

*Deb Fischer*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st 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. BOOKER, Mr. DAINES, and Mr. PETERS)

Viz:

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

3 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.**  
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) **REFERENCES TO TITLE 49, UNITED STATES**  
10 **CODE.**—Except as otherwise expressly provided, wherever  
11 in this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-  
 2 sion, the reference shall be considered to be made to a  
 3 section or other provision of title 49, United States Code.

4 (c) TABLE OF CONTENTS.—The table of contents of  
 5 this Act is as follows:

- Sec. 1. Short title; references; table of contents.
- 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. Response plans.
- Sec. 18. High consequence areas.
- Sec. 19. Surface transportation security review.
- Sec. 20. Small scale liquefied natural gas facilities.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1       Transportation from fees collected under section  
2       60301—

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

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

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

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

19              (2) in paragraph (2), by striking “there is au-  
20              thorized to be appropriated for each of fiscal years  
21              2012 through 2015 from the Oil Spill Liability  
22              Trust Fund to carry out the provisions of this chap-  
23              ter related to hazardous liquid and section 12 of the  
24              Pipeline Safety Improvement Act of 2002 (49  
25              U.S.C. 60101 note; Public Law 107–355),

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

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

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

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

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

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

4 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section  
5 6107 is amended—

6 (1) in subsection (a), by striking “\$1,000,000  
7 for each of fiscal years 2012 through 2015” and in-  
8 serting “\$1,060,000 for each of the fiscal years  
9 2016 through 2019”; and

10 (2) in subsection (b), by striking “2012 through  
11 2015” and inserting “2016 through 2019”.

12 (d) STATE DAMAGE PREVENTION PROGRAMS.—Sec-  
13 tion 60134(i) is amended by striking “2012 through  
14 2015” and inserting “2016 through 2019”.

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

18 (f) PIPELINE INTEGRITY PROGRAM.—Section 12(f)  
19 of the Pipeline Safety Improvement Act of 2002 (49  
20 U.S.C. 60101 note) is amended by striking “2012 through  
21 2015” and inserting “2016 through 2019”.

22 **SEC. 3. REGULATORY UPDATES.**

23 (a) IN GENERAL.—Not later than 120 days after the  
24 date of enactment of this Act, and every 90 days there-  
25 after until a final rule has been issued for each of the

1 requirements described under paragraphs (1), (2), and  
2 (3), the Secretary of Transportation shall submit a report  
3 to the Committee on Commerce, Science, and Transpor-  
4 tation of the Senate and the Committee on Transportation  
5 and Infrastructure of the House of Representatives re-  
6 garding the status of a final rule for—

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

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

18           (3) any other pipeline safety rulemaking cat-  
19           egorized as significant.

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

22           (1) a description of the work plan for the out-  
23           standing regulation;

24           (2) an updated rulemaking timeline for the out-  
25           standing regulation;

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

13 **SEC. 4. HAZARDOUS MATERIALS IDENTIFICATION NUM-**  
14 **BERS.**

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

- 17 (1) rescind the implementation of the June 26,
- 18 2015 PHMSA interpretative letter (#14-0178); and
- 19 (2) reinstate paragraphs (4) and (5) of section
- 20 172.336(c) of title 49, Code of Federal Regulations,
- 21 without the reference to “gasohol”, as was originally
- 22 intended in the March 7, 2013 final rule (PHMSA–
- 23 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 Pipeline and Hazardous Materials Safety Administration  
5 resources for the completion of each outstanding statutory  
6 requirement, including requirements for rulemakings and  
7 information collection requests, for a rulemaking described  
8 in a report under section 3 before beginning any new rule-  
9 making required after the date of the enactment of this  
10 Act unless the Secretary of Transportation certifies to  
11 Congress that there is a significant need to move forward  
12 with a new 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 cluding 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 compared to using other methods to mitigate pipe-  
22 line 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           (4) an analysis of the feasibility of a national  
2 data repository for pipeline excavation accident data  
3 that creates standardized data models for storing  
4 and sharing pipeline accident information; and

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

7       (c) REPORT.—Not later than 1 year after the date  
8 of the enactment of this Act, the Secretary of Transpor-  
9 tation shall submit a report to the Committee on Com-  
10 merce, Science, and Transportation of the Senate and the  
11 Committee on Transportation and Infrastructure of the  
12 House of Representatives regarding the study under this  
13 section, including recommendations, that include the con-  
14 sideration of technical, operational, and economic feasi-  
15 bility, on how to incorporate, into existing damage preven-  
16 tion programs, technological improvements and practices  
17 that may help prevent accidental excavation damage.

18 **SEC. 12. WORKFORCE OF PIPELINE AND HAZARDOUS MA-**  
19 **TERIALS SAFETY ADMINISTRATION.**

20       (a) REVIEW.—Not later than 1 year after the date  
21 of the enactment of this Act, the Administrator of the  
22 Pipeline and Hazardous Materials Safety Administration  
23 shall submit to Congress a review of Pipeline and Haz-  
24 ardous Materials Safety Administration staff resource  
25 management, including geographic allocation plans, hiring

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, as applicable.

