

AMENDMENT TO H.R. 4937
OFFERED BY MR. DENHAM OF CALIFORNIA

Page 5, strike lines 7 through 12 and insert the following:

1 (c) ONE-CALL NOTIFICATION PROGRAMS.—

2 (1) IN GENERAL.—Section 6107 of title 49,
3 United States Code, is amended to read as follows:

4 **“§ 6107. Funding**

5 “Of the amounts provided under section 60125(a)(1),
6 the Secretary shall withhold \$1,058,000 for each of fiscal
7 years 2016 through 2019 to carry out section 6106.”.

8 (2) CLERICAL AMENDMENT.—The analysis for
9 chapter 61 of title 49, United States Code, is
10 amended by striking the item relating to section
11 6107 and inserting the following:

“6107. Funding.”.

Page 10, line 23, strike “195.450” and insert
“192.903”.

Page 26, after line 12, insert the following:

12 (3) SAFETY DATA SHEET.—The term “safety
13 data sheet” means a safety data sheet required

1 under section 1910.1200 of title 29, Code of Federal
2 Regulations.

Page 27, strike lines 1 through 11 and insert the following:

3 “(1) IN GENERAL.—If the Secretary determines
4 that an unsafe condition or practice, or a combina-
5 tion of unsafe conditions and practices, constitutes
6 or is causing an imminent hazard, the Secretary
7 may issue an emergency order described in para-
8 graph (3) imposing emergency restrictions, prohibi-
9 tions, and safety measures on owners and operators
10 of gas or hazardous liquid pipeline facilities without
11 prior notice or an opportunity for a hearing, but
12 only to the extent necessary to abate the imminent
13 hazard.”.

Page 29, line 12, strike “completion of” and insert
“a final agency action under”.

Page 29, line 13, strike “(4)” and insert “(4),”.

Page 30, line 9, strike “is” and insert “contains the
same procedures as subsections (d) and (g) of section
109.19 of title 49, Code of Federal Regulations, and is
otherwise”.

Page 30, strike lines 14 through 22 and insert the following:

1 “(8) IMMINENT HAZARD DEFINED.—In this
2 subsection, the term ‘imminent hazard’ means the
3 existence of a condition relating to a gas or haz-
4 ardous liquid pipeline facility that presents a sub-
5 stantial likelihood that death, serious illness, severe
6 personal injury, or a substantial endangerment to
7 health, property, or the environment may occur be-
8 fore the reasonably foreseeable completion date of a
9 formal proceeding begun to lessen the risk of such
10 death, illness, injury, or endangerment.”.

Page 34, line 6, insert “, training,” before “and cor-
rosion”.

Page 34, line 15, strike “and”.

Page 34, after line 15, insert the following:

11 (3) an evaluation of the adequacy of training
12 provided to personnel responsible for identifying and
13 preventing corrosion in pipelines, and for repairing
14 such pipelines; and

Page 34, line 16, strike “(3)” and insert “(4)”.

At the end of the bill, add the following:

1 **SEC. ____.** **RESEARCH AND DEVELOPMENT.**

2 (a) IN GENERAL.—Not later than 2 years after the
3 date of enactment of this Act, the Comptroller General
4 of the United States shall submit to the Committee on
5 Transportation and Infrastructure and the Committee on
6 Energy and Commerce of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate a report regarding the Pipeline and
9 Hazardous Materials Safety Administration’s research
10 and development program established under section 12 of
11 the Pipeline Safety Improvement Act of 2002 (49 U.S.C.
12 60101 note). The report shall include an evaluation of—

13 (1) compliance with the consultation require-
14 ment under subsection (d)(2) of such section;

15 (2) the extent to which the Pipeline and Haz-
16 ardous Materials Administration enters into joint re-
17 search ventures with Federal and non-Federal enti-
18 ties, and benefits thereof;

19 (3) the policies and procedures the Pipeline and
20 Hazardous Materials Safety Administration has put
21 in place to ensure there are no conflicts of interest
22 with administering grants to grantees under the pro-
23 gram, and whether those policies and procedures are
24 being followed; and

25 (4) an evaluation of the outcomes of research
26 conducted with Federal and non-Federal entities and

1 the degree to which such outcomes have been adopt-
2 ed or utilized.

3 (b) COLLABORATIVE SAFETY RESEARCH REPORT.—

4 (1) BIENNIAL REPORTS.—Section 60124(a)(6)
5 of title 49, United States Code, is amended—

6 (A) in subparagraph (A), by striking
7 “and” at the end;

8 (B) in subparagraph (B), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(C) a summary of each research project
12 carried out with Federal and non-Federal enti-
13 ties pursuant to section 12 of the Pipeline Safe-
14 ty Improvement Act of 2002 and a review of
15 how intended improvements impact safety.”.

16 (2) PIPELINE SAFETY IMPROVEMENT ACT.—
17 Section 12 of the Pipeline Safety Improvement Act
18 of 2002 (49 U.S.C. 60101 note) is amended—

19 (A) in subsection (d)(3)(C)—

20 (i) by striking “program-wide” and
21 inserting “technology”;

22 (ii) by striking “are” and inserting
23 “may be”;

24 (iii) by striking “The Secretary” and
25 inserting “(i) The Secretary”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(ii) at least 20 percent of the costs
4 of basic research and development with
5 universities may be carried out using non-
6 Federal sources; and

7 “(iii) up to 100 percent of the costs of
8 research and development for purely gov-
9 ernmental purposes may be carried out
10 using Federal funds.”; and

11 (B) by adding at the end the following:

12 “(h) INDEPENDENT EXPERTS.—Not later than 180
13 days after the date of enactment of the PIPES Act of
14 2016, the Secretary shall—

15 “(1) implement processes and procedures to en-
16 sure that projects listed under subsection (c), to the
17 greatest extent practicable, produce results that are
18 factual and peer-reviewed by independent experts
19 and not with persons or entities that have a finan-
20 cial interest in the pipeline, petroleum, or natural
21 gas industries, or that would be directly impacted by
22 the results of the projects; and

23 “(2) submit to the Committee on Transpor-
24 tation and Infrastructure and the Committee on En-
25 ergy and Commerce of the House of Representatives

1 and the Committee on Commerce, Science, and
2 Transportation of the Senate a report on the imple-
3 mentation of the processes and procedures required
4 under paragraph (1).

5 “(i) CONFLICT OF INTEREST.—The Secretary shall
6 take all practical steps to ensure that each recipient of
7 an agreement under this section discloses in writing to the
8 Secretary any conflict of interest on a research and devel-
9 opment project carried out under this section, and includes
10 any such disclosure as part of the final deliverable pursu-
11 ant to such agreement. The Secretary may not make an
12 award under this section directly to a pipeline owner or
13 operator that is regulated by the Pipeline and Hazardous
14 Materials Safety Administration or a State-certified regu-
15 latory authority.”.

At the end of the bill, add the following:

16 **SEC. ____ . ACTIVE AND ABANDONED PIPELINES.**

17 Not later than 90 days after the date of enactment
18 of this Act, the Secretary of Transportation shall issue for-
19 mal guidance to owners and operators of gas or hazardous
20 liquid pipeline facilities and applicable State regulatory
21 authorities regarding the actions, including those required
22 by Federal regulation, required to change the status of
23 a pipeline facility from active to abandoned, including spe-

1 cific guidance on the definition of each pipeline status re-
2 ferred to in such formal guidance.

At the end of the bill, add the following:

3 **SEC. _____. STATE PIPELINE SAFETY AGREEMENTS.**

4 (a) STUDY.—Not later than 2 years after the date
5 of enactment of this Act, the Comptroller General of the
6 United States shall complete a study on State pipeline
7 safety agreements made pursuant to section 60106 of title
8 49, United States Code. Such study shall consider the fol-
9 lowing:

10 (1) The integration of Federal and State or
11 local authorities in carrying out activities pursuant
12 to an agreement under such section.

13 (2) The overall cost of Federal and State au-
14 thorities carrying out inspection activities pursuant
15 to agreements under such section.

16 (3) The overall cost of the Pipeline and Haz-
17 arduous Materials Safety Administration carrying out
18 interstate inspections without the existence of inter-
19 state agreements with the States pursuant to such
20 section.

21 (b) NOTICE REQUIREMENT FOR DENIAL.—Section
22 60106(b) of title 49, United States Code, is amended by
23 adding at the end the following:

1 “(4) NOTICE UPON DENIAL.—If a State author-
2 ity requests an interstate agreement under this sec-
3 tion and the Secretary denies such request, the Sec-
4 retary shall provide written notification to the State
5 authority of the denial that includes an explanation
6 of the reasons for such denial.”.

