

# Union Calendar No. 429

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5782

**[Report No. 109–717, Parts I and II]**

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2006

Mr. YOUNG of Alaska (for himself and Mr. PETRI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 5, 2006

Additional sponsors: Mr. BAKER, Mr. BOUSTANY, Mr. REICHERT, Mr. KUHL of New York, Mr. HAYES, Mr. BACHUS, Mr. DUNCAN, Mrs. SCHMIDT, Mr. KENNEDY of Minnesota, Mr. LATOURETTE, Mr. EHLERS, Mr. LOBIONDO, Mr. PORTER, Mr. POE, Mr. FORTUÑO, Mr. MACK, Mr. HOEKSTRA, Mr. MARIO DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. OBERSTAR, Mr. DEFAZIO, and Mr. MURPHY

DECEMBER 5, 2006

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 5, 2006

Reported from the Committee on Energy and Commerce with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on July 13, 2006]

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## A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*  
 3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
 4                    **UNITED STATES CODE; TABLE OF CONTENTS.**

5        (a) *SHORT TITLE.—This Act may be cited as the*  
 6 *“Pipeline Safety Improvement Act of 2006”.*

7        (b) *AMENDMENT OF TITLE 49, UNITED STATES*  
 8 *CODE.—Except as otherwise expressly provided, whenever*  
 9 *in this Act an amendment or repeal is expressed in terms*  
 10 *of an amendment to, or a repeal of, a section or other provi-*  
 11 *sion, the reference shall be considered to be made to a section*  
 12 *or other provision of title 49, United States Code.*

13        (c) *TABLE OF CONTENTS.—*

*Sec. 1. Short title; amendment of title 49, United States Code; table of contents.*

*Sec. 2. Pipeline safety and damage prevention.*

*Sec. 3. Distribution integrity management program rulemaking deadline.*

*Sec. 4. Pipeline control room management.*

*Sec. 5. Low-stress pipelines.*

*Sec. 6. Authorization of appropriations.*

*Sec. 7. Standards to implement NTSB recommendations.*

*Sec. 8. Accident reporting form.*

*Sec. 9. Leak detection technology study.*

*Sec. 10. Petroleum transportation capacity study.*

*Sec. 11. Emergency waivers.*

*Sec. 12. Pipeline safety information grants to communities.*

*Sec. 13. Memorandum of understanding.*

1 **SEC. 2. PIPELINE SAFETY AND DAMAGE PREVENTION.**

2 (a) *ONE-CALL CIVIL ENFORCEMENT.*—

3 (1) *IN GENERAL.*—*Section 60114 is amended by*  
4 *adding at the end the following:*

5 “(d) *ENFORCEMENT.*—*Any person who engages in ex-*  
6 *cavation activity without first using an available one-call*  
7 *notification system to establish the location of underground*  
8 *pipeline facilities in the excavation area or who disregards*  
9 *location information or markings established by an oper-*  
10 *ator of a pipeline facility, and any operator of a pipeline*  
11 *facility who fails to respond to a location request in order*  
12 *to prevent damage to the pipeline or fails to take reasonable*  
13 *steps, in response to such a request, to ensure accurate*  
14 *marking of the location of the pipeline in order to prevent*  
15 *damage to the pipeline, shall be subject to a civil action*  
16 *under section 60120 or assessment of a civil penalty under*  
17 *section 60122.*

18 “(e) *LIMITATION.*—*The Secretary may not conduct an*  
19 *enforcement proceeding under subsection (d) within the*  
20 *boundaries of a State that has the authority to impose pen-*  
21 *alties described in section 60134(b)(7) against persons who*  
22 *violate that State’s damage prevention laws and is impos-*  
23 *ing such penalties.”*

1           (2)       *CONFORMING AMENDMENT.*—Section  
2       60122(a)(1) is amended in the first sentence by in-  
3       serting “, 60114(d),” after “section 60114(b)”.

4       (b) *STATE DAMAGE PREVENTION PROGRAMS.*—

5           (1)       *CERTIFICATION.*—Section 60105(b)(4) is  
6       amended to read as follows:

7           “(4) has agreed to take actions toward estab-  
8       lishing a program designed to prevent damage by ex-  
9       cavation, demolition, tunneling, or construction activ-  
10      ity to the pipeline facilities to which the certification  
11      applies that subjects persons who violate the applica-  
12      ble requirements of that program to civil penalties  
13      and other enforcement actions that are substantially  
14      the same as are provided under this chapter, and ad-  
15      dresses the elements in section 60134(b);”.

16          (2) *REQUIREMENT.*—Chapter 601 is amended by  
17      adding at the end the following new section:

18      “**§ 60134. State damage prevention programs.**

19          “(a) *IN GENERAL.*—The Secretary may make a grant  
20      to a State authority (including a municipality with respect  
21      to intrastate gas pipeline transportation) to assist in im-  
22      proving the overall quality and effectiveness of a damage  
23      prevention program of the State authority under subsection  
24      (e) if the State authority—

1           “(1)(A) has an annual certification in accord-  
2           ance with section 60105 for such fiscal year; or

3           “(B) has an agreement with the Secretary in ac-  
4           cordance with section 60106; and

5           “(2) has agreed to take actions toward estab-  
6           lishing an effective damage prevention program that  
7           meets the requirements of subsection (b).

8           “(b) *DAMAGE PREVENTION PROGRAM ELEMENTS.*—  
9           An effective damage prevention program includes the fol-  
10          lowing elements:

11           “(1) *Participation by operators, excavators, and*  
12           *other stakeholders in the development and implemen-*  
13           *tation of methods for establishing and maintaining*  
14           *effective communications between stakeholders from*  
15           *receipt of an excavation notification until successful*  
16           *completion of the excavation, as appropriate.*

17           “(2) *A process for fostering and ensuring the*  
18           *support and partnership of stakeholders, including ex-*  
19           *cavators, operators, locators, designers, and local gov-*  
20           *ernment in all phases of the program.*

21           “(3) *A process for reviewing the adequacy of a*  
22           *pipeline operator’s internal performance measures re-*  
23           *garding persons performing locating services and*  
24           *quality assurance programs.*

1           “(4) *Participation by operators, excavators, and*  
2           *other stakeholders in the development and implemen-*  
3           *tation of effective employee training programs to en-*  
4           *sure that operators, the one-call center, the enforcing*  
5           *agency, and the excavators have partnered to design*  
6           *and implement training for the employees of opera-*  
7           *tors, excavators, and locators.*

8           “(5) *A process for fostering and ensuring active*  
9           *participation by all stakeholders in public education*  
10          *for damage prevention activities.*