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

22 **SEC. 13. RESEARCH AND DEVELOPMENT.**

23 (a) IN GENERAL.—In developing a research and de-  
24 velopment program plan under paragraph (3) of section  
25 12(d) of the Pipeline Safety Improvement Act of 2002 (49



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

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

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

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

14 (b) COLLABORATIVE SAFETY RESEARCH REPORT.—  
15 Section 60124(a)(6) is amended—

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

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

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

21 “(C) research activities in collaboration  
22 with non-Federal entities, including the in-  
23 tended improvements to safety technology, in-  
24 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           (5) regulatory, funding, and legal barriers to  
2           sharing the information described in paragraphs (1)  
3           through (4).

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

6           (e) PUBLICATION.—The Secretary shall publish the  
7           recommendations provided under subsection (c) on a pub-  
8           licly available website.

9           **SEC. 15. NATIONWIDE INTEGRATED PIPELINE SAFETY REG-**  
10           **ULATORY DATABASE.**

11           (a) REPORT.—Not later than 18 months after the  
12           date of the enactment of this Act, the Secretary of Trans-  
13           portation shall submit a report to Congress on the feasi-  
14           bility of a national integrated pipeline safety regulatory  
15           inspection database to improve communication and col-  
16           laboration between the Pipeline and Hazardous Materials  
17           Safety Administration and State pipeline regulators.

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

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

23           (2) a description of any progress in establishing  
24           common standards for maintaining, collecting, 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; and

9               “(3) consider existing consensus standards.

10       “(c) USER FEES.—

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

16               “(2) MEANS OF COLLECTION.—The Secretary  
17 shall prescribe procedures to collect fees under this  
18 subsection. The Secretary may use a department,  
19 agency, or instrumentality of the United States Gov-  
20 ernment or of a State or local government to collect  
21 the fee and may reimburse the department, agency,  
22 or instrumentality a reasonable amount for its serv-  
23 ices.

24               “(3) USE OF FEES.—

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

6           “(B) USE OF FEES.—A fee collected under  
7           this subsection—

8                   “(i) shall be deposited in the under-  
9                   ground natural gas storage facility safety  
10                  account; and

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

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

21           “(d) RULES OF CONSTRUCTION.—

22                   “(1) IN GENERAL.—Nothing in this section  
23                   may be construed to affect any Federal regulation  
24                   relating to gas pipeline facilities that is in effect on



1 the day before the date of enactment of the SAFE  
2 PIPES Act.

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

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

7 “(B) to require the Secretary’s permission  
8 to construct a facility referred to in subpara-  
9 graph (A).”.

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

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

13 **SEC. 17. RESPONSE PLANS.**

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

22 **SEC. 18. HIGH CONSEQUENCE AREAS.**

23 The Secretary of Transportation shall revise section  
24 195.6(b) of title 49, Code of Federal Regulations to explic-  
25 itly state that the Great Lakes are a USA ecological re-

1 source (as defined in section 195.6(b) of that title) for  
2 purposes of determining whether a pipeline is in a high  
3 consequence area (as defined in section 195.450 of that  
4 title).

5 **SEC. 19. SURFACE TRANSPORTATION SECURITY REVIEW.**

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

15 **SEC. 20. SMALL SCALE LIQUEFIED NATURAL GAS FACILI-**  
16 **TIES.**

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

20 “(26) ‘small scale liquefied natural gas facility’  
21 means an intrastate liquefied natural gas facility  
22 (other than a peak shaving facility) that produces  
23 liquefied natural gas for—

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

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

3           (b) SITING STANDARDS FOR SMALL SCALE LIQUE-  
4 FIED NATURAL GAS FACILITIES.—Section 60103(a) is  
5 amended to read as follows:

6           “(a) LOCATION STANDARDS.—

7                   “(1) IN GENERAL.—The Secretary of Transpor-  
8                   tation shall prescribe minimum safety standards for  
9                   deciding on the location of a new liquefied natural  
10                   gas pipeline facility or small scale liquefied natural  
11                   gas facility.

12                   “(2) LIQUEFIED NATURAL GAS FACILITIES.—In  
13                   prescribing a minimum safety standard for deciding  
14                   on the location of a new liquefied natural gas facil-  
15                   ity, the Secretary of Transportation shall consider—

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

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

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

21                           “(D) the natural physical aspects of the lo-  
22                           cation;

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

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

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

4                   “(A) IN GENERAL.—Not later than 18  
5 months after the date of the enactment of the  
6 SAFE PIPES Act, the Secretary of Transpor-  
7 tation shall prescribe minimum safety standards  
8 for small scale liquefied natural gas facilities.

9                   “(B) CONSIDERATIONS.—In prescribing  
10 minimum safety standards under this para-  
11 graph, the Secretary shall consider—

12                   “(i) the value of establishing risk-  
13 based approaches;

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

16                   “(iii) the need to encourage the use of  
17 best available technology; and

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