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:

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

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

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Authorization of appropriations.
(c) REFERENCES TO TITLE 49, UNITED STATES

CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or 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.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

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

(1) in paragraph (1), by striking "there is au-

thorized to be appropriated to the Department of
Transportation for each of fiscal years 2012 through
2015, from fees collected under section 60301,
$90,679,000, of which $4,746,000 is for carrying out such section 12 and $36,194,000 is for making grants." and inserting the following: "there are authorized to be appropriated to the Department of Transportation from fees collected under section 60301——

"(A) $127,060,000 for fiscal year 2016, of which $9,325,000 shall be expended for carrying out such section 12 and $42,515,000 shall be expended for making grants;

"(B) $129,671,000 for fiscal year 2017, of which $9,418,000 shall be expended for carrying out such section 12 and $42,941,000 shall be expended for making grants;

"(C) $132,334,000 for fiscal year 2018, of which $9,512,000 shall be expended for carrying out such section 12 and $43,371,000 shall be expended for making grants; and

"(D) $135,051,000 for fiscal year 2019, of which $9,607,000 shall be expended for carrying out such section 12 and $43,805,000 shall be expended for making grants."; and

(2) in paragraph (2), by striking "there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability
Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), $18,573,000, of which $2,174,000 is for carrying out such section 12 and $4,558,000 is for making grants.” and inserting the following: “there are authorized to be appropriated from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355)—”

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

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

“(C) $20,694,000 for fiscal year 2018, of which $3,171,000 shall be expended for carrying out such section 12 and $8,883,000 shall be expended for making grants; and
“(D) $21,108,000 for fiscal year 2019, of which $3,203,000 shall be expended for carrying out such section 12 and $8,972,000 shall be expended for making grants.”.

(b) Emergency Response Grants.—Section 60125(b)(2) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

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

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

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

(d) State Damage Prevention Programs.—Section 60134(i) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(e) Community Pipeline Safety Information Grants.—Section 60130(e) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(f) Pipeline Integrity Program.—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.
SEC. 3. REGULATORY UPDATES.

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

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

(2) any regulation relating to pipeline safety required by law, other than a regulation described under paragraph (1), for which for more than 2 years after the date of the enacting statute or statutory deadline no interim final rule or direct final rule has been issued; and

(3) any other pipeline safety rulemaking categorized as significant.

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

(1) a description of the work plan for the outstanding regulation;
(2) an updated rulemaking timeline for the outstanding regulation;
(3) current staff allocations;
(4) any other information collection request with substantial changes;
(5) current data collection or research relating to the development of the rulemaking;
(6) current collaborative efforts with safety experts and other stakeholders;
(7) any resource constraints impacting the rulemaking process for the outstanding regulation; and
(8) any other details associated with the development of the rulemaking that impact the progress of the rulemaking.

SEC. 4. HAZARDOUS MATERIALS IDENTIFICATION NUMBERS.

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

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

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall prioritize the use of Office of Pipeline Safety resources for the development of each outstanding pipeline safety statutory requirement, including requirements for rulemakings and information collection requests, for a rulemaking described in a report under section 3 before beginning any new rulemaking required after the date of the enactment of this Act unless the Secretary of Transportation certifies to Congress that there is a significant need to move forward with a new rulemaking.

SEC. 6. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.

(a) REPORT.—Not later than 18 months after the publication of a final rule regarding the safety of gas transmission pipelines (76 Fed. Reg. 53086), the Comptroller General of the United States shall submit a report to Congress regarding the natural gas integrity management program.

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

(1) an analysis of the extent to which the natural gas integrity management program under section 60109(e) of title 49, United States Code, has improved the safety of natural gas transmission pipelines;
(2) an analysis or recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that would prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area, or would expand integrity management beyond high consequence areas;

(3) a review of the cost effectiveness of the legacy class location regulations;

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

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed; and

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

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

SEC. 7. HAZARDOUS LIQUID INTEGRITY MANAGEMENT REVIEW.

(a) SAFETY STUDY.—Not later than 18 months after the publication of a final rule regarding the safety of hazardous liquid pipelines (80 Fed. Reg. 61610), the Comptroller General of the United States shall submit a report to Congress regarding the hazardous liquid integrity management program.

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

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

(2) recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that could prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, in-
cluding changes to the current definition of high
consequence area;

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

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

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

SEC. 8. TECHNICAL SAFETY STANDARDS COMMITTEES.

Section 60115(b)(4)(A) is amended by striking
"State commissioners. The Secretary shall consult with
the national organization of State commissions before se-
lecting those two individuals." and inserting "State officials.
The Secretary shall consult with national organizations representing State commissioners or governors when making a selection under this subparagraph."

SEC. 9. INSPECTION REPORT INFORMATION.

(a) IN GENERAL.—Not later than 30 days after the completion of a pipeline safety inspection, the Administrator of the Pipeline and Hazardous Materials Safety Administration, or the State authority certified under section 60105 of title 49, United States Code, shall—

(1) conduct a post-inspection briefing with the operator outlining concerns, and to the extent practicable, provide written preliminary findings of the inspection; or

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

(b) REPORT.—

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

(A) the actions that the Pipeline and Hazardous Materials Safety Administration has taken to ensure that inspections by State authorities provide effective and timely oversight; and
(B) statistics relating to the timeliness of
the actions described in paragraphs (1) and (2)
of subsection (a).

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

SEC. 10. PIPELINE ODORIZATION STUDY.

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

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

(2) the impacts of the odorization of all com-
bustible gas in transportation on manufacturers, agr-
iculture, and other end users; and

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

SEC. 11. IMPROVING DAMAGE PREVENTION TECHNOLOGY.

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

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

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

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

(3) an identification of any methods that could
improve excavation practices or technologies in an
effort to reduce pipeline damages;
(4) an analysis of the feasibility of a national data repository for pipeline excavation accident data that creates standardized data models for storing and sharing pipeline accident information; and

(5) an identification of opportunities for stakeholder engagement in preventing excavation damage.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the study under this section, including recommendations, that include the consideration of technical, operational, and economic feasibility, on how to incorporate, into existing damage prevention programs, technological improvements and practices that may help prevent accidental excavation damage.

SEC. 12. WORKFORCE OF PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a review of Pipeline and Hazardous Materials Safety Administration staff resource management, including geographic allocation plans, hiring
challenges, and expected retirement rates and strategies. The review shall include recommendations to address hiring challenges, training needs, and any other identified staff resource challenges.

(b) **Critical Hiring Needs.**—

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

(2) **Direct Hire Authority.**—Notwithstanding sections 3309 through 3318 of title 5, United States Code, the Administrator, after making a certification under paragraph (1), may hire a candidate for the position or candidates for the group of positions indicated in the certification, as applicable.

(3) **Terminations of Effectiveness.**—The direct hire authority provided under paragraph (2) shall terminate on September 30, 2019.

**Sec. 13. Research and Development.**

(a) *In General.*—In developing a research and development program plan under paragraph (3) of section
12(d) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note), the Administrator of the Pipeline and Hazardous Material Safety Administration, in consultation with the Assistant Secretary for Research and Technology, shall—

(1) detail compliance with the consultation requirement under paragraph (2) of such section;

(2) provide opportunities for joint research ventures with non-Federal entities, whenever practicable and appropriate, to leverage limited Federal research resources; and

(3) permit collaborative research and development projects with appropriate non-Federal organizations.

(b) COLLABORATIVE SAFETY RESEARCH REPORT.—

Section 60124(a)(6) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) research activities in collaboration with non-Federal entities, including the intended improvements to safety technology, inspection technology, operator response time,
and emergency responder incident response
time.”.

SEC. 14. INFORMATION SHARING SYSTEM.

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

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

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

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

(3) safety advocacy groups;

(4) research institutions;

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

(6) State pipeline safety inspectors; and

(7) labor representatives.
(c) CONSIDERATIONS.—The working group described in subsection (a) shall consider and provide recommendations, if applicable, to the Secretary on—

(1) the need for and the identification of a system to ensure that dig verification data is shared with inline inspection operators to the extent consistent with the need to maintain proprietary and security sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(2) ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(3) opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(4) options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis; and
(5) regulatory, funding, and legal barriers to sharing the information described in paragraphs (1) through (4).

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

(e) PUBLICATION.—The Secretary shall publish the recommendations provided under subsection (c) on a publicly available website.

SEC. 15. NATIONWIDE INTEGRATED PIPELINE SAFETY REGULATORY DATABASE.

(a) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the feasibility of a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the Pipeline and Hazardous Materials Safety Administration and State pipeline regulators.

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

(1) a description of any efforts currently underway to test a secure information-sharing system for the purpose described in subsection (a);

(2) a description of any progress in establishing common standards for maintaining, collecting, and
presenting pipeline safety regulatory inspection data,
and a methodology for the sharing of the data;
(3) a description of any existing inadequacies or
gaps in State and Federal inspection, enforcement,
geospatial, or other pipeline safety regulatory inspection data;
(4) a description of the potential safety benefits
of a national integrated pipeline database; and
(5) recommendations for how to implement a
secure information-sharing system that protects pro-
prietary and security sensitive information and data
for the purpose described in subsection (a).
(c) CONSULTATION.—In preparing the report under
subsection (a), the Secretary shall consult with stake-
holders, including each State authority operating under a
certification to regulate intrastate pipelines under section
60105 of title 49, United States Code.

SEC. 16. UNDERGROUND NATURAL GAS STORAGE FACILI-
ties.
(a) DEFINED TERM.—Section 60101(a) is amend-
ed—
(1) in paragraph (21)(B), by striking the period
at the end and inserting a semicolon;
(2) in paragraph (24), by striking “and” at the
end;
(3) in paragraph (25), by striking the period at
the end and inserting a semicolon; and

(4) by adding at the end the following:

"(27) 'underground natural gas storage facility'
means a gas pipeline facility that stores gas in an
underground facility, including—

"(A) a depleted hydrocarbon reservoir;

"(B) an aquifer reservoir; or

"(C) a solution mined salt cavern res-

ervoir.".

(b) Standards for Underground Natural Gas
Storage Facilities.—Chapter 601 is amended by in-
serting after section 60103 the following:

§ 60103A. Standards for underground natural gas
storage facilities

"(a) Minimum Uniform Safety Standards.—Not
later than 2 years after the date of the enactment of the
SAFE PIPES Act, the Secretary of Transportation, in
consultation with the heads of other relevant Federal
agencies, shall issue minimum uniform safety standards,
incorporating, to the extent practicable, consensus stand-
ards for the operation, environmental protection, and in-
tegrity management of underground natural gas storage
facilities."
“(b) CONSIDERATIONS.—In developing uniform safety standards under subsection (a), the Secretary shall—
“(1) consider the economic impacts of the regulations on individual gas customers to the extent practicable;
“(2) ensure that the regulations do not have a significant economic impact on end users to the extent practicable;
“(3) consider existing consensus standards; and
“(4) consider the recommendations of the Aliso Canyon Task Force under section 27 of the Securing America’s Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act.
“(c) USER FEES.—
“(1) IN GENERAL.—A fee shall be imposed on an entity operating an underground natural gas storage facility to which this section applies. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.
“(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this subsection. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency,
or instrumentality a reasonable amount for its services.

"(3) USE OF FEES.—

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

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

"(i) shall be deposited in the underground natural gas storage facility safety account; and

"(ii) if the fee is related to an underground natural gas storage facility, may be used only for an activity related to underground natural gas storage safety under this section.

"(C) LIMITATION.—Amounts collected under this subsection shall be made available only to the extent provided in advance in an appropriation law for an activity related to underground natural gas storage safety.

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

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

“(A) to prescribe the location of an underground natural gas storage facility; or

“(B) to require the Secretary’s permission to construct a facility referred to in subparagraph (A).”.

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

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

SEC. 17. JOINT INSPECTION AND OVERSIGHT.

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

(1) At the request of a State authority, the Secretary shall allow for a certified state authority under section 60105 of title 49, United States Code, to participate in the inspection of an interstate pipeline facility.
(2) Where appropriate, may provide temporary authority for a certified State authority under that section to participate in oversight of interstate pipeline safety transportation to ensure proper safety oversight and prevent an adverse impact on public safety.

SEC. 18. RESPONSE PLANS.

In preparing or reviewing a response plan under part 194 of title 49, Code of Federal Regulations, the Administrator of the Pipeline and Hazardous Materials Safety Administration and an operator shall each address, to the maximum extent practicable, the impact of a worse case discharge of oil, or the substantial threat of such a discharge, into or on any navigable waters or adjoining shorelines that may be covered in whole or in part by ice.

SEC. 19. HIGH CONSEQUENCE AREAS.

The Secretary of Transportation shall revise section 195.6(b) of title 49, Code of Federal Regulations to explicitly state that the Great Lakes are a USA ecological resource (as defined in section 195.6(b) of that title) for purposes of determining whether a pipeline is in a high consequence area (as defined in section 195.450 of that title).
27

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
12 **SEC. 21. SMALL SCALE LIQUEFIED NATURAL GAS FACILI-
13 TIES.**
14 (a) **DEFINED TERM.—**Section 60101(a), as amended
15 by section 16, is further amended by inserting after para-
16 graph (25) the following:
17 “(26) ‘small scale liquefied natural gas facility’
18 means a permanent intrastate liquefied natural gas
19 facility (other than a peak shaving facility) that pro-
20 duces liquefied natural gas for—
21 “(A) use as a fuel in the United States; or
22 “(B) transportation in the United States
23 by a means other than a pipeline facility; and”.
24 (b) **SITING STANDARDS FOR PERMANENT SMALL
25 SCALE LIQUEFIED NATURAL GAS FACILITIES.—**Section
26 60103(a) is amended to read as follows:
27 “(a) **LOCATION STANDARDS.—**
“(1) IN GENERAL.—The Secretary of Transportation shall prescribe minimum safety standards for deciding on the permanent location of a new liquefied natural gas pipeline facility or small scale liquefied natural gas facility.

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

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

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

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

“(D) the natural physical aspects of the location;

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

“(F) the need to encourage remote siting.

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

“(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the
SAFE PIPES Act, the Secretary of Transportation shall prescribe minimum safety standards for permanent small scale liquefied natural gas facilities.

"(B) CONSIDERATIONS.—In prescribing minimum safety standards under this paragraph, the Secretary shall consider—

"(i) the value of establishing risk-based approaches;

"(ii) the benefit of incorporating industry standards and best practices;

"(iii) the need to encourage the use of best available technology; and

"(iv) the factors prescribed in paragraph (2), as appropriate."

SEC. 22. REPORT ON NATURAL GAS LEAK REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a report on the metrics provided to the Pipeline and Hazardous Materials Safety Administration and other Federal and State agencies related to lost and unaccounted for natural gas from distribution pipelines and systems.
(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An examination of different reporting requirements or standards for lost and unaccounted for natural gas to different agencies, the reasons for any such discrepancies, and recommendations for harmonizing and improving the accuracy of reporting.

(2) An analysis of whether separate or alternative reporting could better measure the amounts and identify the location of lost and unaccounted for natural gas from natural gas distribution systems.

(3) A description of potential safety issues associated with natural gas that is lost and unaccounted for from natural gas distribution systems.

(4) An assessment of whether alternate reporting and measures will resolve any safety issues identified under paragraph (3), including an analysis of the potential impact, including potential savings, on rate payers and end users of natural gas products of such reporting and measures.

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

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

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

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

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

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

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

SEC. 24. PROVISION OF RESPONSE PLANS TO APPRO-
PRIATE COMMITTEES OF CONGRESS.

(a) PROVISION OF PLANS.—
(1) IN GENERAL.—Notwithstanding subsection (a)(2) of section 60138 of title 49, United States Code, and subject to paragraph (2), upon the request of the Chairperson or Ranking Member of an appropriate committee of Congress, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall provide the Chairperson or Ranking Member, as applicable, a uniquely identifiable, unredacted copy of an oil response plan under that section.

(2) PROTECTION OF INFORMATION.—Any information subject to exclusion under section 60138(a)(2) of title 49, United States Code, that is provided under paragraph (1) shall be afforded appropriate protection against unauthorized public disclosure, consistent with the rules and practices related to the protection of confidential information received by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the provision of any other report, data, or other information to Congress, or its handling thereof.
SEC. 25. CONSULTATION WITH FERC AS PART OF PRE-FILING PROCEDURES AND PERMITTING PROCESS FOR NEW NATURAL GAS PIPELINE INFRASTRUCTURE.

Where appropriate, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall consult with the Federal Energy Regulatory Commission during its pre-filing procedures and permitting process for new natural gas pipeline infrastructure to ensure the protection of people and the environment from the potential risks of hazardous materials transportation by pipeline.

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, except when the Secretary waives this requirement."

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

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

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

(1) 1 representative from the Pipeline and Hazardous Materials Safety Administration;

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

(3) 1 representative from the Environmental
Protection Agency;

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

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

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

e) REPORT.—

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

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

(B) the Committee on Natural Resources
of the House of Representatives;
(C) the Committee on Environment and Public Works of the Senate;

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

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

(F) the Committee on Energy and Commerce of the House of Representatives;

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

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

(I) the President; and

(J) relevant Federal and State agencies.

(2) INFORMATION INCLUDED.—The report submitted under paragraph (1) shall include, at a minimum—

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

(B) an analysis of measures taken to stop the natural gas leak, with an immediate focus on other, more effective measures that could be taken;
(C) an assessment of the impact of the natural gas leak on health, safety, the environment, and the economy of the residents and property surrounding Aliso Canyon, on wholesale and retail electricity prices, and on the reliability of the bulk-power system;

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

(E) in order to lessen the negative impacts of natural gas leaks from underground storage facilities, recommendations on how to improve—

(i) the response to a future leak; and

(ii) coordination between all appropriate Federal, State, and local agencies in the response to the Aliso Canyon natural gas leak and future natural gas leaks;

(F) an analysis of the potential for a similar natural gas leak to occur at other underground natural gas storage facilities in the United States;

(G) recommendations on how to prevent any future natural gas leaks;
(H) recommendations on whether to continue operations at Aliso Canyon and other underground storage facilities in close proximity to residential populations based on an assessment of the risk of a future natural gas leak; and

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

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

(4) FINDINGS.—If, before the final report is submitted under paragraph (1), the task force finds methods to solve the natural gas leak at Aliso Canyon, finds methods to better protect the affected communities, or finds methods to help prevent other leaks, the task force shall immediately submit such findings to the entities described in subparagaphs (A) through (J) of paragraph (1).
(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary.