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S. 275

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mr. MENENDEZ, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Transportation Safety Improvement Act of 2011".

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

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

Sec. 1. Short title; Amendment of Title 49, United States Code; table of contents.
Sec. 2. Civil penalties.
Sec. 3. Pipeline damage prevention.
Sec. 4. Offshore gathering pipelines.
Sec. 5. Automatic and remote-controlled shut-off valves.
Sec. 6. Excess flow valves.
Sec. 7. Integrity management.
Sec. 8. Public education and awareness.
Sec. 9. Government Accountability Office report.
Sec. 10. Leak detection.
Sec. 11. Incident notification.
Sec. 12. Transportation-related onshore facility response plan compliance.
Sec. 13. Pipeline infrastructure data collection.
Sec. 14. International cooperation and consultation.
Sec. 15. Gas and hazardous liquid gathering lines.
Sec. 16. Transportation related oil flow lines.
Sec. 17. Alaska project coordination.
Sec. 18. Cost recovery for design reviews.
Sec. 19. Special permits.
Sec. 20. Biofuel pipelines.
Sec. 21. Carbon dioxide pipelines.
Sec. 22. Study of transportation of tar sands crude oil.
Sec. 23. Study of non-petroleum hazardous liquids transported by pipeline.
Sec. 24. Clarifications.
Sec. 25. Additional resources.
Sec. 26. Maintenance of effort.
Sec. 27. Authorization of appropriations.

SEC. 2. CIVIL PENALTIES.

(a) PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended—

(1) by striking ''the ability to pay,'' in subsection (b)(1)(B);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

''(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

''(1) IN GENERAL.—A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has committed a major consequence violation of section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than $250,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of major consequence violations is $2,500,000.

''(2) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty for a major consequence violation under this subsection, the Secretary shall consider the factors prescribed in subsection (b).

"(3) MAJOR CONSEQUENCE VIOLATION DEFINED.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in—

"(A) 1 or more deaths;

"(B) 1 or more injuries or illnesses requiring in-patient hospitalization; or

"(C) environmental harm exceeding $250,000 in estimated damage to the environment including property loss other than the value of natural gas or hazardous liquid lost, or damage to pipeline equipment.".

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended by adding at the end the following: "The Secretary may impose a civil penalty under section 60122 of this title on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.".

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: "The maximum amount of civil penalties for administrative enforcement actions under section 60122 of this title shall not apply to enforcement actions under this section.".

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) by striking the subsection caption and inserting ''(a) REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS.—''; and

(2) by striking ''about an application for a waiver under section 60118(c) or (d) of'' and inserting ''under''.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

''(a) MINIMUM STANDARDS.—

''(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

''(A) appropriate participation by all underground facility operators, including all government operators;

''(B) appropriate participation by all excavators, including all government and contract excavators; and

''(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

"(2) EXEMPTIONS PROHIBITED.—A State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.".

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) by striking "and" after the semicolon in paragraph (1);

(2) by striking "(b)." in paragraph (2) and inserting "(b); and"; and

(3) by adding at the end the following:

"(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 4. OFFSHORE GATHERING PIPELINES.

Section 60102(k)(1) is amended by striking the last sentence and inserting "Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering pipelines and hazardous liquid gathering pipelines located within the in-

lets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid pipelines. The regulations issued under this paragraph shall not apply to low-stress distribution pipelines.''.

SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended by adding at the end the following:

''(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipelines constructed or entirely replaced after the date on which the Secretary issues a final rule.''.

SEC. 6. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B) DISTRIBUTION BRANCH SERVICES, MULTI-FAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall prescribe regulations, after notice and an opportunity for hearing, to require the use of excess flow valves, where economically and technically feasible, on new or entirely replaced distribution branch services, multi-family facilities, and small commercial facilities.".

SEC. 7. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas (as defined under section 60109(a) of title 49, United States Code); and

(2) with respect to gas pipeline facilities, whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements.

(b) STANDARDS.—Not later than 1 year after completion of the evaluation, the Secretary shall prescribe such regulations, after notice and an opportunity for a hearing.

(c) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a) and may collect such additional data pursuant to regulations promulgated under subsection (b) as may be necessary.

SEC. 8. PUBLIC EDUCATION AND AWARENESS.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§ 60138. Public education and awareness

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall—

''(1) maintain a monthly updated summary of all completed and final natural gas and hazardous liquid pipeline inspections conducted by or reported to the Pipeline and Hazardous Materials Safety Administration that includes—

''(A) identification of the operator inspected;

''(B) the type of inspection;

"(C) the results of the inspection, including any deficiencies identified; and

"(D) any corrective actions required to be taken by the operator to remediate such deficiencies;

"(2) maintain a comprehensive list, to be updated annually, and individual copy of each gas emergency response plan pursuant to section 60102(d)(5) of this title and of each hazardous liquid pipeline operator's facility response plan pursuant to section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)), excluding any proprietary or security-sensitive information that may be contained in an operator's plan;

"(3) excluding any proprietary or security-sensitive information, as part of the National Pipeline Mapping System maintain a map of all currently designated high consequence areas in which pipelines are required to meet integrity management safety regulations and update the map annually; and

"(4) maintain a current copy of any industry-developed or professional organization pipeline safety standards that have been incorporated by reference into regulations, to the extent consistent with fair use.

"(b) PUBLIC AVAILABILITY.—The requirements of subsection (a) shall be considered to have been met if the information required to be made public is made available on the Pipeline and Hazardous Materials Safety Administration's public Web site.

"(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 601 is amended by inserting after the item relating to section 60137 the following:

"60138. Public education and awareness".

SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

The Comptroller General shall conduct a comprehensive analysis of the safety risks, including the risk of accident and injury to individuals or the environment, from both onshore and offshore pipelines to which chapter 601 of title 49, United States Code, does not apply, including gathering lines. The analysis shall also consider the safety risks and benefits of applying the regulations under section 60109(e) of title 49, United States Code, to low-stress gas transmission lines. Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of this analysis to the Senate Committee on Commerce, Science, and Transportation

and the House of Representatives Committees on Transportation and Infrastructure and on Energy and Commerce.

SEC. 10. LEAK DETECTION.

(a) LEAK DETECTION STUDY UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Transportation and Infrastructure and on Energy and Commerce an updated report on leak detection systems utilized by operators of hazardous liquid pipelines and transportation-related flow lines. The report shall include an analysis of the technical limitations of current leak detection systems, including the systems' ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies.

(b) LEAK DETECTION STANDARDS.—Not later than 1 year after completion of the report, the Secretary may, based on the study in subsection (a), prescribe regulations, after notice and an opportunity for a hearing, requiring an operator of a hazardous liquid pipeline to use leak detection technologies, particularly in high consequence areas.

SEC. 11. INCIDENT NOTIFICATION.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) prescribe regulations, after notice and an opportunity for a hearing, that establish time limits for accident and incident telephonic or electronic notification by pipeline operators to State and local government officials and emergency responders when a spill or rupture occurs; and

(2) review procedures for pipeline operators and the National Response Center to provide thorough and coordinated notification to all relevant emergency response officials and revise such procedures as appropriate.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking ''Administrator or'' and inserting ''Administrator, the Secretary of Transportation, or''.

(b) CONFORMING AMENDMENT.—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking ''operating or'' and inserting ''operating, the Secretary of Transportation, or''.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) IN GENERAL.—Section 60132(a) is amended—

(1) by striking ''and gathering lines''; and

(2) by adding at the end the following:

''(4) Any other geospatial, technical, or other related pipeline data, including design and material specifications, that the Secretary determines is necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.''.

(b) DISCLOSURE LIMITED TO FOIA REQUIREMENTS.—Section 60132 is amended by adding at the end the following:

''(d) PUBLIC DISCLOSURE LIMITED.—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.''.

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION.

Section 60117 is amended by adding at the end the following:

''(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

''(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—If the Secretary determines that it would benefit the United States, subject to guidance

from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

''(2) CONSULTATION.—To the extent practicable, subject to guidance from the Secretary of State, the Secretary may consult with interested authorities in Canada, Mexico, and other interested authorities, as needed, to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

''(3) DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section requires that a standard or requirement prescribed by the Secretary under this chapter be identical to

a standard or requirement adopted by an international authority.''.

SEC. 15. GAS AND HAZARDOUS LIQUID GATHERING LINES.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall complete a review of all exemptions for gas and hazardous liquid gathering lines. Based on this review the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Transportation and Infrastructure and on Energy and Commerce containing the Secretary's recommendations with respect to the modification or revocation of existing exemptions.

SEC. 16. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

''(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) DATA COLLECTION.—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline

transporting oil off of the grounds of the well where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed, if at all.

"(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.".

SEC. 17. ALASKA PROJECT COORDINATION.

(a) IN GENERAL.—Chapter 601, as amended by section 8 of this Act, is further amended by adding at the end the following:

"§ 60139. Alaska project coordination

"The Secretary may provide technical assistance to the State of Alaska for the purpose of achieving coordinated and effective oversight of the construction, expansion, or operation of pipeline systems in Alaska. The assistance may include—

"(1) conducting coordinated inspections of pipeline systems subject to the respective authorities of the Department of Transportation and the State of Alaska;

"(2) consulting on the development and implementation of programs designed to manage the in-

tegrity risks associated with operating pipeline systems in the unique conditions of Alaska;

"(3) training inspection and enforcement personnel and consulting on the development and implementation of inspection protocols and training programs; and

"(4) entering into cooperative agreements, grants, or other transactions with the State of Alaska, the Joint Pipeline Office, other Federal agencies, and other public and private agencies to carry out the objectives of this section.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 601, as amended by section 8 of this Act, is further amended by inserting the following after the item relating to section 60138:

"60139. Alaska project coordination".

SEC. 18. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117(n) is amended to read as follows:

"(n) COST RECOVERY FOR DESIGN REVIEWS.—

"(1) IN GENERAL.—

"(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, includ-

ing construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title, but the Secretary may not collect fees under this section and section 60301 for the same design safety review.

"(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

"(i) has design and construction costs totaling at least $3,400,000,000; or

"(ii) uses new or novel technologies or designs.

"(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide the design specifications, construction plans and proce-

dures, and related materials at least 120 days prior to the commencement of construction.

"(3) DEPOSIT AND USE.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States. The Secretary shall deposit funds paid under this subsection into the Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts.".

SEC. 19. SPECIAL PERMITS.

Section 60118(c)(1) is amended to read as follows:

"(1) ISSUANCE OF WAIVERS.—

"(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on terms the Secretary considers appropriate, if the Secretary determines that the waiver is not inconsistent with pipeline safety.

"(B) CONSIDERATIONS.—In determining whether to grant a waiver, the Secretary shall consider—

"(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

"(ii) the applicant's compliance history;

"(iii) the applicant's accident history; and

"(iv) any other information or data the Secretary considers relevant to making the determination.

"(C) EFFECTIVE PERIOD.—A waiver of one or more pipeline operating requirements shall be reviewed by the Secretary 5 years after its effective date. In reviewing a waiver, the Secretary shall consider any change in ownership or control of the pipeline, any change in the conditions around the pipeline, and other factors as appropriate. The Secretary may modify, suspend, or revoke a waiver after such review under with subparagraph (E).

"(D) PUBLIC NOTICE AND HEARING.—The Secretary may act on a waiver under this section only after public notice and an opportunity for a hearing, which may consist of publication of notice in the Federal Register that an application for a waiver has been filed and providing the public with the opportunity to review and comment on the application. If a waiver is granted, the Secretary shall state in the order and associated analysis the reasons for granting it.

"(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a holder of a waiver and opportunity to show cause, the Secretary may modify, suspend, or revoke a waiver issued under this section for failure to comply with its terms or conditions, intervening changes in Federal law, a material change in circumstances affecting safety, including erroneous information in the application, or any other reason. If necessary to avoid a significant risk of harm to persons, property, or the environment, the Secretary may waive the show cause procedure and make the action immediately effective.".

SEC. 20. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) non-petroleum fuels, including biofuels that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities, and''.

SEC. 21. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended to read as follows:

''(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.''.

SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS CRUDE OIL

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline regulations to determine whether these regulations are sufficient to regulate pipelines used for the transportation of tar sands crude oil. In conducting this review, the Sec-

retary shall conduct an analysis of whether any increase in risk of release exists for pipelines transporting tar sands crude oil. The Secretary shall report the results of this review to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committees on Transportation and Infrastructure and on Energy and Commerce.

SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Senate Committee on Commerce, Science, and Transportation and the House of Represent-

atives Committees on Transportation and Infrastructure and on Energy and Commerce.

SEC. 24. CLARIFICATIONS.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER AND OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting in their place the words ''any or all of the owners or operators''.

(c) ONE-CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: ''This subsection does not apply to proceedings against persons who are pipeline operators.''.

SEC. 25. ADDITIONAL RESOURCES.

(a) IN GENERAL.—To the extent funds are appropriated, the Secretary of Transportation shall increase the personnel of the Pipeline and Hazardous Materials Safety Administration by a total of 39 full-time employees to carry out the pipeline safety program and the administration of that program, of which at least—

(1) 9 employees shall be added in fiscal year 2011;

(2) 10 employees shall be added in fiscal year 2012;

(3) 10 employees shall be added in fiscal year 2013; and

(4) 10 employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 26. MAINTENANCE OF EFFORT.

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

''(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the

authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.''.

SEC. 27. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) for fiscal year 2011, $92,206,000, of which $9,200,000 is for carrying out such section 12 and $36,958,000 is for making grants;

"(B) for fiscal year 2012, $96,144,000, of which $9,600,000 for carrying out such section 12 and $39,611,000 is for making grants;

"(C) for fiscal year 2013, $99,876,000, of which $9,900,000 is for carrying out such section 12 and $41,148,000 is for making grants; and

"(D) for fiscal year 2014, $102,807,000, of which $10,200,000 is for carrying out such section 12 and $42,356,000 is for making grants.".

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

"(A) for fiscal year 2011, $18,905,000, of which $7,562,000 is for carrying out such section 12 and $7,864,000 is for making grants;

"(B) for fiscal year 2012, $19,661,000, of which $7,864,000 is for carrying out such section 12 and $7,864,000 is for making grants;

"(C) for fiscal year 2013, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants; and

"(D) for fiscal year 2014, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants.".

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking "2007 through 2010" and inserting "2011 through 2014".

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

(1) by striking "2007 through 2010." in subsection (a) and inserting "2011 through 2014.";

(2) by striking "2007 through 2010." in subsection (b) and inserting "2011 through 2014."; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section $2,000,000 for each of fiscal years 2011 through 2014. The funds shall remain available until expended.".

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking "$50,000" in subsection (a)(1) and inserting "$100,000"; and

(2) by striking "2003 through 2010." in subsection (d) and inserting "2011 through 2014.".

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

"(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan."; and

(2) by striking "2003 through 2006." in subsection (f) and inserting "2011 through 2014.".

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