11          “(6) *A process for resolving disputes that defines*  
12          *the State authority’s role as a partner and facilitator*  
13          *to resolve issues.*

14          “(7) *Enforcement of State damage prevention*  
15          *laws and regulations for all aspects of the damage*  
16          *prevention process, including public education, and*  
17          *the use of civil penalties for violations assessable by*  
18          *the appropriate State authority.*

19          “(8) *A process for fostering and promoting the*  
20          *use, by all appropriate stakeholders, of improving*  
21          *technologies that may enhance communications, un-*  
22          *derground pipeline locating capability, and gathering*  
23          *and analyzing information about the accuracy and*  
24          *effectiveness of locating programs.*

1           “(9) *A process for review and analysis of the ef-*  
2           *fectiveness of each program element, including a*  
3           *means for implementing improvements identified by*  
4           *such program reviews.*

5           “(c) *FACTORS TO CONSIDER.—In making grants*  
6           *under this section, the Secretary shall take into consider-*  
7           *ation the commitment of each State to ensuring the effec-*  
8           *tiveness of its damage prevention program, including legis-*  
9           *lative and regulatory actions taken by the State.*

10          “(d) *APPLICATION.—If a State authority files an ap-*  
11          *plication for a grant under this section not later than Sep-*  
12          *tember 30 of a calendar year and demonstrates that the*  
13          *Governor (or chief executive) of the State has designated it*  
14          *as the appropriate State authority to receive the grant, the*  
15          *Secretary shall review the State’s damage prevention pro-*  
16          *gram to determine its effectiveness.*

17          “(e) *GRANTS FOR EFFECTIVE PROGRAMS.—For a pro-*  
18          *gram of a State authority the Secretary determines to be*  
19          *effective, the Secretary may make a grant to the State au-*  
20          *thority for the cost of the personnel, equipment, and activi-*  
21          *ties the State authority reasonably requires during the next*  
22          *calendar year to carry out its damage prevention program*  
23          *in accordance with subsection (b).*

24          “(f) *NONAPPLICABILITY OF LIMITATION.—A grant*  
25          *made under this section is not subject to the section*

1 60107(a) limitation on the maximum percentage of funds  
2 to be paid by the Secretary.

3 “(g) *LIMITATION ON USE OF FUNDS.*—Funds provided  
4 under this section may not be used for lobbying or in direct  
5 support of litigation.

6 “(h) *FUNDING.*—To carry out this section, the Sec-  
7 retary shall make available (from amounts appropriated to  
8 the Secretary under section 60125(b) for each of fiscal years  
9 2008 through 2010) the following respective amounts:

10 “(1) \$1,500,000 for fiscal year 2008.

11 “(2) \$1,750,000 for fiscal year 2009.

12 “(3) \$2,000,000 for fiscal year 2010.

13 *Such funds shall remain available until expended.”.*

14 (3) *CLERICAL AMENDMENT.*—The analysis for  
15 chapter 601 is amended by adding at the end the fol-  
16 lowing:

“60134. State damage prevention programs.”.

17 (c) *STATE PIPELINE SAFETY GRANTS.*—Section  
18 60107(a) is amended by striking “not more than 50 per-  
19 cent” and inserting “not more than 80 percent”.

20 **SEC. 3. DISTRIBUTION INTEGRITY MANAGEMENT PROGRAM**  
21 **RULEMAKING DEADLINE.**

22 Section 60109 is amended by adding at the end the  
23 following:

24 “(e) *DISTRIBUTION INTEGRITY MANAGEMENT PRO-*  
25 *GRAMS.*—

1           “(1) *MINIMUM STANDARDS.*—Not later than 1  
2           year after the date of enactment of this subsection, the  
3           Secretary shall prescribe minimum standards for in-  
4           tegrity management programs for distribution pipe-  
5           lines.

6           “(2) *ADDITIONAL AUTHORITY OF SECRETARY.*—  
7           In carrying out this subsection, the Secretary may re-  
8           quire operators of distribution pipelines to contin-  
9           ually identify and assess risks on their distribution  
10          lines, to remediate conditions that present a potential  
11          threat to line integrity, and to monitor program effec-  
12          tiveness.

13          “(3) *EXCESS FLOW VALVES.*—The minimum  
14          standards shall include criteria for requiring opera-  
15          tors of natural gas distribution systems—

16                 “(A) to install excess flow valves on single-  
17                 family residential service lines that are installed  
18                 or replaced after the date of enactment of this  
19                 subsection on the basis of feasibility and risk  
20                 analysis; and

21                 “(B) to report to the Secretary annually on  
22                 the number of excess flow valves installed on  
23                 their systems under subparagraph (A).

1           “(4) *APPLICABILITY.*—*The Secretary shall deter-*  
2           *mine which distribution pipelines will be subject to*  
3           *the minimum standards.*”

4           “(5) *DEVELOPMENT AND IMPLEMENTATION.*—  
5           *Each operator of a distribution pipeline that Sec-*  
6           *retary determines is subject to the minimum stand-*  
7           *ards prescribed by the Secretary under this subsection*  
8           *shall develop and implement an integrity manage-*  
9           *ment program in accordance with those standards.”.*

10 **SEC. 4. PIPELINE CONTROL ROOM MANAGEMENT.**

11           (a) *STANDARDS.*—*Not later than 18 months after the*  
12           *date of enactment of this Act, the Secretary of Transpor-*  
13           *tation shall issue regulations establishing standards for*  
14           *managing gas and hazardous liquid pipelines to reduce*  
15           *risks associated with human factors, including fatigue.*

16           (b) *RISK EVALUATION.*—*In carrying out this section,*  
17           *the Secretary may require operators of gas and hazardous*  
18           *liquid pipelines to evaluate the risks associated with human*  
19           *factors, including fatigue, and take measures to reduce such*  
20           *risks with respect to their pipelines.*

21           (c) *APPLICABILITY.*—*The Secretary shall determine*  
22           *which pipelines are subject to the standards issued under*  
23           *this section.*

24           (d) *RISK MANAGEMENT.*—*Each operator of a pipeline*  
25           *that the Secretary determines is subject to the standards*

1 *established by the Secretary under this section shall manage*  
2 *the controllers of the pipeline in accordance with those*  
3 *standards.*

4 **SEC. 5. LOW-STRESS PIPELINES.**

5 *Section 60102(k) is amended by striking the subsection*  
6 *designation and heading and inserting the following:*

7 *“(k) LOW-STRESS HAZARDOUS LIQUID PIPELINES.—*

8 *“(1) MINIMUM STANDARDS.—Not later than 1*  
9 *year after the date of enactment of this paragraph,*  
10 *the Secretary shall issue minimum standards for the*  
11 *transportation of hazardous liquids by low-stress*  
12 *pipelines located in proximity to areas unusually sen-*  
13 *sitive to environmental damage as defined by the Sec-*  
14 *retary under section 60109(b) and by regulation.*

15 *“(2) LOW-STRESS PIPELINE DEFINED.—For pur-*  
16 *poses of this subsection (other than paragraph (5)), a*  
17 *‘low-stress pipeline’ means a hazardous liquid pipe-*  
18 *line that is operated in its entirety at a stress level*  
19 *of 20 percent or less of the specified minimum yield*  
20 *strength of the line pipe of the pipeline and has a di-*  
21 *ameter of greater than 8<sup>5</sup>/<sub>8</sub> inches.*

22 *“(3) APPLICABILITY.—The Secretary shall deter-*  
23 *mine which low-stress pipelines are subject to the*  
24 *minimum standards issued under this subsection.*

1           “(4) *REQUIREMENT.*—Each operator of a low-  
2           stress pipeline that the Secretary determines is subject  
3           to the minimum standards issued by the Secretary  
4           under this subsection shall operate the pipeline in ac-  
5           cordance with those standards.

6           “(5) *PROHIBITION AGAINST EXCEPTION.*—”.

7   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

8           (a) *GAS AND HAZARDOUS LIQUID.*—Section 60125(a)  
9           is amended to read as follows:

10          “(a) *GAS AND HAZARDOUS LIQUID.*—To carry out  
11          this chapter (except for section 60107) related to gas and  
12          hazardous liquid, the following amounts are authorized to  
13          be appropriated to the Department of Transportation:

14               “(1) For fiscal year 2007, \$55,497,000, of which  
15               \$39,872,000 is to be derived from user fees collected  
16               under section 60301 and \$15,625,000 is to be derived  
17               from the Oil Spill Liability Trust Fund established  
18               by section 9509 of the Internal Revenue Code of 1986.

19               “(2) For fiscal year 2008, \$57,997,000, of which  
20               \$42,651,000 is to be derived from such fees and  
21               \$15,346,000 is to be derived from the Fund.

22               “(3) For fiscal year 2009, \$60,482,000, of which  
23               \$44,839,000 is to be derived from such fees and  
24               \$16,003,000 is to be derived from the Fund.

1           “(4) For fiscal year 2010, \$62,375,000, of which  
2           \$46,444,000 is to be derived from such fees and  
3           \$15,931,000 is to be derived from the Fund.”.

4           (b) STATE GRANTS.—Section 60125(b)(1) is amended  
5 to read as follows: “(1) To carry out section 60107, the fol-  
6 lowing amounts are authorized to be appropriated to the  
7 Department of Transportation:

8           “(A) For fiscal year 2007, \$20,238,000, of which  
9           \$17,053,000 is to be derived from user fees collected  
10          under section 60301 and \$3,185,000 is to be derived  
11          from the Oil Spill Liability Trust Fund.

12          “(B) For fiscal year 2008, \$23,221,000, of which  
13          \$19,567,000 is to be derived from such fees and  
14          \$3,654,000 is to be derived from the Fund. Of the  
15          amounts so appropriated, \$1,500,000 shall be avail-  
16          able for grants to States under section 60134.

17          “(C) For fiscal year 2009, \$24,513,000, of which  
18          \$20,656,000 is to be derived from such fees and  
19          \$3,857,000 is to be derived from the Fund. Of the  
20          amount so appropriated, \$1,750,000 shall be available  
21          for grants to States under section 60134.

22          “(D) For fiscal year 2010, \$25,855,000, of which  
23          \$21,786,000 is to be derived from such fees and  
24          \$4,069,000 is to be derived from the Fund. Of the

1        *amount so appropriated, \$2,000,000 shall be available*  
2        *for grants to States under section 60134.”.*

3        (c) *CONFORMING AMENDMENTS.—Section 60125 is*  
4        *amended—*

5                (1) *by striking subsection (c); and*

6                (2) *by redesignating subsections (d) and (e) as*  
7        *subsections (c) and (d), respectively.*

8        (d) *EMERGENCY RESPONSE GRANTS.—Section*  
9        *60125(c)(2) (as redesignated by subsection (c)(2) of this sec-*  
10        *tion) is amended by striking “2003 through 2006” and in-*  
11        *serting “2007 through 2010”.*

12        (e) *ONE-CALL NOTIFICATION PROGRAMS.—Section*  
13        *6107 is amended—*

14                (1) *in subsection (a) by striking “fiscal years*  
15        *2003 through 2006” and inserting “fiscal years 2007*  
16        *through 2010”; and*

17                (2) *in subsection (b) by striking “for fiscal years*  
18        *2003 through 2006” and inserting “for fiscal years*  
19        *2007 through 2010”.*

20        **SEC. 7. STANDARDS TO IMPLEMENT NTSB RECOMMENDA-**  
21                **TIONS.**

22        *Not later than 18 months after the date of enactment*  
23        *of this Act, the Secretary of Transportation shall issue*  
24        *standards that implement the following recommendations*  
25        *contained in the National Transportation Safety Board’s*

1 report entitled “Supervisory Control and Data Acquisition  
2 (SCADA) in Liquid Pipelines” and adopted November 29,  
3 2005:

4 (1) *Implementation of the American Petroleum*  
5 *Institute’s Recommended Practice 165 for the use of*  
6 *graphics on the supervisory control and data acquisi-*  
7 *tion screens.*

8 (2) *Implementation of a standard for pipeline*  
9 *companies to review and audit alarms on monitoring*  
10 *equipment.*

11 (3) *Implementation of standards for pipeline*  
12 *controller training that include simulator or non-*  
13 *computerized simulations for controller recognition of*  
14 *abnormal pipeline operating conditions, in par-*  
15 *ticular, leak events.*

16 **SEC. 8. ACCIDENT REPORTING FORM.**

17 *Not later than 12 months after the date of enactment*  
18 *of this Act, the Secretary of Transportation shall amend*  
19 *accident reporting forms to require operators gas and haz-*  
20 *ardous liquid pipelines to provide data related to controller*  
21 *fatigue.*

22 **SEC. 9. LEAK DETECTION TECHNOLOGY STUDY.**

23 *Not later than 12 months after the date of enactment*  
24 *of this Act, the Secretary of Transportation shall submit*  
25 *to Congress a report on leak detection systems utilized by*

1 operators of hazardous liquid pipelines. The report shall in-  
2 clude a discussion of the inadequacies of current leak detec-  
3 tion systems, including their ability to detect ruptures and  
4 small leaks that are ongoing or intermittent, and what can  
5 be done to foster development of better technologies as well  
6 as address existing technological inadequacies.

7 **SEC. 10. PETROLEUM TRANSPORTATION CAPACITY STUDY.**

8 (a) *IN GENERAL.*—Chapter 601 (as amended by sec-  
9 tion 2(b)(2) of this Act) is further amended by adding at  
10 the end the following:

11 **“§ 60135. Petroleum product transportation capacity**  
12 **study.**

13 “(a) *IN GENERAL.*—The Secretary of Transportation  
14 may conduct analyses of the domestic transport of petro-  
15 leum products by pipeline. Such analyses should identify  
16 areas of the United States where shortages of pipeline ca-  
17 pacity and reliability concerns exist, where such shortages  
18 have or are anticipated to contribute to significant in-  
19 creases in the price of petroleum products, or where un-  
20 planned loss of individual pipelines may cause shortages  
21 of petroleum products or price disruptions.

22 “(b) *CONSULTATION.*—In preparing any analysis  
23 under this section, the Secretary may consult with other  
24 government agencies and public- and private-sector experts  
25 in pipeline and other forms of petroleum product transpor-

1 *tation, energy consumption, capacity, population and eco-*  
 2 *nomie development.*

3       “(c) *PETROLEUM PRODUCT DEFINED.*—*In this sec-*  
 4 *tion, the term ‘petroleum product’ means oil of any kind*  
 5 *or in any form, gasoline, diesel fuel, aviation fuel, fuel oil,*  
 6 *kerosene, any product obtained from refining or processing*  
 7 *of crude oil, liquefied petroleum gases, natural gas liquids,*  
 8 *petrochemical feedstocks, condensate, waste or refuse mix-*  
 9 *tures containing any of such oil products, and any other*  
 10 *liquid hydrocarbon compounds.”.*

11       (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 12 *601 (as amended by section 2(b)(3) of this Act) is amended*  
 13 *by adding after the item relating to section 60134 the fol-*  
 14 *lowing:*

      “60135. *Petroleum product transportation capacity study.*”.

15 **SEC. 11. EMERGENCY WAIVERS.**

16       Section 60118(c) is amended to read as follows:

17       “(c) *WAIVERS BY SECRETARY.*—

18               “(1) *NONEMERGENCY WAIVERS.*—

19                       “(A) *IN GENERAL.*—*On application of a*  
 20 *person owning or operating a pipeline facility,*  
 21 *the Secretary by order may waive compliance*  
 22 *with any part of an applicable standard pre-*  
 23 *scribed under this chapter on terms the Secretary*  
 24 *considers appropriate if the waiver is not incon-*  
 25 *sistent with pipeline safety.*

1           “(B) *HEARING.*—*The Secretary may act on*  
2           *a nonemergency waiver under this paragraph*  
3           *only after notice and an opportunity for a hear-*  
4           *ing.*”

5           “(2) *EMERGENCY WAIVERS.*—*The Secretary by*  
6           *order may waive compliance with any part of an ap-*  
7           *licable standard prescribed under this chapter on*  
8           *terms the Secretary considers appropriate without*  
9           *prior notice and comment if the Secretary determines*  
10          *that the waiver is necessary to address an actual or*  
11          *impending emergency involving pipeline transpor-*  
12          *tation, including emergencies caused by natural or*  
13          *manmade disasters.*”

14          “(3) *STATEMENT OF REASONS.*—*The Secretary*  
15          *shall state in an order issued under this subsection*  
16          *the reasons for granting the waiver.”.*”

17 **SEC. 12. PIPELINE SAFETY INFORMATION GRANTS TO COM-**  
18 **MUNITIES.**

19          *Section 60130(d) is amended by striking “2006” and*  
20          *inserting “2010”.*

21 **SEC. 13. MEMORANDUM OF UNDERSTANDING.**

22          *Not later than 45 days after the date of enactment of*  
23          *this Act, the Secretary of Transportation shall develop and*  
24          *execute an annex to the memorandum of understanding be-*  
25          *tween the Secretary and the Secretary of Homeland Secu-*

1 *rity, dated September 28, 2004, to define and clarify the*  
2 *role and responsibility of the Department of Transportation*  
3 *regarding pipeline security, including the processes that the*  
4 *Department will follow to promote communications, effi-*  
5 *ciency, and nonduplication of effort.*

6 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
7 **UNITED STATES CODE; TABLE OF CONTENTS.**

8 **(a) SHORT TITLE.—This Act may be cited as**  
9 **the “Pipeline Safety Improvement Act of**  
10 **2006”.**

11 **(b) AMENDMENT OF TITLE 49, UNITED STATES**  
12 **CODE.—Except as otherwise expressly pro-**  
13 **vided, whenever in this Act an amendment or**  
14 **repeal is expressed in terms of an amendment**  
15 **to, or a repeal of, a section or other provision,**  
16 **the reference shall be considered to be made**  
17 **to a section or other provision of title 49,**  
18 **United States Code.**

19 **(c) TABLE OF CONTENTS.—**

**Sec. 1. Short title; amendment of title 49, United States Code;**  
**table of contents.**

**Sec. 2. Pipeline safety and damage prevention.**

**Sec. 3. Distribution integrity management program rule-**  
**making deadline.**

**Sec. 4. Authorization of appropriations.**

1 **SEC. 2. PIPELINE SAFETY AND DAMAGE PREVENTION.**

2 **(a) ONE CALL CIVIL ENFORCEMENT.—(1)**

3 **Section 60114 is amended by adding at the**  
4 **end the following new subsections:**

5 **“(d) PROHIBITION.—A person who engages**  
6 **in demolition, excavation, tunneling, or con-**  
7 **struction—**

8 **“(1) may not engage in such demoli-**  
9 **tion, excavation, tunneling, or construc-**  
10 **tion activity in a State that has adopted**  
11 **a one-call notification system without**  
12 **first using that system to establish the lo-**  
13 **cation of underground facilities in the**  
14 **demolition, excavation, tunneling, or con-**  
15 **struction area;**

16 **“(2) may not engage in such demoli-**  
17 **tion, excavation, tunneling, or construc-**  
18 **tion activity in disregard of location in-**  
19 **formation or markings established by a**  
20 **pipeline facility operator pursuant to**  
21 **subsection (b);**

22 **“(3) may not fail to take reasonable**  
23 **steps to ensure safe demolition, exca-**  
24 **vation, tunneling, or construction to pre-**  
25 **vent damage to a pipeline; and**

1           “(4) if the person damages, or be-  
2 comes aware of damage to, a pipeline fa-  
3 cility and such damage may endanger life  
4 or cause serious bodily harm or damage  
5 to property, may not fail to promptly re-  
6 port the damage to the owner or operator  
7 of the facility and, if the damage results  
8 in the escape of any flammable, toxic, or  
9 corrosive gas or liquid, may not fail to  
10 promptly report to other appropriate au-  
11 thorities by calling the 911 emergency  
12 telephone number.

13           “(e) LIMITATION.—The Secretary may not  
14 conduct an enforcement proceeding under  
15 subsection (d) within the boundaries of a  
16 State that has the authority to impose pen-  
17 alties described in section 60134(b)(7) against  
18 persons who violate that State’s damage pre-  
19 vention laws, unless the Secretary has deter-  
20 mined that the State’s enforcement is inad-  
21 equate to protect safety, consistent with this  
22 chapter.”.

23           (2) Section 60122(a)(1) is amended by  
24 striking “60114(b)” and inserting “60114(b) or  
25 (d)”.

1       **(b) STATE DAMAGE PREVENTION PRO-**  
2 **GRAMS.—(1) Section 60105(b)(4) is amended to**  
3 **read as follows:**

4           **“(4) is encouraging and promoting the**  
5 **establishment of a program designed to**  
6 **prevent damage by demolition, exca-**  
7 **vation, tunneling, or construction activ-**  
8 **ity to the pipeline facilities to which the**  
9 **certification applies that subjects persons**  
10 **who violate the applicable requirements**  
11 **of that program to civil penalties and**  
12 **other enforcement actions that are sub-**  
13 **stantially the same as are provided under**  
14 **this chapter, and addresses the elements**  
15 **in section 60134(b);”.**

16       **(2) Chapter 601 is amended by adding at**  
17 **the end the following new section:**

18       **“§ 60134. State damage prevention programs.**

19           **“(a) ELIGIBILITY.—A State authority (in-**  
20 **cluding a municipality if the agreement under**  
21 **section 60106(a) or (b) applies to intrastate**  
22 **gas pipeline transportation) shall be eligible**  
23 **for a grant under this section only if—**

1           “(1) it has an annual certification  
2 under section 60105 or an agreement  
3 under section 60106; and

4           “(2) either—

5                 “(A) it is from a State that has an  
6 effective damage prevention program  
7 that meets the requirements of sub-  
8 section (b); or

9                 “(B) it demonstrates that it has  
10 made substantial progress toward es-  
11 tablishing such a program, and that  
12 such program will meet the require-  
13 ments of subsection (b).

14           “(b) **DAMAGE PREVENTION PROGRAM ELE-**  
15 **MENTS.—**An effective damage prevention pro-  
16 gram includes the following elements:

17                 “(1) Participation by operators, exca-  
18 vators, and other stakeholders in the de-  
19 velopment and implementation of meth-  
20 ods for establishing and maintaining ef-  
21 fective communications among stake-  
22 holders from receipt of a notification of  
23 demolition, excavation, tunneling, or con-  
24 struction until successful completion of

1       **the demolition, excavation, tunneling, or**  
2       **construction, as appropriate.**

3               **“(2) A process for fostering and ensur-**  
4       **ing the support and partnership of stake-**  
5       **holders, including excavators, operators,**  
6       **locators, designers, and local government**  
7       **in all phases of the program.**

8               **“(3) A process for reviewing the ade-**  
9       **quacy of a pipeline operator’s internal**  
10       **performance measures regarding persons**  
11       **performing locating services and quality**  
12       **assurance programs.**

13               **“(4) Participation by operators, exca-**  
14       **vators, the one-call center, the enforcing**  
15       **agency, and other stakeholders in the de-**  
16       **velopment and implementation of effec-**  
17       **tive training programs for the employees**  
18       **of operators, excavators, and locators.**

19               **“(5) A process for fostering and ensur-**  
20       **ing active participation by all stake-**  
21       **holders in public education for damage**  
22       **prevention activities.**

23               **“(6) A process for resolving disputes**  
24       **that defines the State authority’s role as**  
25       **a partner and facilitator to resolve issues.**

1           **“(7) Enforcement of State damage**  
2           **prevention laws and regulations for all**  
3           **aspects of the demolition, excavation,**  
4           **tunneling, or construction process, in-**  
5           **cluding public education, and the use of**  
6           **civil penalties for violations assessable by**  
7           **the appropriate State authority.**

8           **“(8) A process for fostering and pro-**  
9           **moting the use, by all appropriate stake-**  
10          **holders, of improving technologies that**  
11          **may enhance communications, under-**  
12          **ground pipeline locating capability, and**  
13          **gathering and analyzing information**  
14          **about the accuracy and effectiveness of**  
15          **locating programs.**

16          **“(9) A process for review and analysis**  
17          **of the effectiveness of each program ele-**  
18          **ment, including a means for imple-**  
19          **menting improvements identified by such**  
20          **program reviews.**

21          **“(c) GRANTS TO STATES.—**

22               **“(1) IN GENERAL.—The Secretary may**  
23               **make a grant of financial assistance to a**  
24               **State authority that is eligible under this**  
25               **section to assist in improving the overall**

1       **quality and effectiveness of a damage**  
2       **prevention program of a State. In making**  
3       **grants under this section, the Secretary**  
4       **shall take into consideration the commit-**  
5       **ment of each State to ensuring the effec-**  
6       **tiveness of its damage prevention pro-**  
7       **gram, including legislative and regu-**  
8       **latory actions taken by the State.**

9               **“(2) APPLICATION.—If a State authority**  
10       **files an application for a grant under this**  
11       **section not later than September 30 of a**  
12       **calendar year, the Secretary of Transpor-**  
13       **tation shall review the State’s damage**  
14       **prevention program to determine its ef-**  
15       **fectiveness. For programs determined to**  
16       **be effective, the Secretary may make a**  
17       **grant of financial assistance for the cost**  
18       **of the personnel, equipment, and activi-**  
19       **ties the authority reasonably requires**  
20       **during the next calendar year to carry**  
21       **out an effective damage prevention en-**  
22       **forcement program. A grant made under**  
23       **this section is not subject to the section**  
24       **60107(a) limitation on the maximum per-**  
25       **centage of funds to be paid by the Sec-**

1        **retary. Funds provided under this section**  
2        **may not be used for lobbying or in direct**  
3        **support of litigation.”.**

4        **(3) In the table of sections of chapter 601,**  
5        **the following item is added at the end:**

**“60134. State damage prevention programs.”.**

6        **(c) STATE PIPELINE SAFETY GRANTS.—Sec-**  
7        **tion 60107(a) is amended by striking “not**  
8        **more than 50 percent” and inserting “not**  
9        **more than 80 percent”.**

10       **(d) DAMAGE PREVENTION TECHNOLOGY DE-**  
11       **VELOPMENT.—Section 60114 (as amended by**  
12       **this section) is further amended by adding at**  
13       **the end the following new subsection:**

14       **“(f) TECHNOLOGY DEVELOPMENT GRANTS.—**  
15       **To the extent and in the amount provided in**  
16       **advance in appropriations acts, the Secretary**  
17       **may make grants to any organization or enti-**  
18       **ty (not including for-profit entities) for the de-**  
19       **velopment of technologies that will facilitate**  
20       **the prevention of pipeline damage caused by**  
21       **demolition, excavation, tunneling, or con-**  
22       **struction activities, with emphasis on wire-**  
23       **less and global positioning technologies hav-**  
24       **ing potential for use in connection with notifi-**  
25       **cation systems and underground facility lo-**

1 cating and marking services. Funds provided  
2 under this subsection may not be used for lob-  
3 bing or in direct support of litigation. The  
4 Secretary may also support such technology  
5 development through cooperative agreements  
6 with trade associations, academic institu-  
7 tions, and other organizations.”.

8 (e) PUBLIC EDUCATION AND AWARENESS.—

9 (1) AMENDMENT.—Chapter 61 of title  
10 49, United States Code, is amended by  
11 adding at the end the following new sec-  
12 tion:

13 “§ 6109. Public education and awareness.

14 “(a) GRANT AUTHORITY.—The Secretary  
15 shall make a grant to an appropriate entity  
16 for promoting public education and aware-  
17 ness with respect to the 811 national exca-  
18 vation damage prevention phone number.

19 “(b) AUTHORIZATION OF APPROPRIATIONS.—  
20 There are authorized to be appropriated to  
21 the Secretary \$1,000,000 for fiscal year 2007  
22 for carrying out this section.”.

23 (2) CONFORMING AMENDMENT.—The  
24 table of sections of chapter 61 of title 49,

1       **United States Code, is amended by add-**  
2       **ing at the end the following new item:**

**“6109. Public education and awareness.”.**

3       **(f) SAFETY ORDERS.—Section 60117(l) is**  
4       **amended to read as follows:**

5       **“(l) SAFETY ORDERS.—**

6               **“(1) IN GENERAL.—Not later than 1**  
7       **year after the date of enactment of the**  
8       **Pipeline Safety and Improvement Act of**  
9       **2006, the Secretary shall issue regula-**  
10       **tions providing that, after notice and op-**  
11       **portunity for a hearing, if the Secretary**  
12       **determines that a pipeline facility has a**  
13       **condition that poses a pipeline integrity**  
14       **risk to public safety, property, or the en-**  
15       **vironment, the Secretary may order the**  
16       **operator of the facility to take necessary**  
17       **corrective action, including physical in-**  
18       **spection, testing, repair, replacement, or**  
19       **other appropriate action, to remedy that**  
20       **condition.**

21               **“(2) CONSIDERATIONS.—In making a de-**  
22       **termination under paragraph (1), the Sec-**  
23       **retary shall, if relevant, and pursuant to**  
24       **the regulations issued under paragraph**  
25       **(1), consider—**

1           “(A) the considerations specified  
2           in section 60112(b);

3           “(B) the likelihood that the condi-  
4           tion will impair the serviceability of a  
5           pipeline;

6           “(C) the likelihood that the condi-  
7           tion will worsen over time; and

8           “(D) the likelihood that the condi-  
9           tion is present or could develop on  
10          other areas of the pipeline.”.

11          (g) INTEGRITY PROGRAM ENFORCEMENT.—  
12          Section 60109(c)(9)(A)(iii) is amended to read  
13          as follows:

14                 “(iii) INADEQUATE PROGRAMS.—  
15                 If the Secretary determines that a  
16                 risk analysis or integrity manage-  
17                 ment program does not comply  
18                 with the requirements of this sub-  
19                 section or regulations issued as  
20                 described in paragraph (2), has  
21                 not been adequately imple-  
22                 mented, or is inadequate for the  
23                 safe operation of a pipeline facil-  
24                 ity, the Secretary may conduct  
25                 proceedings under sections

1           **60108(a), 60112, 60118(a) and (b),**  
2           **60120, 60122, or any other section**  
3           **of this chapter.”.**

4           **(h) LOW-STRESS PIPELINES.—Section**  
5           **60102(k) is amended to read as follows:**

6           **“(k) LOW-STRESS HAZARDOUS LIQUID PIPE-**  
7           **LINES.—**

8           **“(1) MINIMUM STANDARDS.—Not later**  
9           **than 12 months after the date of enact-**  
10          **ment of the Pipeline Safety Improvement**  
11          **Act of 2006, the Secretary shall issue reg-**  
12          **ulations subjecting low-stress hazardous**  
13          **liquid pipelines to the same standards**  
14          **and regulations as other hazardous liquid**  
15          **pipelines, except as provided in para-**  
16          **graph (3). The implementation of the ap-**  
17          **plicable standards and regulatory re-**  
18          **quirements may be phased in. The regu-**  
19          **lations issued under this paragraph shall**  
20          **not apply to gathering lines.**

21          **“(2) GENERAL PROHIBITION AGAINST LOW**  
22          **INTERNAL STRESS EXCEPTION.—Except as**  
23          **provided in paragraph (3), the Secretary**  
24          **may not provide an exception to the re-**  
25          **quirements of this chapter for a haz-**

1       ardous liquid pipeline because the pipe-  
2       line operates at low internal stress.

3           “(3) LIMITED EXCEPTIONS.—The Sec-  
4       retary shall provide or continue in force  
5       exceptions to this subsection for low-  
6       stress hazardous liquid pipelines that—

7           “(A) are subject to safety regula-  
8       tions of the United States Coast  
9       Guard; or

10          “(B) serve refining, manufac-  
11       turing, or truck, rail, or vessel ter-  
12       minal facilities, if the pipeline is less  
13       than 1 mile long (measured outside  
14       the facility grounds) and does not  
15       cross an offshore area or a waterway  
16       currently used for commercial navi-  
17       gation,

18       until regulations issued under paragraph  
19       (1) become effective, after which the Sec-  
20       retary may retain or remove those excep-  
21       tions as appropriate.

22          “(4) RELATIONSHIP TO OTHER LAWS.—  
23       Nothing in this subsection shall be con-  
24       strued to prohibit or otherwise affect the  
25       applicability of any other statutory or

1 regulatory exemption to any hazardous  
2 liquid pipeline.

3 “(5) DEFINITION.—For purposes of this  
4 subsection, the term ‘low-stress haz-  
5 arduous liquid pipeline’ means a haz-  
6 arduous liquid pipeline that is operated in  
7 its entirety at a stress level of 20 percent  
8 or less of the specified minimum yield  
9 strength of the line pipe.

10 “(6) EFFECTIVE DATE.—The require-  
11 ments of this subsection shall not take ef-  
12 fect as to low-stress hazardous liquid  
13 pipeline operators before the effective  
14 date of the rules promulgated by the Sec-  
15 retary under this subsection.”.

16 (i) CORROSION CONTROL REGULATIONS.—  
17 The Secretary of Transportation, in consulta-  
18 tion with the Technical Hazardous Liquid  
19 Pipeline Safety Standards Committee and  
20 other appropriate entities, shall review the  
21 internal corrosion control regulations set  
22 forth in subpart H of part 195 of title 49 of the  
23 Code of Federal Regulations to determine if  
24 such regulations are currently adequate to  
25 ensure that the pipeline facilities subject to

1 such regulations will not present a hazard to  
2 public safety or the environment. The Sec-  
3 retary shall submit a report to the Congress  
4 within one year after the date of enactment  
5 of this Act containing the results of such re-  
6 view, and may modify such regulations if nec-  
7 essary and appropriate.

8 (j) **CRITICAL ENERGY INFRASTRUCTURE**  
9 **STUDY.**—The Secretary of Energy, in consulta-  
10 tion with the Secretary of Transportation,  
11 shall analyze the domestic transport of crude  
12 oil and other petroleum products by pipeline.  
13 Such analysis shall identify areas where reli-  
14 ability concerns exist or where failure or un-  
15 planned loss of individual pipeline facilities  
16 may cause shortages of crude oil or other pe-  
17 troleum products or price disruptions. Not  
18 later than one year after the date of enact-  
19 ment of this Act, the Secretaries shall submit  
20 a report to the Congress setting forth their  
21 recommendations to reduce the likelihood of  
22 such shortages or disruptions.

23 (k) **NATURAL GAS PIPELINES.**—The Sec-  
24 retary shall review and comment on the  
25 Comptroller General report issued under sec-

1 **tion 14(d)(1) of the Pipeline Safety Improve-**  
2 **ment Act of 2002 (49 U.S.C. 60109 note), and**  
3 **not later than 60 days after the date of enact-**  
4 **ment of this Act, transmit to the Congress any**  
5 **legislative recommendations the Secretary**  
6 **considers necessary and appropriate to imple-**  
7 **ment the conclusions of that report.**

8 **(I) TECHNICAL ASSISTANCE GRANTS.—Sec-**  
9 **tion 60130 is amended—**

10 **(1) in subsection (a)(1) by striking**  
11 **“The Secretary shall establish competi-**  
12 **tive” and insert “No grants may be**  
13 **awarded under section 60114(e) until the**  
14 **Secretary has established competitive”;**

15 **(2) by redesignating paragraph (2) of**  
16 **subsection (a) as paragraph (4);**

17 **(3) by inserting after paragraph (1) of**  
18 **subsection (a) the following new para-**  
19 **graphs:**

20 **“(2) DEMONSTRATION GRANTS.—At least**  
21 **the first 3 grants awarded under this sec-**  
22 **tion shall be demonstration grants for the**  
23 **purpose of demonstrating and evaluating**  
24 **the utility of grants under this section.**

1       **Each such demonstration grant shall not**  
2       **exceed \$25,000.**

3               **“(3) DISSEMINATION OF TECHNICAL FIND-**  
4       **INGS.—Each recipient of a grant under**  
5       **this section shall ensure that the tech-**  
6       **nical findings made possible by the**  
7       **grants are made available to the relevant**  
8       **operators, and that open communication**  
9       **between the grant recipients, local opera-**  
10       **tors, local communities, and other inter-**  
11       **ested parties is encouraged.”; and**

12               **(4) in subsection (d) by striking**  
13       **“2006” and inserting “2010”.**

14       **(m) ENFORCEMENT TRANSPARENCY.—(1)**  
15       **Chapter 601, as amended by this section, is**  
16       **amended by adding at the end the following**  
17       **new section:**

18       **“§ 60135. Enforcement transparency.**

19               **“(a) IN GENERAL.—Not later than 12**  
20       **months after the date of enactment of this sec-**  
21       **tion, the Secretary shall—**

22               **“(1) provide a monthly updated sum-**  
23       **mary to the public of all gas and haz-**  
24       **ardous liquid pipeline enforcement ac-**  
25       **tions taken by the Secretary or the Pipe-**

1 line and Hazardous Materials Safety Ad-  
2 ministration, from the time a notice com-  
3 mencing an enforcement action is issued  
4 until the enforcement action is final.  
5 Each summary shall include identifica-  
6 tion of the operator involved in the en-  
7 forcement activity, the type of alleged  
8 violation, the penalty or penalties pro-  
9 posed, any changes in case status since  
10 the previous summary, the final assess-  
11 ment amount of each penalty, and the  
12 reasons for a reduction in the proposed  
13 penalty, if appropriate; and

14 “(2) provide a mechanism by which a  
15 pipeline operator named in an enforce-  
16 ment action may make information, ex-  
17 planations, or documents it believes are  
18 responsive to the enforcement action  
19 available to the public.

20 “(b) ELECTRONIC POSTING.—Each summary  
21 required under this section shall be made  
22 available to the public via posting by elec-  
23 tronic means.

24 “(c) RELATIONSHIP TO FOIA.—Nothing in  
25 this section shall be construed to require dis-

1 **closure of information or records that would**  
2 **be exempt from disclosure under section 552**  
3 **of title 5, United States Code (commonly**  
4 **known as the Freedom of Information Act).”.**

5 **(2) In the table of sections of chapter 601,**  
6 **as amended by this section, the following item**  
7 **is added at the end:**

**“60135. Enforcement transparency.”.**

8 **(n) COST REIMBURSEMENTS.—Section 60117**  
9 **is amended by adding at the end the following**  
10 **new subsection:**

11 **“(m) COST RECOVERY FOR DESIGN RE-**  
12 **VIEWS.—If the Secretary conducts facility de-**  
13 **sign safety reviews in connection with a pro-**  
14 **posal to construct, expand, or operate a lique-**  
15 **fied natural gas pipeline facility, the Sec-**  
16 **retary may require the person requesting**  
17 **such reviews to pay the associated staff costs**  
18 **relating to such reviews incurred by the Sec-**  
19 **retary, such funds to be deposited into the**  
20 **pipeline safety fund. Funds deposited pursu-**  
21 **ant to this section are authorized to be appro-**  
22 **priated for the purposes set forth in section**  
23 **60301(d). The Secretary may assess such costs**  
24 **in any reasonable manner.”.**

1       **(o) DIRECT LINE SALES.—Section 60101(a)**  
2 **is amended—**

3           **(1) by amending paragraph (6) to**  
4 **read as follows:**

5           **“(6) ‘interstate gas pipeline facility’**  
6 **means a gas pipeline facility—**

7           **“(A) used to transport gas; and**

8           **“(B) subject to the jurisdiction of**  
9 **the Commission under the Natural**  
10 **Gas Act (15 U.S.C. 717 et seq.);”;** and

11          **(2) by amending paragraph (9) to**  
12 **read as follows:**

13          **“(9) ‘intrastate gas pipeline facility’**  
14 **means a gas pipeline facility and trans-**  
15 **portation of gas within a State not sub-**  
16 **ject to the jurisdiction of the Commission**  
17 **under the Natural Gas Act (15 U.S.C. 717**  
18 **et seq.);”.**

19 **SEC. 3. DISTRIBUTION INTEGRITY MANAGEMENT PRO-**  
20 **GRAM RULEMAKING DEADLINE.**

21       **Section 60109 of title 49, United States**  
22 **Code, is amended by adding at the end the fol-**  
23 **lowing:**

24       **“(e) DISTRIBUTION INTEGRITY MANAGEMENT**  
25 **PROGRAMS.—Not later than 1 year after the**

1 **date of enactment of this subsection, the Sec-**  
2 **retary shall prescribe minimum standards for**  
3 **integrity management programs for distribu-**  
4 **tion pipelines.”.**

5 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

6 **(a) Section 60125(a) is amended to read as**  
7 **follows:**

8 **“(a) GAS AND HAZARDOUS LIQUID.—To carry**  
9 **out this chapter (except for section 60107) re-**  
10 **lated to gas and hazardous liquid, the fol-**  
11 **lowing amounts are authorized to be appro-**  
12 **priated to the Secretary, from fees collected**  
13 **under section 60301 in each respective year,**  
14 **and from the Oil Spill Liability Trust Fund:**

15 **“(1) For fiscal year 2007, \$55,497,000,**  
16 **of which \$39,872,000 shall be from fees**  
17 **and \$15,625,000 shall be from the Fund.**

18 **“(2) For fiscal year 2008, \$57,997,000,**  
19 **of which \$42,651,000 shall be from fees**  
20 **and \$15,346,000 shall be from the Fund.**

21 **“(3) For fiscal year 2009, \$60,482,000,**  
22 **of which \$44,839,000 shall be from fees**  
23 **and \$15,643,000 shall be from the Fund.**

1           **“(4) For fiscal year 2010, \$62,375,000,**  
2           **of which \$46,444,000 shall be from fees**  
3           **and \$15,931,000 shall be from the Fund.”.**

4           **(b) Section 60125(b)(1) is amended to read**  
5           **as follows:**

6           **“(1) To carry out section 60107, the**  
7           **following amounts are authorized to be**  
8           **appropriated to the Secretary, from fees**  
9           **collected under section 60301 in each re-**  
10          **spective year, and from the Oil Spill Li-**  
11          **ability Trust Fund:**

12           **“(A) For fiscal year 2007,**  
13           **\$20,238,000, of which \$17,053,000 shall**  
14           **be from fees and \$3,185,000 shall be**  
15           **from the Fund.**

16           **“(B) For fiscal year 2008,**  
17           **\$23,221,000, of which \$19,567,000 shall**  
18           **be from fees and \$3,654,000 shall be**  
19           **from the Fund. Of the amount appro-**  
20           **priated, \$1,500,000 shall be available**  
21           **for fiscal year 2008 for the grants to**  
22           **States authorized in section 60134.**

23           **“(C) For fiscal year 2009,**  
24           **\$24,513,000, of which \$20,656,000 shall**  
25           **be from fees and \$3,857,000 shall be**

1           **from the Fund. Of the amount appro-**  
2           **priated, \$1,750,000 shall be available**  
3           **for fiscal year 2009 for the grants to**  
4           **States authorized in section 60134.**

5           **“(D) For fiscal year 2010,**  
6           **\$25,855,000, of which \$21,786,000 shall**  
7           **be from fees and \$4,069,000 shall be**  
8           **from the Fund. Of the amount appro-**  
9           **priated, \$2,000,000 shall be available**  
10          **for fiscal year 2010 for the grants to**  
11          **States authorized in section 60134.”.**

12          **(c) Section 60125(c) is repealed.**

13          **(d) Subsections (d) and (e) of section 60125**  
14          **are redesignated as subsections (c) and (d),**  
15          **respectively.**

16          **(e) Section 60125(c)(2), as so redesignated**  
17          **by subsection (d) of this section, is amended**  
18          **by striking “2003 through 2006” and inserting**  
19          **“2007 through 2010”.**

20          **(f) Section 6105(c)(2) is amended by strik-**  
21          **ing “fiscal years 2003 through 2006” and in-**  
22          **serting “fiscal years 2007 through 2010”.**

23          **(g) Section 6107 is amended—**

1           (1) in subsection (a), by striking “fiscal years 2003 through 2006” and inserting “fiscal years 2007 through 2010”; and

2           (2) in subsection (b), by striking “for fiscal years 2003 through 2006” and inserting “for fiscal years 2007 through 2010”.

3           SEC. 5. INCIDENT REPORTING.

4           (a) AMENDMENT.—Chapter 601 is amended by adding at the end the following section:

5           “§ 60136. Incident reporting.

6           “Not later than 12 months after date of enactment of this section, the Secretary shall review the incident reporting requirements for operators of natural gas pipelines and modify the reporting criteria as appropriate to ensure that the incident data gathered accurately reflects incident trends over time, taking into consideration the recommendations from the Comptroller General in GAO report 06-946.”.

7           (b) TECHNICAL AMENDMENT.—In the table of sections of chapter 601, the following item is added at the end:

8           “60136. Incident reporting.”.

Union Calendar No. 429

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5782**

[Report No. 109-717, Parts I and II]

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**A BILL**

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

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DECEMBER 5, 2006

Reported from the Committee on Transportation and Infrastructure with an amendment

DECEMBER 5, 2006

Reported from the Committee on Energy and Commerce with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed