

20 (3) any other pipeline safety rulemaking cat-
21 egorized as significant.

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

24 (1) a description of the work plan for the out-
25 standing regulation;

- 1 (2) an updated rulemaking timeline for the out-
- 2 standing regulation;
- 3 (3) current staff allocations;
- 4 (4) any other information collection request
- 5 with substantial changes;
- 6 (5) current data collection or research relating
- 7 to the development of the rulemaking;
- 8 (6) current collaborative efforts with safety ex-
- 9 perts and other stakeholders;
- 10 (7) any resource constraints impacting the rule-
- 11 making process for the outstanding regulation; and
- 12 (8) any other details associated with the devel-
- 13 opment of the rulemaking that impact the progress
- 14 of the rulemaking.

15 **SEC. 4. HAZARDOUS MATERIALS IDENTIFICATION NUM-**
16 **BERS.**

17 The Administrator of the Pipeline and Hazardous
18 Materials Safety Administration shall—

- 19 (1) rescind the implementation of the June 26,
- 20 2015 PHMSA interpretative letter (#14-0178); and
- 21 (2) reinstate paragraphs (4) and (5) of section
- 22 172.336(c) of title 49, Code of Federal Regulations,
- 23 without the reference to “gasohol”, as was originally
- 24 intended in the March 7, 2013 final rule (PHMSA–
- 25 2011–0142).

1 **SEC. 5. STATUTORY PREFERENCE.**

2 The Administrator of the Pipeline and Hazardous
3 Materials Safety Administration shall prioritize the use of
4 Office of Pipeline Safety resources for the development of
5 each outstanding pipeline safety statutory requirement, in-
6 cluding requirements for rulemakings and information col-
7 lection requests, for a rulemaking described in a report
8 under section 3 before beginning any new rulemaking re-
9 quired after the date of the enactment of this Act unless
10 the Secretary of Transportation certifies to Congress that
11 there is a significant need to move forward with a new
12 rulemaking.

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

14 (a) REPORT.—Not later than 18 months after the
15 publication of a final rule regarding the safety of gas
16 transmission pipelines (76 Fed. Reg. 53086), the Comp-
17 troller General of the United States shall submit a report
18 to Congress regarding the natural gas integrity manage-
19 ment program.

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

22 (1) an analysis of the extent to which the nat-
23 ural gas integrity management program under sec-
24 tion 60109(c) of title 49, United States Code, has
25 improved the safety of natural gas transmission
26 pipelines;

1 (2) an analysis or recommendations, including
2 consideration of technical, operational, and economic
3 feasibility, regarding changes to the program that
4 would prevent inadvertent releases from pipelines
5 and mitigate any adverse consequences of an inad-
6 vertent release, including changes to the current def-
7 inition of high consequence area, or would expand
8 integrity management beyond high consequence
9 areas;

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

12 (4) an analysis of and recommendations regard-
13 ing what impact pipeline features and conditions, in-
14 cluding the age, condition, materials, and construc-
15 tion of a pipeline, should have on risk analysis of a
16 particular pipeline;

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

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

24 (c) DEFINITION OF HIGH CONSEQUENCE AREA.—In
25 this section and in section 7, the term “high consequence

1 area” means an area described in section 60109(a) of title
2 49, United States Code.

3 **SEC. 7. HAZARDOUS LIQUID INTEGRITY MANAGEMENT RE-**
4 **VIEW.**

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 9. INSPECTION REPORT INFORMATION.**

5 (a) IN GENERAL.—Not later than 30 days after the
6 completion of a pipeline safety inspection, the Adminis-
7 trator of the Pipeline and Hazardous Materials Safety Ad-
8 ministration, or the State authority certified under section
9 60105 of title 49, United States Code, shall—

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

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

18 (b) REPORT.—

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

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

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

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

7 **SEC. 10. PIPELINE ODORIZATION STUDY.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Comptroller General of the United
10 States shall submit a report to the Committee on Com-
11 merce, Science, and Transportation of the Senate and the
12 Committee on Transportation and Infrastructure of the
13 House of Representatives that assesses—

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

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

19 (3) the relative benefits and costs associated
20 with odorizing all combustible gas in transportation,
21 including impacts on health and safety, compared to
22 using other methods to mitigate pipeline leaks.

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

24 (a) STUDY.—The Secretary of Transportation, in
25 consultation with stakeholders, shall conduct a study on

1 improving existing damage prevention programs through
2 technological improvements in location, mapping, exca-
3 vation, and communications practices to prevent acci-
4 dental excavation damage to a pipe or its coating, includ-
5 ing considerations of technical, operational, and economic
6 feasibility and existing damage prevention programs.

7 (b) CONTENTS.—The study under subsection (a)
8 shall include—

9 (1) an identification of any methods that could
10 improve existing damage prevention programs
11 through location and mapping practices or tech-
12 nologies in an effort to reduce unintended releases
13 caused by excavation;

14 (2) an analysis of how increased use of GPS
15 digital mapping technologies, predictive analytic
16 tools, public awareness initiatives including one-call
17 initiatives, the use of mobile devices, and other ad-
18 vanced technologies could supplement existing one-
19 call notification and damage prevention programs to
20 reduce the frequency and severity of incidents
21 caused by excavation damage;

22 (3) an identification of any methods that could
23 improve excavation practices or technologies in an
24 effort to reduce pipeline damages;

1 challenges, and expected retirement rates and strategies.
2 The review shall include recommendations to address hir-
3 ing challenges, training needs, and any other identified
4 staff resource challenges.

5 (b) CRITICAL HIRING NEEDS.—

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

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

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

23 **SEC. 13. RESEARCH AND DEVELOPMENT.**

24 (a) IN GENERAL.—In developing a research and de-
25 velopment program plan under paragraph (3) of section

1 12(d) of the Pipeline Safety Improvement Act of 2002 (49
2 U.S.C. 60101 note), the Administrator of the Pipeline and
3 Hazardous Material Safety Administration, in consulta-
4 tion with the Assistant Secretary for Research and Tech-
5 nology, shall—

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

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

12 (3) permit collaborative research and develop-
13 ment projects with appropriate non-Federal organi-
14 zations.

15 (b) COLLABORATIVE SAFETY RESEARCH REPORT.—

16 Section 60124(a)(6) is amended—

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

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

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

22 “(C) research activities in collaboration
23 with non-Federal entities, including the in-
24 tended improvements to safety technology, in-
25 spection technology, operator response time,

1 and emergency responder incident response
2 time.”.

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

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

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

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

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

19 (3) safety advocacy groups;

20 (4) research institutions;

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

23 (6) State pipeline safety inspectors; and

24 (7) labor representatives.

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

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

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

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

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

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

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

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

9 (5) recommendations for how to implement a
10 secure information-sharing system that protects pro-
11 prietary and security sensitive information and data
12 for the purpose described in subsection (a).

13 (c) CONSULTATION.—In preparing the report under
14 subsection (a), the Secretary shall consult with stake-
15 holders, including each State authority operating under a
16 certification to regulate intrastate pipelines under section
17 60105 of title 49, United States Code.

18 **SEC. 16. UNDERGROUND NATURAL GAS STORAGE FACILI-**
19 **TIES.**

20 (a) DEFINED TERM.—Section 60101(a) is amend-
21 ed—

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

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

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

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

4 “(27) ‘underground natural gas storage facility’
5 means a gas pipeline facility that stores gas in an
6 underground facility, including—

7 “(A) a depleted hydrocarbon reservoir;

8 “(B) an aquifer reservoir; or

9 “(C) a solution mined salt cavern res-
10 ervoir.”.

11 (b) STANDARDS FOR UNDERGROUND NATURAL GAS
12 STORAGE FACILITIES.—Chapter 601 is amended by in-
13 serting after section 60103 the following:

14 “**§ 60103A. Standards for underground natural gas**
15 **storage facilities**

16 “(a) MINIMUM UNIFORM SAFETY STANDARDS.—Not
17 later than 2 years after the date of the enactment of the
18 SAFE PIPES Act, the Secretary of Transportation, in
19 consultation with the heads of other relevant Federal
20 agencies, shall issue minimum uniform safety standards,
21 incorporating, to the extent practicable, consensus stand-
22 ards for the operation, environmental protection, and in-
23 tegrity management of underground natural gas storage
24 facilities.

1 “(b) CONSIDERATIONS.—In developing uniform safe-
2 ty standards under subsection (a), the Secretary shall—

3 “(1) consider the economic impacts of the regu-
4 lations on individual gas customers to the extent
5 practicable;

6 “(2) ensure that the regulations do not have a
7 significant economic impact on end users to the ex-
8 tent practicable;

9 “(3) consider existing consensus standards; and

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

14 “(c) USER FEES.—

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

20 “(2) MEANS OF COLLECTION.—The Secretary
21 shall prescribe procedures to collect fees under this
22 subsection. The Secretary may use a department,
23 agency, or instrumentality of the United States Gov-
24 ernment or of a State or local government to collect
25 the fee and may reimburse the department, agency,

1 or instrumentality a reasonable amount for its serv-
2 ices.

3 “(3) USE OF FEES.—

4 “(A) ACCOUNT.—There is established an
5 underground natural gas storage facility safety
6 account in the Pipeline Safety Fund established
7 under section 60301, in the Treasury of the
8 United States.

9 “(B) USE OF FEES.—A fee collected under
10 this subsection—

11 “(i) shall be deposited in the under-
12 ground natural gas storage facility safety
13 account; and

14 “(ii) if the fee is related to an under-
15 ground natural gas storage facility, may be
16 used only for an activity related to under-
17 ground natural gas storage safety under
18 this section.

19 “(C) LIMITATION.—Amounts collected
20 under this subsection shall be made available
21 only to the extent provided in advance in an ap-
22 propriation law for an activity related to under-
23 ground natural gas storage safety.

24 “(d) RULES OF CONSTRUCTION.—

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

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

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

10 “(B) to require the Secretary’s permission
11 to construct a facility referred to in subpara-
12 graph (A).”.

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

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

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

17 To ensure the safety of pipeline transportation, the
18 Secretary of Transportation shall coordinate with States
19 to ensure safety through the following:

20 (1) At the request of a State authority, the Sec-
21 retary shall allow for a certified state authority
22 under section 60105 of title 49, United States Code,
23 to participate in the inspection of an interstate pipe-
24 line facility.

1 (2) Where appropriate, may provide temporary
2 authority for a certified State authority under that
3 section to participate in oversight of interstate pipe-
4 line safety transportation to ensure proper safety
5 oversight and prevent an adverse impact on public
6 safety.

7 **SEC. 18. RESPONSE PLANS.**

8 In preparing or reviewing a response plan under part
9 194 of title 49, Code of Federal Regulations, the Adminis-
10 trator of the Pipeline and Hazardous Materials Safety Ad-
11 ministration and an operator shall each address, to the
12 maximum extent practicable, the impact of a worse case
13 discharge of oil, or the substantial threat of such a dis-
14 charge, into or on any navigable waters or adjoining shore-
15 lines that may be covered in whole or in part by ice.

16 **SEC. 19. HIGH CONSEQUENCE AREAS.**

17 The Secretary of Transportation shall revise section
18 195.6(b) of title 49, Code of Federal Regulations to explic-
19 itly state that the Great Lakes are a USA ecological re-
20 source (as defined in section 195.6(b) of that title) for
21 purposes of determining whether a pipeline is in a high
22 consequence area (as defined in section 195.450 of that
23 title).

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

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

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

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

16 “(26) ‘small scale liquefied natural gas facility’
17 means a permanent intrastate liquefied natural gas
18 facility (other than a peak shaving facility) that pro-
19 duces liquefied natural gas for—

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

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

23 (b) **SITING STANDARDS FOR PERMANENT SMALL**
24 **SCALE LIQUEFIED NATURAL GAS FACILITIES.**—Section
25 60103(a) is amended to read as follows:

26 “(a) **LOCATION STANDARDS.**—

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

6 “(2) LIQUEFIED NATURAL GAS FACILITIES.—In
7 prescribing a minimum safety standard for deciding
8 on the permanent location of a new liquefied natural
9 gas facility, the Secretary of Transportation shall
10 consider—

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

12 “(B) the existing and projected population
13 and demographic characteristics of the location;

14 “(C) the existing and proposed land uses
15 near the location;

16 “(D) the natural physical aspects of the lo-
17 cation;

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

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

22 “(3) SMALL SCALE LIQUEFIED NATURAL GAS
23 FACILITIES.—

24 “(A) IN GENERAL.—Not later than 18
25 months after the date of the enactment of the

1 SAFE PIPES Act, the Secretary of Transpor-
2 tation shall prescribe minimum safety standards
3 for permanent small scale liquefied natural gas
4 facilities.

5 “(B) CONSIDERATIONS.—In prescribing
6 minimum safety standards under this para-
7 graph, the Secretary shall consider—

8 “(i) the value of establishing risk-
9 based approaches;

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

12 “(iii) the need to encourage the use of
13 best available technology; and

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

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

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of the enactment of this Act, the Administrator of
19 the Pipeline and Hazardous Materials Safety Administra-
20 tion shall submit to Congress a report on the metrics pro-
21 vided to the Pipeline and Hazardous Materials Safety Ad-
22 ministration and other Federal and State agencies related
23 to lost and unaccounted for natural gas from distribution
24 pipelines and systems.

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

3 (1) An examination of different reporting re-
4 quirements or standards for lost and unaccounted
5 for natural gas to different agencies, the reasons for
6 any such discrepancies, and recommendations for
7 harmonizing and improving the accuracy of report-
8 ing.

9 (2) An analysis of whether separate or alter-
10 native reporting could better measure the amounts
11 and identify the location of lost and unaccounted for
12 natural gas from natural gas distribution systems.

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

16 (4) An assessment of whether alternate report-
17 ing and measures will resolve any safety issues iden-
18 tified under paragraph (3), including an analysis of
19 the potential impact, including potential savings, on
20 rate payers and end users of natural gas products
21 of such reporting and measures.

22 (c) CONSIDERATION OF RECOMMENDATIONS.—If the
23 Administrator determines that alternate reporting struc-
24 tures or recommendations included in the report required
25 under subsection (a) would significantly improve the re-

1 porting and measurement of lost and unaccounted for gas
2 or safety of systems, the Administrator shall, not later
3 than 180 days after making such determination, issue reg-
4 ulations, as the Administrator determines appropriate, to
5 implement the recommendations.

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

8 (a) REVIEW.—The Comptroller General of the United
9 States shall conduct a State-by-State review of State-level
10 policies that—

11 (1) encourage the repair and replacement of
12 leaking natural gas distribution pipelines or systems
13 that pose a safety threat, such as timelines to repair
14 leaks and limits on cost recovery from ratepayers;
15 and

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

19 (b) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, the Comptroller General shall
21 submit to Congress and the Pipeline and Hazardous Mate-
22 rials Safety Administration a report summarizing the find-
23 ings of the review conducted under subsection (a) and
24 making recommendations on Federal or State policies or
25 best practices that may improve safety by accelerating the

1 repair and replacement of natural gas pipelines or systems
2 that are leaking or releasing natural gas, including policies
3 within the jurisdiction of the Pipeline and Hazardous Ma-
4 terials Safety Administration. The report shall consider
5 the potential impact, including potential savings, of the
6 implementation of its recommendations on ratepayers or
7 end users of the natural gas pipeline system.

8 (c) CONSIDERATION OF RECOMMENDATIONS.—If the
9 Comptroller General makes recommendations in the report
10 submitted under subsection (a) on Federal or State poli-
11 cies or best practices within the jurisdiction of the Pipeline
12 and Hazardous Materials Safety Administration, the Ad-
13 ministrator shall, not later than 90 days after such sub-
14 mission, review such recommendations and report to Con-
15 gress on the feasibility of implementing such recommenda-
16 tions. If the Administrator determines that the rec-
17 ommendations would significantly improve pipeline safety,
18 the Administrator shall, not later than 180 days after
19 making such determination and in coordination with the
20 heads of other relevant agencies as appropriate, issue reg-
21 ulations, as the Administrator determines appropriate, to
22 implement the recommendations.

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

25 (a) PROVISION OF PLANS.—

1 (1) IN GENERAL.—Notwithstanding subsection
2 (a)(2) of section 60138 of title 49, United States
3 Code, and subject to paragraph (2), upon the re-
4 quest of the Chairperson or Ranking Member of an
5 appropriate committee of Congress, the Adminis-
6 trator of the Pipeline and Hazardous Materials Safe-
7 ty Administration shall provide the Chairperson or
8 Ranking Member, as applicable, a uniquely identifi-
9 able, unredacted copy of an oil response plan under
10 that section.

11 (2) PROTECTION OF INFORMATION.—Any infor-
12 mation subject to exclusion under section
13 60138(a)(2) of title 49, United States Code, that is
14 provided under paragraph (1) shall be afforded ap-
15 propriate protection against unauthorized public dis-
16 closure, consistent with the rules and practices re-
17 lated to the protection of confidential information re-
18 ceived by Congress.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed as affecting the provision of any
21 other report, data, or other information to Congress, or
22 its handling thereof.

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

5 Where appropriate, the Administrator of the Pipeline
6 and Hazardous Materials Safety Administration shall con-
7 sult with the Federal Energy Regulatory Commission dur-
8 ing its pre-filing procedures and permitting process for
9 new natural gas pipeline infrastructure to ensure the pro-
10 tection of people and the environment from the potential
11 risks of hazardous materials transportation by pipeline.

12 **SEC. 26. MAINTENANCE OF EFFORT.**

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

14 “(b) PAYMENTS.—After notifying and consulting
15 with a State authority, the Secretary may withhold any
16 part of a payment when the Secretary decides that the
17 authority is not carrying out satisfactorily a safety pro-
18 gram or not acting satisfactorily as an agent. The Sec-
19 retary may pay an authority under this section only when
20 the authority ensures the Secretary that it will provide the
21 remaining costs of a safety program, except when the Sec-
22 retary waives this requirement.”.

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

24 (a) ESTABLISHMENT OF TASK FORCE.—Not later
25 than 15 days after the date of enactment of this Act, the
26 Secretary of Energy shall lead and establish an Aliso Can-

1 von Task Force (referred to in this section as the “task
2 force”).

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

5 (1) 1 representative from the Pipeline and Haz-
6 ardous Materials Safety Administration;

7 (2) 1 representative from the Department of
8 Health and Human Services;

9 (3) 1 representative from the Environmental
10 Protection Agency;

11 (4) 1 representative from the Department of
12 the Interior;

13 (5) 1 representative from the Department of
14 Commerce; and

15 (6) 1 representative from the Federal Energy
16 Regulatory Commission.

17 (c) REPORT.—

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

22 (A) the Committee on Energy and Natural
23 Resources of the Senate;

24 (B) the Committee on Natural Resources
25 of the House of Representatives;

1 (C) the Committee on Environment and
2 Public Works of the Senate;

3 (D) the Committee on Transportation and
4 Infrastructure of the House of Representatives;

5 (E) the Committee on Commerce, Science,
6 and Transportation of the Senate;

7 (F) the Committee on Energy and Com-
8 merce of the House of Representatives;

9 (G) the Committee on Health, Education,
10 Labor, and Pensions of the Senate;

11 (H) the Committee on Education and the
12 Workforce of the House of Representatives;

13 (I) the President; and

14 (J) relevant Federal and State agencies.

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

18 (A) an analysis and conclusion of the cause
19 and contributing factors of the Aliso Canyon
20 natural gas leak;

21 (B) an analysis of measures taken to stop
22 the natural gas leak, with an immediate focus
23 on other, more effective measures that could be
24 taken;

1 (C) an assessment of the impact of the
2 natural gas leak on health, safety, the environ-
3 ment, and the economy of the residents and
4 property surrounding Aliso Canyon, on whole-
5 sale and retail electricity prices, and on the reli-
6 ability of the bulk-power system;

7 (D) an analysis of how Federal, State, and
8 local agencies responded to the natural gas
9 leak;

10 (E) in order to lessen the negative impacts
11 of natural gas leaks from underground storage
12 facilities, recommendations on how to im-
13 prove—

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

15 (ii) coordination between all appro-
16 priate Federal, State, and local agencies in
17 the response to the Aliso Canyon natural
18 gas leak and future natural gas leaks;

19 (F) an analysis of the potential for a simi-
20 lar natural gas leak to occur at other under-
21 ground natural gas storage facilities in the
22 United States;

23 (G) recommendations on how to prevent
24 any future natural gas leaks;

1 (H) recommendations on whether to con-
2 tinue operations at Aliso Canyon and other un-
3 derground storage facilities in close proximity
4 to residential populations based on an assess-
5 ment of the risk of a future natural gas leak;
6 and

7 (I) a recommendation on information that
8 is not currently collected but that would be in
9 the public interest to collect and distribute to
10 agencies and institutions for the continued
11 study and monitoring of natural gas storage in-
12 frastructure in the United States.

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

16 (4) FINDINGS.—If, before the final report is
17 submitted under paragraph (1), the task force finds
18 methods to solve the natural gas leak at Aliso Can-
19 yon, finds methods to better protect the affected
20 communities, or finds methods to help prevent other
21 leaks, the task force shall immediately submit such
22 findings to the entities described in subparagraphs
23 (A) through (J) of paragraph (1).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary.