

1 **DIVISION R—PROTECTING OUR**
2 **INFRASTRUCTURE OF PIPE-**
3 **LINES AND ENHANCING SAFE-**
4 **TY ACT OF 2020**

5 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) SHORT TITLE.—This division may be cited as the
7 “Protecting our Infrastructure of Pipelines and Enhanc-
8 ing Safety Act of 2020” or the “PIPES Act of 2020”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.

Sec. 102. Pipeline workforce development.

Sec. 103. Cost recovery and fees for facility reviews.

Sec. 104. Advancement of new pipeline safety technologies and approaches.

Sec. 105. Pipeline safety testing enhancement study.

Sec. 106. Regulatory updates.

Sec. 107. Self-disclosure of violations.

Sec. 108. Due process protections in enforcement proceedings.

Sec. 109. Pipeline operating status.

Sec. 110. Updates to standards for liquefied natural gas facilities.

Sec. 111. National Center of Excellence for Liquefied Natural Gas Safety.

Sec. 112. Prioritization of rulemaking.

Sec. 113. Leak detection and repair.

Sec. 114. Inspection and maintenance plans.

Sec. 115. Consideration of pipeline class location changes.

Sec. 116. Protection of employees providing pipeline safety information.

Sec. 117. Interstate drug and alcohol oversight.

Sec. 118. Purpose and general authority.

Sec. 119. National Academy of Sciences study on automatic and remote-con-
trolled shut-off valves on existing pipelines.

Sec. 120. Unusually sensitive areas.

Sec. 121. Safety-related condition reports.

Sec. 122. Risk analysis and integrity management programs.

Sec. 123. Rule of construction.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

Sec. 201. Short title.

Sec. 202. Distribution integrity management plans.

Sec. 203. Emergency response plans.
Sec. 204. Operations and maintenance manuals.
Sec. 205. Pipeline safety management systems.
Sec. 206. Pipeline safety practices.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATION.—The term “Administra-
4 tion” means the Pipeline and Hazardous Materials
5 Safety Administration.

6 (2) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Administra-
8 tion.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Transportation.

11 **TITLE I—IMPROVING PIPELINE**
12 **SAFETY AND INFRASTRUCTURE**

13 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) GAS AND HAZARDOUS LIQUID.—Section 60125
15 of title 49, United States Code, is amended by striking
16 subsection (a) and inserting the following:

17 “(a) GAS AND HAZARDOUS LIQUID.—

18 “(1) IN GENERAL.—From fees collected under
19 section 60301, there are authorized to be appro-
20 priated to the Secretary to carry out section 12 of
21 the Pipeline Safety Improvement Act of 2002 (49
22 U.S.C. 60101 note; Public Law 107–355) and the

1 provisions of this chapter relating to gas and haz-
2 ardous liquid—

3 “(A) \$156,400,000 for fiscal year 2021, of
4 which—

5 “(i) \$9,000,000 shall be used to carry
6 out section 12 of the Pipeline Safety Im-
7 provement Act of 2002 (49 U.S.C. 60101
8 note; Public Law 107–355); and

9 “(ii) \$63,000,000 shall be used for
10 making grants;

11 “(B) \$158,500,000 for fiscal year 2022, of
12 which—

13 “(i) \$9,000,000 shall be used to carry
14 out section 12 of the Pipeline Safety Im-
15 provement Act of 2002 (49 U.S.C. 60101
16 note; Public Law 107–355); and

17 “(ii) \$66,000,000 shall be used for
18 making grants; and

19 “(C) \$162,700,000 for fiscal year 2023, of
20 which—

21 “(i) \$9,000,000 shall be used to carry
22 out section 12 of the Pipeline Safety Im-
23 provement Act of 2002 (49 U.S.C. 60101
24 note; Public Law 107–355); and

1 “(ii) \$69,000,000 shall be used for
2 making grants.

3 “(2) TRUST FUND AMOUNTS.—In addition to
4 the amounts authorized to be appropriated under
5 paragraph (1), there are authorized to be appro-
6 priated from the Oil Spill Liability Trust Fund es-
7 tablished by section 9509(a) of the Internal Revenue
8 Code of 1986 to carry out section 12 of the Pipeline
9 Safety Improvement Act of 2002 (49 U.S.C. 60101
10 note; Public Law 107–355) and the provisions of
11 this chapter relating to hazardous liquid—

12 “(A) \$27,000,000 for fiscal year 2021, of
13 which—

14 “(i) \$3,000,000 shall be used to carry
15 out section 12 of the Pipeline Safety Im-
16 provement Act of 2002 (49 U.S.C. 60101
17 note; Public Law 107–355); and

18 “(ii) \$11,000,000 shall be used for
19 making grants;

20 “(B) \$27,650,000 for fiscal year 2022, of
21 which—

22 “(i) \$3,000,000 shall be used to carry
23 out section 12 of the Pipeline Safety Im-
24 provement Act of 2002 (49 U.S.C. 60101
25 note; Public Law 107–355); and

1 “(ii) \$12,000,000 shall be used for
2 making grants; and

3 “(C) \$28,700,000 for fiscal year 2023, of
4 which—

5 “(i) \$3,000,000 shall be used to carry
6 out section 12 of the Pipeline Safety Im-
7 provement Act of 2002 (49 U.S.C. 60101
8 note; Public Law 107–355); and

9 “(ii) \$13,000,000 shall be used for
10 making grants.

11 “(3) UNDERGROUND NATURAL GAS STORAGE
12 FACILITY SAFETY ACCOUNT.—From fees collected
13 under section 60302, there is authorized to be ap-
14 propriated to the Secretary to carry out section
15 60141 \$8,000,000 for each of fiscal years 2021
16 through 2023.

17 “(4) RECRUITMENT AND RETENTION.—From
18 amounts made available to the Secretary under
19 paragraphs (1) and (2), the Secretary shall use—

20 “(A) \$ 1,520,000 to carry out section
21 102(b)(1) of the PIPES Act of 2020, of
22 which—

23 “(i) \$1,292,000 shall be from
24 amounts made available under paragraph
25 (1)(A); and

1 “(ii) \$228,000 shall be from amounts
2 made available under paragraph (2)(A);

3 “(B) \$2,300,000 to carry out section
4 102(b)(2)(A) of the PIPES Act of 2020, of
5 which—

6 “(i) \$1,955,000 shall be from
7 amounts made available under paragraph
8 (1)(A); and

9 “(ii) \$345,000 shall be from amounts
10 made available under paragraph (2)(A);

11 “(C) \$1,600,000 to carry out section
12 102(b)(2)(B) of the PIPES Act of 2020, of
13 which—

14 “(i) \$1,360,000 shall be from
15 amounts made available under paragraph
16 (1)(B); and

17 “(ii) \$240,000 shall be from amounts
18 made available under paragraph (2)(B);

19 “(D) \$1,800,000 to carry out section
20 102(b)(2)(C) of the PIPES Act of 2020, of
21 which—

22 “(i) \$ 1,530,000 shall be from
23 amounts made available under paragraph
24 (1)(C); and

1 “(ii) \$270,000 shall be from amounts
2 made available under paragraph (2)(C);

3 “(E) \$2,455,000 to carry out section
4 102(c) of the PIPES Act of 2020 in fiscal year
5 2021, of which—

6 “(i) \$2,086,750 shall be from
7 amounts made available under paragraph
8 (1)(A); and

9 “(ii) \$368,250 shall be from amounts
10 made available under paragraph (2)(A);

11 “(F) \$2,455,000 to carry out section
12 102(c) of the PIPES Act of 2020 in fiscal year
13 2022, of which—

14 “(i) \$2,086,750 shall be from
15 amounts made available under paragraph
16 (1)(B); and

17 “(ii) \$368,250 shall be from amounts
18 made available under paragraph (2)(B);
19 and

20 “(G) \$2,455,000 to carry out section
21 102(c) of the PIPES Act of 2020 in fiscal year
22 2023, of which—

23 “(i) \$2,086,750 shall be from
24 amounts made available under paragraph
25 (1)(C); and

1 “(ii) \$368,250 shall be from amounts
2 made available under paragraph (2)(C).”.

3 (b) OPERATIONAL EXPENSES.—Section 2(b) of the
4 PIPES Act of 2016 (Public Law 114–183; 130 Stat. 515)
5 is amended by striking paragraphs (1) through (4) and
6 inserting the following:

7 “(1) \$25,000,000 for fiscal year 2021.

8 “(2) \$26,000,000 for fiscal year 2022.

9 “(3) \$27,000,000 for fiscal year 2023.”.

10 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
11 6107 of title 49, United States Code, is amended by strik-
12 ing “ \$1,058,000 for each of fiscal years 2016 through
13 2019” and inserting “ \$1,058,000 for each of fiscal years
14 2021 through 2023”.

15 (d) EMERGENCY RESPONSE GRANTS.—Section
16 60125(b)(2) of title 49, United States Code, is amended
17 by striking “fiscal years 2012 through 2015” and insert-
18 ing “fiscal years 2021 through 2023”.

19 (e) PIPELINE SAFETY INFORMATION GRANTS TO
20 COMMUNITIES.—Section 60130 of title 49, United States
21 Code, is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) in the first sentence, by striking
25 “to local communities and groups of indi-

1 viduals (not including for-profit entities)”
2 and inserting “to local communities, In-
3 dian Tribes, and groups of individuals (not
4 including for-profit entities)”;

5 (ii) in the third sentence, by striking
6 “The amount” and inserting “Except as
7 provided in subsection (c)(2), the amount”;
8 and

9 (B) by striking paragraph (4);
10 (2) by striking subsection (c) and inserting the
11 following:

12 “(c) FUNDING.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 out of amounts made available under section 2(b) of
15 the PIPES Act of 2016 (Public Law 114–183; 130
16 Stat. 515), the Secretary shall use \$2,000,000 for
17 each of fiscal years 2021 through 2023 to carry out
18 this section.

19 “(2) IMPROVING TECHNICAL ASSISTANCE.—
20 From the amounts used to carry out this section
21 under paragraph (1) each fiscal year, the Secretary
22 shall award \$1,000,000 to an eligible applicant
23 through a competitive selection process for the pur-
24 pose of improving the quality of technical assistance

1 provided to communities or individuals under this
2 section.

3 “(3) LIMITATION.—Any amounts used to carry
4 out this section shall not be derived from user fees
5 collected under section 60301.”; and

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

7 “(d) DEFINITIONS.—In this section:

8 “(1) TECHNICAL ASSISTANCE.—The term ‘tech-
9 nical assistance’ means engineering, research, and
10 other scientific analysis of pipeline safety issues, in-
11 cluding the promotion of public participation on
12 technical pipeline safety issues in proceedings related
13 to this chapter.

14 “(2) ELIGIBLE APPLICANT.—The term ‘eligible
15 applicant’ means a nonprofit entity that—

16 “(A) is a public safety advocate;

17 “(B) has pipeline safety expertise;

18 “(C) is able to provide individuals and
19 communities with technical assistance; and

20 “(D) was established with funds des-
21 ignated for the purpose of community service
22 through the implementation of section 3553 of
23 title 18 relating to violations of this chapter.”.

24 (f) DAMAGE PREVENTION PROGRAMS.—Section
25 60134(i) of title 49, United States Code, is amended in

1 the first sentence by striking “fiscal years 2012 through
2 2015” and inserting “fiscal years 2021 through 2023”.

3 (g) PIPELINE INTEGRITY PROGRAM.—Section 12(f)
4 of the Pipeline Safety Improvement Act of 2002 (49
5 U.S.C. 60101 note; Public Law 107–355) is amended by
6 striking “2016 through 2019” and inserting “2021
7 through 2023”.

8 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

9 (a) INSPECTOR TRAINING.—Not later than 1 year
10 after the date of enactment of this Act, the Administrator
11 shall—

12 (1) review the inspector training programs pro-
13 vided at the Inspector Training and Qualifications
14 Division of the Administration in Oklahoma City,
15 Oklahoma; and

16 (2) determine whether any of the programs re-
17 ferred to in paragraph (1), or any portions of the
18 programs, could be provided online through tele-
19 training or another type of distance learning.

20 (b) STAFFING.—

21 (1) IN GENERAL.—The Secretary shall increase
22 the number of full-time equivalent employees (as
23 compared to the number of positions on the date of
24 enactment of this Act) by 8 full-time employees with
25 subject matter expertise in pipeline safety, pipeline

1 facilities, and pipeline systems to finalize out-
2 standing rulemakings and fulfill congressional man-
3 dates.

4 (2) PIPELINE INSPECTION AND ENFORCEMENT
5 PERSONNEL.—The Secretary shall ensure that the
6 number of full-time positions for pipeline inspection
7 and enforcement personnel in the Office of Pipeline
8 Safety of the Administration does not fall below the
9 following:

10 (A) 224 for fiscal year 2021.

11 (B) 235 for fiscal year 2022.

12 (C) 247 for fiscal year 2023.

13 (c) RECRUITMENT AND RETENTION INCENTIVES.—

14 (1) IN GENERAL.—The Secretary shall use in-
15 centives, as necessary, to recruit and retain a quali-
16 fied workforce, including inspection and enforcement
17 personnel and attorneys and subject matter experts
18 at the Office of Pipeline Safety of the Administra-
19 tion, including—

20 (A) special pay rates permitted under sec-
21 tion 5305 of title 5, United States Code;

22 (B) repayment of student loans permitted
23 under section 5379 of that title;

24 (C) tuition assistance permitted under
25 chapter 41 of that title;

1 (D) recruitment incentives permitted under
2 section 5753 of that title; and

3 (E) retention incentives permitted under
4 section 5754 of that title.

5 (2) CONTINUED SERVICE AGREEMENT.—The
6 Secretary shall ensure that the incentives described
7 in paragraph (1) are accompanied by a continued
8 service agreement.

9 (3) APPROVAL.—The Secretary shall request,
10 as necessary, the approval of the Office of Personnel
11 Management to use the incentives described in para-
12 graph (1).

13 **SEC. 103. COST RECOVERY AND FEES FOR FACILITY RE-**
14 **VIEWS.**

15 (a) FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED
16 NATURAL GAS FACILITIES.—Chapter 603 of title 49,
17 United States Code, is amended by inserting after section
18 60302 the following:

19 **“§ 60303. Fees for compliance reviews of liquefied**
20 **natural gas facilities**

21 **“(a) IMPOSITION OF FEE.—**

22 **“(1) IN GENERAL.—**The Secretary of Transpor-
23 tation (referred to in this section as the ‘Secretary’)
24 shall impose on a person who files with the Federal
25 Energy Regulatory Commission an application for a

1 liquefied natural gas facility that has design and
2 construction costs totaling not less than
3 \$2,500,000,000 a fee for the necessary expenses of
4 a review, if any, that the Secretary conducts, in con-
5 nection with that application, to determine compli-
6 ance with subpart B of part 193 of title 49, Code
7 of Federal Regulations (or successor regulations).

8 “(2) RELATION TO OTHER REVIEW.—The Sec-
9 retary may not impose fees under paragraph (1) and
10 section 60117(o) or 60301(b) for the same compli-
11 ance review described in paragraph (1).

12 “(b) MEANS OF COLLECTION.—

13 “(1) IN GENERAL.—The Secretary shall pre-
14 scribe procedures to collect fees under this section.

15 “(2) USE OF GOVERNMENT ENTITIES.—The
16 Secretary may—

17 “(A) use a department, agency, or instru-
18 mentality of the Federal Government or of a
19 State or local government to collect fees under
20 this section; and

21 “(B) reimburse that department, agency,
22 or instrumentality a reasonable amount for the
23 services provided.

24 “(c) ACCOUNT.—There is established an account, to
25 be known as the ‘Liquefied Natural Gas Siting Account’,

1 in the Pipeline Safety Fund established in the Treasury
2 of the United States under section 60301.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 603 of title 49, United States Code, is amend-
5 ed by inserting after the item relating to section 60302
6 the following:

“60303. Fees for compliance reviews of liquefied natural gas facilities.”.

7 **SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
8 **NOLOGIES AND APPROACHES.**

9 (a) IN GENERAL.—Chapter 601 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 60142. Pipeline safety enhancement programs**

13 “(a) IN GENERAL.—The Secretary may establish and
14 carry out limited safety-enhancing testing programs to
15 evaluate innovative technologies and operational practices
16 testing the safe operation of—

17 “(1) a natural gas pipeline facility; or

18 “(2) a hazardous liquid pipeline facility.

19 “(b) LIMITATIONS.—

20 “(1) IN GENERAL.—Testing programs estab-
21 lished under subsection (a) may not exceed—

22 “(A) 5 percent of the total miles of haz-
23 ardous liquid pipelines in the United States
24 that are regulated by—

1 “(i) the Pipeline and Hazardous Ma-
2 terials Safety Administration; or

3 “(ii) a State authority under section
4 60105 or 60106; and

5 “(B) 5 percent of the total miles of natural
6 gas pipelines in the United States that are reg-
7 ulated by—

8 “(i) the Pipeline and Hazardous Ma-
9 terials Safety Administration; or

10 “(ii) a State authority under section
11 60105 or 60106.

12 “(2) OPERATOR MILEAGE LIMITATION.—The
13 Secretary shall limit the miles of pipelines that each
14 operator can test under each program established
15 under subsection (a) to the lesser of—

16 “(A) 38 percent of the total miles of pipe-
17 lines in the system of the operator that are reg-
18 ulated by—

19 “(i) the Pipeline and Hazardous Ma-
20 terials Safety Administration; or

21 “(ii) a State authority under section
22 60105 or 60106; or

23 “(B) 1,000 miles.

24 “(3) PROHIBITED AREAS.—Any program estab-
25 lished under subsection (a) shall not be located in—

1 “(A) a high population area (as defined in
2 section 195.450 of title 49, Code of Federal
3 Regulations (or a successor regulation));

4 “(B) a high consequence area (as defined
5 in section 192.903 of title 49, Code of Federal
6 Regulations (or a successor regulation)); or

7 “(C) an unusually sensitive area (as de-
8 scribed under subsection (a)(1)(B)(ii) of section
9 60109 in accordance with subsection (b) of that
10 section).

11 “(4) HIGH CONSEQUENCE AREAS FOR HAZ-
12 ARDOUS LIQUID PIPELINES.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this section, the
15 Secretary shall submit to Congress a report ex-
16 amining the benefits and costs of prohibiting
17 the testing of hazardous liquid pipelines in high
18 consequence areas (as defined in section
19 195.450 of title 49, Code of Federal Regula-
20 tions (or a successor regulation)).

21 “(B) CONTENTS OF REPORT.—The report
22 described in subparagraph (A) shall examine—

23 “(i) the safety benefits of allowing the
24 testing of hazardous liquid pipelines in
25 high consequence areas (as defined in sec-

1 tion 195.450 of title 49, Code of Federal
2 Regulations (or a successor regulation));
3 and

4 “(ii) whether additional testing condi-
5 tions are required to protect those areas
6 while conducting a testing program estab-
7 lished under subsection (a) in those areas.

8 “(c) DURATION.—

9 “(1) IN GENERAL.—The term of a testing pro-
10 gram established under subsection (a) shall be not
11 more than a period of 3 years beginning on the date
12 of approval of the program.

13 “(2) REQUIREMENT.—The Secretary shall not
14 establish any additional safety-enhancing testing
15 programs under subsection (a) after the date that is
16 3 years after the date of enactment of this section.

17 “(d) SAFETY STANDARDS.—

18 “(1) IN GENERAL.—The Secretary shall re-
19 quire, as a condition of approval of a testing pro-
20 gram under subsection (a), that the safety measures
21 in the testing program are designed to achieve a
22 level of safety that is greater than the level of safety
23 required by this chapter.

24 “(2) DETERMINATION.—

1 “(A) IN GENERAL.—The Secretary may
2 issue an order under subparagraph (A) of sec-
3 tion 60118(c)(1) to accomplish the purpose of
4 a testing program for a term not to exceed the
5 time period described in subsection (c) if the
6 condition described in paragraph (1) is met, as
7 determined by the Secretary.

8 “(B) LIMITATION.—An order under sub-
9 paragraph (A) shall pertain only to those regu-
10 lations that would otherwise prevent the use of
11 the safety technology to be tested under the
12 testing program.

13 “(3) INCREASED SAFETY CAPABILITIES.—For
14 purposes of paragraph (1), improvement in the reli-
15 ability, accuracy, durability, or certainty of pipeline
16 safety technologies, techniques, or methods shall
17 constitute an appropriate means of meeting the safe-
18 ty measure requirement described in that paragraph.

19 “(e) CONSIDERATIONS.—In establishing a testing
20 program under subsection (a), the Secretary shall con-
21 sider—

22 “(1) the accident and incident record of the
23 owners or operators participating in the program;

1 “(2)(A) whether the owners or operators par-
2 ticipating in the program have a safety management
3 system in place; and

4 “(B) how the application of that system pro-
5 poses to eliminate or mitigate potential safety and
6 environmental risks throughout the duration of the
7 program; and

8 “(3) whether the proposed safety technology
9 has been tested through a research and development
10 program carried out by—

11 “(A) the Secretary;

12 “(B) collaborative research development
13 organizations; or

14 “(C) other institutions.

15 “(f) DATA AND FINDINGS.—

16 “(1) IN GENERAL.—As a participant in a test-
17 ing program established under subsection (a), an
18 owner or operator shall submit to the Secretary de-
19 tailed findings and a summary of data collected as
20 a result of participation in the testing program.

21 “(2) PUBLIC REPORT.—The Secretary shall
22 make publicly available on the website of the De-
23 partment of Transportation an annual report for
24 any ongoing testing program established under sub-

1 section (a) summarizing the progress of the pro-
2 gram.

3 “(g) AUTHORITY TO REVOKE PARTICIPATION.—The
4 Secretary shall immediately revoke participation in a test-
5 ing program under subsection (a) if—

6 “(1)(A) the participant has an accident or inci-
7 dent involving death or personal injury necessitating
8 in-patient hospitalization; and

9 “(B) the testing program is determined to be
10 the cause of, or a contributing factor to, that acci-
11 dent or incident;

12 “(2) the participant fails to comply with the
13 terms and conditions of the testing program; or

14 “(3) in the determination of the Secretary, con-
15 tinued participation in the testing program by the
16 participant would be unsafe or would not be con-
17 sistent with the goals and objectives of this chapter.

18 “(h) AUTHORITY TO TERMINATE PROGRAM.—The
19 Secretary shall immediately terminate a testing program
20 under subsection (a) if continuation of the testing pro-
21 gram would not be consistent with the goals and objectives
22 of this chapter.

23 “(i) STATE RIGHTS.—

24 “(1) EXEMPTION.—Except as provided in para-
25 graph (2), if a State submits to the Secretary notice

1 that the State requests an exemption from any test-
2 ing program considered for establishment under this
3 section, the State shall be exempt.

4 “(2) LIMITATIONS.—

5 “(A) IN GENERAL.—The Secretary shall
6 not grant a requested exemption under para-
7 graph (1) after a testing program is estab-
8 lished.

9 “(B) LATE NOTICE.—The Secretary shall
10 not grant a requested exemption under para-
11 graph (1) if the notice submitted under that
12 paragraph is submitted to the Secretary more
13 than 30 days after the date on which the Sec-
14 retary issues an order providing an effective
15 date for the testing program in accordance with
16 subsection (j).

17 “(3) EFFECT.—If a State has not submitted a
18 notice requesting an exemption under paragraph (1),
19 the State shall not enforce any law (including regu-
20 lations) that is inconsistent with a testing program
21 in effect in the State under this section.

22 “(j) PROGRAM REVIEW PROCESS AND PUBLIC NO-
23 TICE.—

24 “(1) IN GENERAL.—The Secretary shall publish
25 in the Federal Register and send directly to each rel-

1 evant State and each appropriate State authority
2 with a certification in effect under section 60105 a
3 notice of each proposed testing program under sub-
4 section (a), including the order to be considered, and
5 provide an opportunity for public comment for not
6 less than 90 days.

7 “(2) RESPONSE FROM SECRETARY.—Not later
8 than the date on which the Secretary issues an order
9 providing an effective date of a testing program no-
10 ticed under paragraph (1), the Secretary shall—

11 “(A) publish the order in the Federal Reg-
12 ister; and

13 “(B) respond to each comment submitted
14 under paragraph (1).

15 “(k) REPORT TO CONGRESS.—At the conclusion of
16 each testing program, the Secretary shall make publicly
17 available on the website of the Department of Transpor-
18 tation a report containing—

19 “(1) the findings and conclusions of the Sec-
20 retary with respect to the testing program; and

21 “(2) any recommendations of the Secretary
22 with respect to the testing program, including any
23 recommendations for amendments to laws (including
24 regulations) and the establishment of standards,
25 that—

1 “(A) would enhance the safe operation of
2 interstate gas or hazardous liquid pipeline fa-
3 cilities; and

4 “(B) are technically, operationally, and
5 economically feasible.

6 “(l) STANDARDS.—If a report under subsection (k)
7 indicates that it is practicable to establish technically,
8 operationally, and economically feasible standards for the
9 use of a safety-enhancing technology and any cor-
10 responding operational practices tested by the testing pro-
11 gram described in the report, the Secretary, as soon as
12 practicable after submission of the report, may promulgate
13 regulations consistent with chapter 5 of title 5 (commonly
14 known as the ‘Administrative Procedure Act’) that—

15 “(1) allow operators of interstate gas or haz-
16 ardous liquid pipeline facilities to use the relevant
17 technology or practice to the extent practicable; and

18 “(2) establish technically, operationally, and
19 economically feasible standards for the capability
20 and deployment of the technology or practice.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for chapter 601 of title 49, United States Code, is amend-
23 ed by inserting after the item relating to section 60141
24 the following:

“60142. Pipeline safety enhancement programs.”.

1 **SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT**
2 **STUDY.**

3 Not later than 2 years after the date of enactment
4 of this Act, the Secretary shall submit to the Committees
5 on Commerce, Science, and Transportation and Appro-
6 priations of the Senate and the Committees on Transpor-
7 tation and Infrastructure, Energy and Commerce, and Ap-
8 propriations of the House of Representatives a report re-
9 lating to—

10 (1) the research and development capabilities of
11 the Administration, in accordance with section 12 of
12 the Pipeline Safety Improvement Act of 2002 (49
13 U.S.C. 60101 note; Public Law 107–355);

14 (2)(A) the development of additional testing
15 and research capabilities through the establishment
16 of an independent pipeline safety testing facility
17 under the Department of Transportation;

18 (B) whether an independent pipeline safety
19 testing facility would be critical to the work of the
20 Administration;

21 (C) the costs and benefits of developing an
22 independent pipeline safety testing facility under the
23 Department of Transportation; and

24 (D) the costs and benefits of colocating an inde-
25 pendent pipeline safety testing facility at an existing
26 training center of the Administration; and

1 (3) the ability of the Administration to use the
2 testing facilities of the Department of Transpor-
3 tation, other Federal agencies, or federally funded
4 research and development centers.

5 **SEC. 106. REGULATORY UPDATES.**

6 (a) DEFINITION OF OUTSTANDING MANDATE.—In
7 this section, the term “outstanding mandate” means—

8 (1) a final rule required to be issued under the
9 Pipeline Safety, Regulatory Certainty, and Job Cre-
10 ation Act of 2011 (Public Law 112–90; 125 Stat.
11 1904) that has not been published in the Federal
12 Register;

13 (2) a final rule required to be issued under the
14 PIPES Act of 2016 (Public Law 114–183; 130
15 Stat. 514) that has not been published in the Fed-
16 eral Register; and

17 (3) any other final rule regarding gas or haz-
18 ardous liquid pipeline facilities required to be issued
19 under this Act or an Act enacted prior to the date
20 of enactment of this Act that has not been published
21 in the Federal Register.

22 (b) REQUIREMENTS.—

23 (1) PERIODIC UPDATES.—Not later than 30
24 days after the date of enactment of this Act, and
25 every 30 days thereafter until a final rule referred

1 to in paragraphs (1) through (3) of subsection (a)
2 is published in the Federal Register, the Secretary
3 shall publish on a publicly available website of the
4 Department of Transportation an update regarding
5 the status of each outstanding mandate in accord-
6 ance with subsection (c).

7 (2) NOTIFICATION OF CONGRESS.—On publica-
8 tion of a final rule in the Federal Register for an
9 outstanding mandate, the Secretary shall submit to
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committees on
12 Transportation and Infrastructure and Energy and
13 Commerce of the House of Representatives a notifi-
14 cation in accordance with subsection (c).

15 (c) CONTENTS.—An update published or a notifica-
16 tion submitted under paragraph (1) or (2) of subsection
17 (b) shall contain, as applicable—

18 (1) with respect to information relating to the
19 Administration—

20 (A) a description of the work plan for each
21 outstanding mandate;

22 (B) an updated rulemaking timeline for
23 each outstanding mandate;

24 (C) the staff allocations with respect to
25 each outstanding mandate;

1 (D) any resource constraints affecting the
2 rulemaking process for each outstanding man-
3 date;

4 (E) any other details associated with the
5 development of each outstanding mandate that
6 affect the progress of the rulemaking process
7 with respect to that outstanding mandate; and

8 (F) a description of all rulemakings re-
9 garding gas or hazardous liquid pipeline facili-
10 ties published in the Federal Register that are
11 not identified under subsection (b)(2); and

12 (2) with respect to information relating to the
13 Office of the Secretary—

14 (A) the date that the outstanding mandate
15 was submitted to the Office of the Secretary for
16 review;

17 (B) the reason that the outstanding man-
18 date is under review beyond 45 days;

19 (C) the staff allocations within the Office
20 of the Secretary with respect to each the out-
21 standing mandate;

22 (D) any resource constraints affecting re-
23 view of the outstanding mandate;

1 (E) an estimated timeline of when review
2 of the outstanding mandate will be complete, as
3 of the date of the update;

4 (F) if applicable, the date that the out-
5 standing mandate was returned to the Adminis-
6 tration for revision and the anticipated date for
7 resubmission to the Office of the Secretary;

8 (G) the date that the outstanding mandate
9 was submitted to the Office of Management and
10 Budget for review; and

11 (H) a statement of whether the out-
12 standing mandate remains under review by the
13 Office of Management and Budget.

14 **SEC. 107. SELF-DISCLOSURE OF VIOLATIONS.**

15 Section 60122(b)(1) of title 49, United States Code,
16 is amended—

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

19 (2) by adding at the end the following:

20 “(D) self-disclosure and correction of viola-
21 tions, or actions to correct a violation, prior to
22 discovery by the Pipeline and Hazardous Mate-
23 rials Safety Administration; and”.

1 **SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
2 **PROCEEDINGS.**

3 (a) IN GENERAL.—Section 60117 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsections (b) through (o)
6 as subsections (c) through (p), respectively; and

7 (2) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) ENFORCEMENT PROCEDURES.—

10 “(1) PROCESS.—In implementing enforcement
11 procedures under this chapter and part 190 of title
12 49, Code of Federal Regulations (or successor regu-
13 lations), the Secretary shall—

14 “(A) allow the respondent to request the
15 use of a consent agreement and consent order
16 to resolve any matter of fact or law asserted;

17 “(B) allow the respondent and the agency
18 to convene 1 or more meetings—

19 “(i) for settlement or simplification of
20 the issues; or

21 “(ii) to aid in the disposition of issues;

22 “(C) require that the case file in an en-
23 forcement proceeding include all agency records
24 pertinent to the matters of fact and law as-
25 serted;

1 “(D) allow the respondent to reply to each
2 post-hearing submission of the agency;

3 “(E) allow the respondent to request that
4 a hearing be held, and an order be issued, on
5 an expedited basis;

6 “(F) require that the agency have the bur-
7 den of proof, presentation, and persuasion in
8 any enforcement matter;

9 “(G) require that any order contain find-
10 ings of relevant fact and conclusions of law;

11 “(H) require the Office of Pipeline Safety
12 to file a post-hearing recommendation not later
13 than 30 days after the deadline for any post-
14 hearing submission of a respondent;

15 “(I) require an order on a petition for re-
16 consideration to be issued not later than 120
17 days after the date on which the petition is
18 filed; and

19 “(J) allow an operator to request that an
20 issue of controversy or uncertainty be addressed
21 through a declaratory order in accordance with
22 section 554(e) of title 5.

23 “(2) OPEN TO THE PUBLIC.—A hearing under
24 this section shall be—

1 “(A) noticed to the public on the website
2 of the Pipeline and Hazardous Materials Safety
3 Administration; and

4 “(B) in the case of a formal hearing (as
5 defined in section 190.3 of title 49, Code of
6 Federal Regulations (or a successor regula-
7 tion)), open to the public.

8 “(3) TRANSPARENCY.—

9 “(A) AGREEMENTS, ORDERS, AND JUDG-
10 MENTS OPEN TO THE PUBLIC.—With respect to
11 each enforcement proceeding under this chap-
12 ter, the Administrator of the Pipeline and Haz-
13 ardous Materials Safety Administration shall
14 make publicly available on the website of the
15 Administration—

16 “(i) the charging documents;

17 “(ii) the written response of the re-
18 spondent, if filed; and

19 “(iii) any consent agreement, consent
20 order, order, or judgment resulting from a
21 hearing under this chapter.

22 “(B) GAO REPORT ON PIPELINE SAFETY
23 PROGRAM COLLECTION AND TRANSPARENCY OF
24 ENFORCEMENT PROCEEDINGS.—

1 “(i) IN GENERAL.—Not later than 2
2 years after the date of enactment of the
3 PIPES Act of 2020, the Comptroller Gen-
4 eral of the United States shall—

5 “(I) review information on pipe-
6 line enforcement actions that the
7 Pipeline and Hazardous Materials
8 Safety Administration makes publicly
9 available on the internet; and

10 “(II) submit to the Committee on
11 Commerce, Science, and Transpor-
12 tation of the Senate and the Commit-
13 tees on Transportation and Infra-
14 structure and Energy and Commerce
15 of the House of Representatives a re-
16 port on that review, including any rec-
17 ommendations under clause (iii).

18 “(ii) CONTENTS.—The report under
19 clause (i)(II) shall include—

20 “(I) a description of the process
21 that the Pipeline and Hazardous Ma-
22 terials Safety Administration uses to
23 collect and record enforcement infor-
24 mation;

1 “(II) an assessment of whether
2 and, if so, how the Pipeline and Haz-
3 ardous Materials Safety Administra-
4 tion ensures that enforcement infor-
5 mation is made available to the public
6 in an accessible manner; and

7 “(III) an assessment of the infor-
8 mation described in clause (i)(I).

9 “(iii) RECOMMENDATIONS.—The re-
10 port under clause (i)(II) may include rec-
11 ommendations regarding—

12 “(I) any improvements that could
13 be made to the accessibility of the in-
14 formation described in clause (i)(I);

15 “(II) whether and, if so, how the
16 information described in clause (i)(I)
17 could be made more transparent; and

18 “(III) any other recommenda-
19 tions that the Comptroller General of
20 the United States considers appro-
21 priate.

22 “(4) SAVINGS CLAUSE.—Nothing in this sub-
23 section alters the procedures applicable to—

24 “(A) an emergency order under subsection
25 (p);

1 “(B) a safety order under subsection (m);
2 or
3 “(C) a corrective action order under sec-
4 tion 60112.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 60109(g)(4) of title 49, United
7 States Code, is amended by striking “section
8 60117(c)” and inserting “section 60117(d)”.

9 (2) Section 60117(p) of title 49, United States
10 Code (as redesignated by subsection (a)(1)), is
11 amended, in paragraph (3)(E), by striking
12 “60117(l)” and inserting “subsection (m)”.

13 (3) Section 60118(a)(3) of title 49, United
14 States Code, is amended by striking “section
15 60117(a)–(d)” and inserting “subsections (a)
16 through (e) of section 60117”.

17 **SEC. 109. PIPELINE OPERATING STATUS.**

18 (a) IN GENERAL.—Chapter 601 of title 49, United
19 States Code (as amended by section 104(a)), is amended
20 by adding at the end the following:

21 **“§ 60143. Idled pipelines**

22 “(a) DEFINITION OF IDLED.—In this section, the
23 term ‘idled’, with respect to a pipeline, means that the
24 pipeline—

25 “(1)(A) has ceased normal operations; and

1 “(B) will not resume service for a period of not
2 less than 180 days;

3 “(2) has been isolated from all sources of haz-
4 ardous liquid, natural gas, or other gas; and

5 “(3)(A) has been purged of combustibles and
6 hazardous materials and maintains a blanket of
7 inert, nonflammable gas at low pressure; or

8 “(B) has not been purged as described in sub-
9 paragraph (A), but the volume of gas is so small
10 that there is no potential hazard, as determined by
11 the Secretary pursuant to a rule.

12 “(b) RULEMAKING.—

13 “(1) IN GENERAL.—Not later than 2 years
14 after the date of enactment of the PIPES Act of
15 2020, the Secretary shall promulgate regulations
16 prescribing the applicability of the pipeline safety re-
17 quirements to idled natural or other gas trans-
18 mission and hazardous liquid pipelines.

19 “(2) REQUIREMENTS.—

20 “(A) IN GENERAL.—The applicability of
21 the regulations under paragraph (1) shall be
22 based on the risk that idled natural or other
23 gas transmission and hazardous liquid pipelines
24 pose to the public, property, and the environ-

1 ment, and shall include requirements to resume
2 operation.

3 “(B) INSPECTION.—The Secretary or an
4 appropriate State agency shall inspect each
5 idled pipeline and verify that the pipeline has
6 been purged of combustibles and hazardous ma-
7 terials, if required under subsection (a).

8 “(C) REQUIREMENTS FOR REINSPEC-
9 TION.—The Secretary shall determine the re-
10 quirements for periodic reinspection of idled
11 natural or other gas transmission and haz-
12 ardous liquid pipelines.

13 “(D) RESUMPTION OF OPERATIONS.—As a
14 condition to allowing an idled pipeline to re-
15 sume operations, the Secretary shall require
16 that, prior to resuming operations, the pipeline
17 shall be—

18 “(i) inspected with—

19 “(I) hydrostatic pressure testing;

20 “(II) an internal inspection de-
21 vice; or

22 “(III) if the use of hydrostatic
23 pressure testing or an internal inspec-
24 tion device is not technologically fea-

1 sible, another comparable technology
2 or practice; and
3 “(ii) in compliance with regulations
4 promulgated under this chapter, including
5 any regulations that became effective while
6 the pipeline was idled.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 601 of title 49, United States Code (as amend-
9 ed by section 104(b)), is amended by inserting after the
10 item relating to section 60142 the following:

“60143. Idled pipelines.”.

11 **SEC. 110. UPDATES TO STANDARDS FOR LIQUEFIED NAT-**
12 **URAL GAS FACILITIES.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date of enactment of this Act, the Secretary shall—

15 (1) review the minimum operating and mainte-
16 nance standards prescribed under section 60103(d)
17 of title 49, United States Code; and

18 (2) based on the review under paragraph (1),
19 update the standards described in that paragraph
20 applicable to large-scale liquefied natural gas facili-
21 ties (other than peak shaving facilities) to provide
22 for a risk-based regulatory approach for such facili-
23 ties, consistent with this section.

24 (b) SCOPE.—In updating the minimum operating and
25 maintenance standards under subsection (a)(2), the Sec-

1 retary shall ensure that all regulations, guidance, and in-
2 ternal documents—

3 (1) are developed and applied in a manner con-
4 sistent with this section; and

5 (2) achieve a level of safety that is equivalent
6 to, or greater than, the level of safety required by
7 the standards prescribed as of the date of enactment
8 of this Act under—

9 (A) section 60103(d) of title 49, United
10 States Code; and

11 (B) part 193 of title 49, Code of Federal
12 Regulations (as in effect on the date of enact-
13 ment of this Act).

14 (c) REQUIREMENTS.—The updates to the operating
15 and maintenance standards required under subsection
16 (a)(2) shall, at a minimum, require operators—

17 (1) to develop and maintain written safety in-
18 formation identifying hazards associated with—

19 (A) the processes of liquefied natural gas
20 conversion, storage, and transport;

21 (B) equipment used in the processes; and

22 (C) technology used in the processes;

23 (2) to conduct a hazard assessment, including
24 the identification of potential sources of accidental
25 releases;

1 (3)(A) to consult with employees and represent-
2 atives of employees on the development and execu-
3 tion of hazard assessments under paragraph (2);
4 and

5 (B) to provide employees access to the records
6 of the hazard assessments and any other records re-
7 quired under the updated standards;

8 (4) to establish a system to respond to the find-
9 ings of a hazard assessment conducted under para-
10 graph (2) that addresses prevention, mitigation, and
11 emergency responses;

12 (5) to review, when a design change occurs, the
13 most recent hazard assessment conducted under
14 paragraph (2) and the response system established
15 under paragraph (4);

16 (6) to develop and implement written operating
17 procedures for the processes of liquefied natural gas
18 conversion, storage, and transport;

19 (7)(A) to provide written safety and operating
20 information to employees; and

21 (B) to train employees in operating procedures
22 with an emphasis on addressing hazards and using
23 safe practices;

1 (8) to ensure contractors and contract employ-
2 ees are provided appropriate information and train-
3 ing;

4 (9) to train and educate employees and contrac-
5 tors in emergency response;

6 (10) to establish a quality assurance program
7 to ensure that equipment, maintenance materials,
8 and spare parts relating to the operations and main-
9 tenance of liquefied natural gas facilities are fab-
10 ricated and installed consistent with design specifica-
11 tions;

12 (11) to establish maintenance systems for crit-
13 ical process-related equipment, including written
14 procedures, employee training, appropriate inspec-
15 tions, and testing of that equipment to ensure ongo-
16 ing mechanical integrity;

17 (12) to conduct pre-start-up safety reviews of
18 all newly installed or modified equipment;

19 (13) to establish and implement written proce-
20 dures to manage change to processes of liquefied
21 natural gas conversion, storage, and transport, tech-
22 nology, equipment, and facilities; and

23 (14)(A) to investigate each incident that results
24 in, or could have resulted in—

25 (i) loss of life;

1 (ii) destruction of private property; or

2 (iii) a major accident; and

3 (B) to have operating personnel—

4 (i) review any findings of an investigation
5 under subparagraph (A); and

6 (ii) if appropriate, take responsive meas-
7 ures.

8 (d) SUBMISSION AND APPROVAL.—

9 (1) IN GENERAL.—The Secretary shall require
10 that operators that are subject to the regulations
11 under subsection (a)(2) submit to the Secretary for
12 approval a plan for the implementation of the re-
13 quirements described in subsection (c).

14 (2) REQUIREMENT.—The implementation plan
15 described in paragraph (1) shall include—

16 (A) an anticipated schedule for the imple-
17 mentation of the requirements described in sub-
18 section (c); and

19 (B) an overview of the process for imple-
20 mentation.

21 (e) INSPECTION AND COMPLIANCE ASSURANCE.—

22 (1) DETERMINATION OF INADEQUATE PRO-
23 GRAMS.—If the Secretary determines during an in-
24 spection carried out under chapter 601 of title 49,
25 United States Code, that an operator's implementa-

1 tion of the requirements described in subsection (c)
2 does not comply with the requirements of that chap-
3 ter (including any regulations promulgated under
4 that chapter), has not been adequately implemented,
5 is inadequate for the safe operation of a large-scale
6 liquefied natural gas facility, or is otherwise inad-
7 equate, the Secretary may conduct enforcement pro-
8 ceedings under that chapter.

9 (2) SAVINGS CLAUSE.—Nothing in this section
10 shall affect the authority of the Secretary to carry
11 out inspections or conduct enforcement proceedings
12 under chapter 601 of title 49, United States Code.

13 (f) EMERGENCIES AND COMPLIANCE.—Nothing in
14 this section may be construed to diminish or modify—

15 (1) the authority of the Secretary under this
16 title to act in the case of an emergency; or

17 (2) the authority of the Secretary under sec-
18 tions 60118 through 60123 of title 49, United
19 States Code.

20 (g) CIVIL PENALTIES.—A person violating the stand-
21 ards prescribed under this section, including any revisions
22 to the minimum operating and maintenance standards
23 prescribed under 60103 of title 49, United States Code,
24 shall be liable for a civil penalty that may not exceed

1 \$200,000 for each violation pursuant to section
2 60122(a)(1) of that title.

3 **SEC. 111. NATIONAL CENTER OF EXCELLENCE FOR LIQUE-**
4 **FIED NATURAL GAS SAFETY.**

5 (a) DEFINITIONS.—In this section:

6 (1) CENTER.—The term “Center” means the
7 National Center of Excellence for Liquefied Natural
8 Gas Safety that may be established under subsection
9 (b).

10 (2) LNG.—The term “LNG” means liquefied
11 natural gas.

12 (3) LNG SECTOR STAKEHOLDER.—The term
13 “LNG sector stakeholder” means a representative
14 of—

15 (A) LNG facilities that represent the broad
16 array of LNG facilities operating in the United
17 States;

18 (B) States, Indian Tribes, and units of
19 local government;

20 (C) postsecondary education;

21 (D) labor organizations;

22 (E) safety organizations; or

23 (F) Federal regulatory agencies of jurisdic-
24 tion, which may include—

25 (i) the Administration;

- 1 (ii) the Federal Energy Regulatory
2 Commission;
3 (iii) the Department of Energy;
4 (iv) the Occupational Safety and
5 Health Administration;
6 (v) the Coast Guard; and
7 (vi) the Maritime Administration.

8 (b) ESTABLISHMENT.—Only after submitting the re-
9 port under subsection (c) to the committees of Congress
10 described in that subsection, and subject to the availability
11 of funds appropriated by Congress for the applicable pur-
12 pose, the Secretary, in consultation with LNG sector
13 stakeholders, may establish a center, to be known as the
14 “National Center of Excellence for Liquefied Natural Gas
15 Safety”.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 18 months
18 after the date of enactment of this Act, the Sec-
19 retary shall submit to the Committees on Commerce,
20 Science, and Transportation and Appropriations of
21 the Senate and the Committees on Transportation
22 and Infrastructure, Energy and Commerce, and Ap-
23 propriations of the House of Representatives a re-
24 port on—

1 (A) the resources necessary to establish the
2 Center; and

3 (B) the manner in which the Center will
4 carry out the functions described in subsection
5 (d).

6 (2) REQUIREMENT.—The report under para-
7 graph (1) shall include an estimate of all potential
8 costs and appropriations necessary to carry out the
9 functions described in subsection (d).

10 (d) FUNCTIONS.—The Center shall, for activities reg-
11 ulated under section 60103 of title 49, United States
12 Code, enhance the United States as the leader and fore-
13 most expert in LNG operations by—

14 (1) furthering the expertise of the Federal Gov-
15 ernment in the operations, management, and regu-
16 latory practices of LNG facilities through—

17 (A) the use of performance-based prin-
18 ciples;

19 (B) experience and familiarity with LNG
20 operational facilities; and

21 (C) increased communication with LNG
22 experts to learn and support state-of-the-art
23 operational practices;

1 (2) acting as a repository of information on
2 best practices for the operation of LNG facilities;
3 and

4 (3) facilitating collaboration among LNG sector
5 stakeholders.

6 (e) LOCATION.—

7 (1) IN GENERAL.—The Center shall be located
8 in close proximity to critical LNG transportation in-
9 frastructure on, and connecting to, the Gulf of Mex-
10 ico, as determined by the Secretary.

11 (2) CONSIDERATIONS.—In determining the lo-
12 cation of the Center, the Secretary shall—

13 (A) take into account the strategic value of
14 locating resources in close proximity to LNG fa-
15 cilities; and

16 (B) locate the Center in the State with the
17 largest LNG production capacity, as determined
18 by the total capacity (in billion cubic feet per
19 day) of LNG production authorized by the Fed-
20 eral Energy Regulatory Commission under sec-
21 tion 3 of the Natural Gas Act (15 U.S.C. 717b)
22 as of the date of enactment of this Act.

23 (f) COORDINATION WITH TQ TRAINING CENTER.—

24 In carrying out the functions described in subsection (d),
25 the Center shall coordinate with the Training and Quali-

1 fications Training Center of the Administration in Okla-
2 homa City, Oklahoma, to facilitate knowledge sharing
3 among, and enhanced training opportunities for, Federal
4 and State pipeline safety inspectors and investigators.

5 (g) JOINT OPERATION WITH EDUCATIONAL INSTI-
6 TUTION.—The Secretary may enter into an agreement
7 with an appropriate official of an institution of higher edu-
8 cation—

9 (1) to provide for joint operation of the Center;
10 and

11 (2) to provide necessary administrative services
12 for the Center.

13 **SEC. 112. PRIORITIZATION OF RULEMAKING.**

14 (a) RULEMAKING.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary shall issue
16 a final rule with respect to the portion of the proposed
17 rule issued on April 8, 2016, entitled “Pipeline Safety:
18 Safety of Gas Transmission and Gathering Pipelines” (81
19 Fed. Reg. 20722; Docket No. PHMSA–2011–0023) that
20 relates to the consideration of gathering pipelines.

21 (b) STUDY.—Not later than 1 year after the date of
22 enactment of this Act, the Comptroller General of the
23 United States shall—

1 (1) review the extent to which geospatial and
2 technical data is collected by operators of gathering
3 lines, including design and material specifications;

4 (2) analyze information collected by operators
5 of gathering lines when the mapping information de-
6 scribed in paragraph (1) is not available for a gath-
7 ering line; and

8 (3) assess any plans and timelines of operators
9 of gathering lines to develop the mapping informa-
10 tion described in paragraph (1) or otherwise collect
11 information described in paragraph (2).

12 (c) REPORT.—The Comptroller General of the United
13 States shall submit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the Com-
15 mittees on Transportation and Infrastructure and Energy
16 and Commerce of the House of Representatives a report
17 on the review required under subsection (b), including any
18 recommendations that the Comptroller General of the
19 United States may have as a result of the review.

20 **SEC. 113. LEAK DETECTION AND REPAIR.**

21 Section 60102 of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(q) GAS PIPELINE LEAK DETECTION AND RE-
24 PAIR.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this subsection, the Sec-
3 retary shall promulgate final regulations that require
4 operators of regulated gathering lines (as defined
5 pursuant to subsection (b) of section 60101 for pur-
6 poses of subsection (a)(21) of that section) in a
7 Class 2 location, Class 3 location, or Class 4 loca-
8 tion, as determined under section 192.5 of title 49,
9 Code of Federal Regulations, operators of new and
10 existing gas transmission pipeline facilities, and op-
11 erators of new and existing gas distribution pipeline
12 facilities to conduct leak detection and repair pro-
13 grams—

14 “(A) to meet the need for gas pipeline
15 safety, as determined by the Secretary; and

16 “(B) to protect the environment.

17 “(2) LEAK DETECTION AND REPAIR PRO-
18 GRAMS.—

19 “(A) MINIMUM PERFORMANCE STAND-
20 ARDS.—The final regulations promulgated
21 under paragraph (1) shall include, for the leak
22 detection and repair programs described in that
23 paragraph, minimum performance standards
24 that reflect the capabilities of commercially
25 available advanced technologies that, with re-

1 spect to each pipeline covered by the programs,
2 are appropriate for—

3 “(i) the type of pipeline;

4 “(ii) the location of the pipeline;

5 “(iii) the material of which the pipe-
6 line is constructed; and

7 “(iv) the materials transported by the
8 pipeline.

9 “(B) REQUIREMENT.—The leak detection
10 and repair programs described in paragraph (1)
11 shall be able to identify, locate, and categorize
12 all leaks that—

13 “(i) are hazardous to human safety or
14 the environment; or

15 “(ii) have the potential to become ex-
16 plosive or otherwise hazardous to human
17 safety.

18 “(3) ADVANCED LEAK DETECTION TECH-
19 NOLOGIES AND PRACTICES.—

20 “(A) IN GENERAL.—The final regulations
21 promulgated under paragraph (1) shall—

22 “(i) require the use of advanced leak
23 detection technologies and practices de-
24 scribed in subparagraph (B);

1 “(ii) identify any scenarios where op-
2 erators may use leak detection practices
3 that depend on human senses; and

4 “(iii) include a schedule for repairing
5 or replacing each leaking pipe, except a
6 pipe with a leak so small that it poses no
7 potential hazard, with appropriate dead-
8 lines.

9 “(B) ADVANCED LEAK DETECTION TECH-
10 NOLOGIES AND PRACTICES DESCRIBED.—The
11 advanced leak detection technologies and prac-
12 tices referred to in subparagraph (A)(i) in-
13 clude—

14 “(i) for new and existing gas distribu-
15 tion pipeline facilities, technologies and
16 practices to detect pipeline leaks—

17 “(I) through continuous moni-
18 toring on or along the pipeline; or

19 “(II) through periodic surveys
20 with handheld equipment, equipment
21 mounted on mobile platforms, or other
22 means using commercially available
23 technology;

1 “(ii) for new and existing gas trans-
2 mission pipeline facilities, technologies and
3 practices to detect pipeline leaks through—

4 “(I) equipment that is capable of
5 continuous monitoring; or

6 “(II) periodic surveys with
7 handheld equipment, equipment
8 mounted on mobile platforms, or other
9 means using commercially available
10 technology; and

11 “(iii) for regulated gathering lines in
12 Class 2 locations, Class 3 locations, or
13 Class 4 locations, technologies and prac-
14 tices to detect pipeline leaks through—

15 “(I) equipment that is capable of
16 continuous monitoring; or

17 “(II) periodic surveys with
18 handheld equipment, equipment
19 mounted on mobile platforms, or other
20 means using commercially available
21 technology.

22 “(4) RULES OF CONSTRUCTION.—

23 “(A) SURVEYS AND TIMELINES.—In pro-
24 mulgating regulations under this subsection, the
25 Secretary—

1 “(i) may not reduce the frequency of
2 surveys required under any other provision
3 of this chapter or stipulated by regulation
4 as of the date of enactment of this sub-
5 section; and

6 “(ii) may not extend the duration of
7 any timelines for the repair or remediation
8 of leaks that are stipulated by regulation
9 as of the date of enactment of this sub-
10 section.

11 “(B) APPLICATION.—The limitations in
12 this paragraph do not restrict the Secretary’s
13 ability to modify any regulations through pro-
14 ceedings separate from or subsequent to the
15 final regulations required under paragraph (1).

16 “(C) EXISTING AUTHORITY.—Nothing in
17 this subsection may be construed to alter the
18 authority of the Secretary to regulate gathering
19 lines as defined pursuant to section 60101.”.

20 **SEC. 114. INSPECTION AND MAINTENANCE PLANS.**

21 (a) IN GENERAL.—Section 60108 of title 49, United
22 States Code, is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, must meet the
3 requirements of any regulations promul-
4 gated under section 60102(q),” after “the
5 need for pipeline safety”;

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

8 (iii) by striking subparagraph (D) and
9 inserting the following:

10 “(D) the extent to which the plan will con-
11 tribute to—

12 “(i) public safety;

13 “(ii) eliminating hazardous leaks and
14 minimizing releases of natural gas from
15 pipeline facilities; and

16 “(iii) the protection of the environ-
17 ment; and

18 “(E) the extent to which the plan address-
19 es the replacement or remediation of pipelines
20 that are known to leak based on the material
21 (including cast iron, unprotected steel, wrought
22 iron, and historic plastics with known issues),
23 design, or past operating and maintenance his-
24 tory of the pipeline.”; and

1 (B) by striking paragraph (3) and insert-
2 ing the following:

3 “(3) REVIEW OF PLANS.—

4 “(A) IN GENERAL.—Not later than 2 years
5 after the date of enactment of this subpara-
6 graph, and not less frequently than once every
7 5 years thereafter, the Secretary or relevant
8 State authority with a certification in effect
9 under section 60105 shall review each plan de-
10 scribed in this subsection.

11 “(B) CONTEXT OF REVIEW.—The Sec-
12 retary may conduct a review under this para-
13 graph as an element of the inspection of the op-
14 erator carried out by the Secretary under sub-
15 section (b).

16 “(C) INADEQUATE PROGRAMS.—If the Sec-
17 retary determines that a plan reviewed under
18 this paragraph does not comply with the re-
19 quirements of this chapter (including any regu-
20 lations promulgated under this chapter), has
21 not been adequately implemented, is inadequate
22 for the safe operation of a pipeline facility, or
23 is otherwise inadequate, the Secretary may con-
24 duct enforcement proceedings under this chap-
25 ter.”; and

1 (2) in subsection (b)(1)(B), by inserting “con-
2 struction material,” after “method of construction,”.

3 (b) DEADLINE.—Not later than 1 year after the date
4 of enactment of this Act, each pipeline operator shall up-
5 date the inspection and maintenance plan prepared by the
6 operator under section 60108(a) of title 49, United States
7 Code, to address the elements described in the amend-
8 ments to that section made by subsection (a).

9 (c) INSPECTION AND MAINTENANCE PLAN OVER-
10 SIGHT.—

11 (1) STUDY.—The Comptroller General of the
12 United States shall conduct a study to evaluate the
13 procedures used by the Secretary and States in re-
14 viewing plans prepared by pipeline operators under
15 section 60108(a) of title 49, United States Code,
16 pursuant to subsection (b) in minimizing releases of
17 natural gas from pipeline facilities.

18 (2) REPORT OF THE COMPTROLLER GENERAL
19 OF THE UNITED STATES.—Not later than 1 year
20 after the Secretary’s review of the operator plans
21 prepared under section 60108(a) of title 49, United
22 States Code, the Comptroller General of the United
23 States shall submit to the Secretary, the Committee
24 on Commerce, Science, and Transportation of the
25 Senate, and the Committees on Transportation and

1 Infrastructure and Energy and Commerce of the
2 House of Representatives a report that—

3 (A) describes the results of the study con-
4 ducted under paragraph (1), including an eval-
5 uation of the procedures used by the Secretary
6 and States in reviewing the effectiveness of the
7 plans prepared by pipeline operators under sec-
8 tion 60108(a) of title 49, United States Code,
9 pursuant to subsection (b) in minimizing re-
10 leases of natural gas from pipeline facilities;
11 and

12 (B) provides recommendations for how to
13 further minimize releases of natural gas from
14 pipeline facilities without compromising pipeline
15 safety based on observations and information
16 obtained through the study conducted under
17 paragraph (1).

18 (3) RESPONSE OF THE SECRETARY.—Not later
19 than 90 days after the date on which the report
20 under paragraph (2) is published, the Secretary
21 shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the
23 Committees on Transportation and Infrastructure
24 and Energy and Commerce of the House of Rep-
25 resentatives a report that includes a response to the

1 results of the study conducted under paragraph (1)
2 and the recommendations contained in the report
3 submitted under paragraph (2).

4 (d) BEST AVAILABLE TECHNOLOGIES OR PRAC-
5 TICES.—

6 (1) REPORT OF THE SECRETARY.—Not later
7 than 18 months after the date of enactment of this
8 Act, the Secretary shall submit to the Committee on
9 Commerce, Science, and Transportation of the Sen-
10 ate and the Committees on Transportation and In-
11 frastructure and Energy and Commerce of the
12 House of Representatives a report—

13 (A) discussing—

14 (i) the best available technologies or
15 practices to prevent or minimize, without
16 compromising pipeline safety, the release
17 of natural gas when making planned re-
18 pairs, replacements, or maintenance to a
19 pipeline facility;

20 (ii) the best available technologies or
21 practices to prevent or minimize, without
22 compromising pipeline safety, the release
23 of natural gas when the operator inten-
24 tionally vents or releases natural gas, in-
25 cluding blowdowns; and

1 (iii) pipeline facility designs that,
2 without compromising pipeline safety, miti-
3 gate the need to intentionally vent natural
4 gas; and

5 (B) recommending a timeline for updating
6 pipeline safety regulations, as the Secretary de-
7 termines to be appropriate, to address the mat-
8 ters described in subparagraph (A).

9 (2) RULEMAKING.—Not later than 180 days
10 after the date on which the Secretary submits the
11 report under this subsection, the Secretary shall up-
12 date pipeline safety regulations that the Secretary
13 has determined are necessary to protect the environ-
14 ment without compromising pipeline safety.

15 **SEC. 115. CONSIDERATION OF PIPELINE CLASS LOCATION**
16 **CHANGES.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator of the
19 Pipeline and Hazardous Materials Safety Administration
20 shall—

21 (1) review all comments submitted in response
22 to the advance notice of proposed rulemaking enti-
23 tled “Pipeline Safety: Class Location Change Re-
24 quirements” (83 Fed. Reg. 36861 (July 31, 2018));

1 (2) complete any other activities or procedures
2 necessary—

3 (A) to make a determination whether to
4 publish a notice of proposed rulemaking; and

5 (B) if a positive determination is made
6 under subparagraph (A), to advance in the rule-
7 making process, including by taking any actions
8 required under section 60115 of title 49, United
9 State Code; and

10 (3) consider the issues raised in the report to
11 Congress entitled “Evaluation of Expanding Pipeline
12 Integrity Management Beyond High-Consequence
13 Areas and Whether Such Expansion Would Mitigate
14 the Need for Gas Pipeline Class Location Require-
15 ments” prepared by the Pipeline and Hazardous
16 Materials Safety Administration and submitted to
17 Congress on June 8, 2016, including the adequacy
18 of existing integrity management programs.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion may be construed to require the Administrator of the
21 Pipeline and Hazardous Materials Safety Administration
22 to publish a notice of proposed rulemaking or otherwise
23 continue the rulemaking process with respect to the ad-
24 vance notice of proposed rulemaking described in sub-
25 section (a)(1).

1 (c) REPORTING.—For purposes of this section, the
2 requirements of section 106 shall apply during the period
3 beginning on the date that is 180 days after the date of
4 enactment of this Act and ending on the date on which
5 the requirements of subsection (a) are completed.

6 **SEC. 116. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
7 **LINE SAFETY INFORMATION.**

8 Section 60129 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)(1), in the matter pre-
11 ceding subparagraph (A), by striking “employee
12 with” and inserting “current or former employee
13 with”;

14 (2) in subsection (b)(3), by adding at the end
15 the following:

16 “(D) DE NOVO REVIEW.—

17 “(i) IN GENERAL.—With respect to a
18 complaint under paragraph (1), if the Sec-
19 retary of Labor has not issued a final deci-
20 sion by the date that is 210 days after the
21 date on which the complaint was filed, and
22 if the delay is not due to the bad faith of
23 the employee who filed the complaint, that
24 employee may bring an original action at
25 law or equity for de novo review in the ap-

1 appropriate district court of the United
2 States, which shall have jurisdiction over
3 such action without regard to the amount
4 in controversy, and which action shall, at
5 the request of either party to the action, be
6 tried by the court with a jury.

7 “(ii) BURDENS OF PROOF.—An origi-
8 nal action described in clause (i) shall be
9 governed by the same legal burdens of
10 proof specified in paragraph (2)(B) for re-
11 view by the Secretary of Labor.”; and

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

13 “(e) NONENFORCEABILITY OF CERTAIN PROVISIONS
14 WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBI-
15 TRATION OF DISPUTES.—

16 “(1) WAIVER OF RIGHTS AND REMEDIES.—The
17 rights and remedies provided under this section may
18 not be waived by any agreement, policy, form, or
19 condition of employment, including by a predispute
20 arbitration agreement.

21 “(2) PREDISPUTE ARBITRATION AGREE-
22 MENTS.—No provision of a predispute arbitration
23 agreement shall be valid or enforceable if the provi-
24 sion requires arbitration of a dispute arising under
25 subsection (a)(1).”.

1 **SEC. 117. INTERSTATE DRUG AND ALCOHOL OVERSIGHT.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary shall
4 amend the auditing program for the drug and alcohol reg-
5 ulations in part 199 of title 49, Code of Federal Regula-
6 tions, to improve the efficiency and processes of those reg-
7 ulations as applied to—

8 (1) operators; and

9 (2) pipeline contractors working for multiple
10 operators in multiple States.

11 (b) REQUIREMENT.—In carrying out subsection (a),
12 the Secretary shall minimize duplicative audits of the
13 same operators, and the contractors working for those op-
14 erators, by the Administration and multiple State agen-
15 cies.

16 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to require modification of the in-
18 spection or enforcement authority of any Federal agency
19 or State.

20 **SEC. 118. PURPOSE AND GENERAL AUTHORITY.**

21 Section 60102(b)(5) of title 49, United States Code,
22 is amended—

23 (1) by striking “Chapter” and inserting “chap-
24 ter”; and

25 (2) by inserting “, including safety and environ-
26 mental benefits,” after “benefits”.

1 **SEC. 119. NATIONAL ACADEMY OF SCIENCES STUDY ON**
2 **AUTOMATIC AND REMOTE-CONTROLLED**
3 **SHUT-OFF VALVES ON EXISTING PIPELINES.**

4 (a) STUDY.—The Secretary shall enter into an ar-
5 rangement with the National Academy of Sciences under
6 which the National Academy of Sciences shall conduct a
7 study of potential methodologies or standards for the in-
8 stallation of automatic or remote-controlled shut-off valves
9 on an existing pipeline in—

10 (1) a high consequence area (as defined in sec-
11 tion 192.903 of title 49, Code of Federal Regula-
12 tions (or a successor regulation)) for a gas trans-
13 mission pipeline facility; or

14 (2) for a hazardous liquid pipeline facility—

15 (A) a commercially navigable waterway (as
16 defined in section 195.450 of that title (or a
17 successor regulation)); or

18 (B) an unusually sensitive area (as defined
19 in section 195.6 of that title (or a successor
20 regulation)).

21 (b) FACTORS FOR CONSIDERATION.—In conducting
22 the study under subsection (a), the National Academy of
23 Sciences shall take into consideration, as applicable—

24 (1) methodologies that conform to the rec-
25 ommendations submitted by the National Transpor-
26 tation Safety Board to the Pipeline and Hazardous

1 Materials Safety Administration and Congress re-
2 garding automatic and remote-controlled shut-off
3 valves;

4 (2) to the extent practicable, compatibility with
5 existing regulations of the Administration, including
6 any regulations promulgated pursuant to docket
7 number PHMSA–2013–0255, relating to the instal-
8 lation of automatic and remote-controlled shutoff
9 valves;

10 (3) methodologies that maximize safety and en-
11 vironmental benefits; and

12 (4) the economic, technical, and operational fea-
13 sibility of installing automatic or remote-controlled
14 shut-off valves on existing pipelines by employing
15 such methodologies or standards.

16 (c) REPORT.—Not later than 2 years after the date
17 of enactment of this Act, the National Academy of
18 Sciences shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittees on Transportation and Infrastructure and Energy
21 and Commerce of the House of Representatives a report
22 describing the results of the study under subsection (a).

1 **SEC. 120. UNUSUALLY SENSITIVE AREAS.**

2 (a) CERTAIN COASTAL WATERS; COASTAL BEACH-
3 ES.—Section 19(b) of the PIPES Act of 2016 (49 U.S.C.
4 60109 note; Public Law 114–183) is amended—

5 (1) by striking “The Secretary” and inserting
6 the following: “

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) CERTAIN COASTAL WATERS.—The
9 term ‘certain coastal waters’ means—

10 “(i) the territorial sea of the United
11 States;

12 “(ii) the Great Lakes and their con-
13 necting waters; and

14 “(iii) the marine and estuarine waters
15 of the United States up to the head of
16 tidal influence.

17 “(B) COASTAL BEACH.—The term ‘coastal
18 beach’ means any land between the high- and
19 low-water marks of certain coastal waters.

20 “(2) REVISION.—The Secretary”; and

21 (2) in paragraph (2) (as so designated), by
22 striking “marine coastal waters” and inserting “cer-
23 tain coastal waters”.

24 (b) CERTAIN COASTAL WATERS.—Section
25 60109(b)(2) of title 49, United States Code, is amended

1 by striking “marine coastal waters” and inserting “certain
2 coastal waters”.

3 (c) UPDATE TO REGULATIONS.—The Secretary shall
4 complete the revision to regulations required under section
5 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note;
6 Public Law 114–183) (as amended by subsection (a)) by
7 not later than 90 days after the date of enactment of this
8 Act.

9 (d) HAZARDOUS LIQUID PIPELINE FACILITIES LO-
10 CATED IN CERTAIN AREAS.—Section 60109(g) of title 49,
11 United States Code, is amended—

12 (1) in paragraph (1)(B), by inserting “, but not
13 less often than once every 12 months” before the pe-
14 riod at the end; and

15 (2) by adding at the end the following:

16 “(5) CONSIDERATIONS.—In carrying out this
17 subsection, each operator shall implement proce-
18 dures that assess potential impacts by maritime
19 equipment or other vessels, including anchors, an-
20 chor chains, or any other attached equipment.”.

21 **SEC. 121. SAFETY-RELATED CONDITION REPORTS.**

22 Section 60102(h) of title 49, United States Code, is
23 amended by striking paragraph (2) and inserting the fol-
24 lowing:

1 “(2) SUBMISSION OF REPORT.—As soon as
2 practicable, but not later than 5 business days, after
3 a representative of a person to whom this section ap-
4 plies first establishes that a condition described in
5 paragraph (1) exists, the operator shall submit the
6 report required under that paragraph to—

7 “(A) the Secretary;

8 “(B) the appropriate State authority or,
9 where no appropriate State authority exists, to
10 the Governor of a State where the subject of
11 the Safety Related Condition report occurred;
12 and

13 “(C) the appropriate Tribe where the sub-
14 ject of the Safety Related Condition report oc-
15 curred.

16 “(3) SUBMISSION OF REPORT TO OTHER ENTI-
17 TIES.—Upon request, a State authority or a Gov-
18 ernor that receives a report submitted under this
19 subsection may submit the report to any relevant
20 emergency response or planning entity, including
21 any—

22 “(A) State emergency response commission
23 established pursuant to section 301 of the
24 Emergency Planning and Community Right-To-
25 Know Act of 1986 (42 U.S.C. 11001);

1 “(B) Tribal emergency response commis-
2 sion or emergency planning committee (as de-
3 fined in part 355 of title 40, Code of Federal
4 Regulations (or a successor regulation));

5 “(C) local emergency planning committee
6 established pursuant to section 301 of the
7 Emergency Planning and Community Right-To-
8 Know Act of 1986 (42 U.S.C. 11001); or

9 “(D) other public agency responsible for
10 emergency response.”.

11 **SEC. 122. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
12 **PROGRAMS.**

13 Section 60109(c) of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(12) DISTRIBUTION PIPELINES.—

16 “(A) STUDY.—The Secretary shall conduct
17 a study of methods that may be used under
18 paragraph (3), other than direct assessment, to
19 assess distribution pipelines to determine
20 whether any such method—

21 “(i) would provide a greater level of
22 safety than direct assessment of the pipe-
23 lines; and

24 “(ii) is feasible.

1 “(B) REPORT.—Not later than 2 years
2 after the date of enactment of this paragraph,
3 the Secretary shall submit to the Committee on
4 Commerce, Science, and Transportation of the
5 Senate and the Committees on Energy and
6 Commerce and Transportation and Infrastruc-
7 ture of the House of Representatives a report
8 describing—

9 “(i) the results of the study under
10 subparagraph (A); and

11 “(ii) recommendations based on that
12 study, if any.”.

13 **SEC. 123. RULE OF CONSTRUCTION.**

14 Nothing in this title or an amendment made by this
15 title may be construed to affect the authority of the Ad-
16 ministrator of the Environmental Protection Agency under
17 the Clean Air Act (42 U.S.C. 7401 et seq.), the authority
18 of the Secretary of the Interior under the Mineral Leasing
19 Act (30 U.S.C. 181 et seq.), or the authority of any State,
20 to regulate a release of pollutants or hazardous substances
21 to air, water, or land, including through the establishment
22 and enforcement of requirements relating to such release.

1 **TITLE II—LEONEL RONDON**
2 **PIPELINE SAFETY ACT**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Leonel Rondon Pipe-
5 line Safety Act”.

6 **SEC. 202. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.**

7 (a) IN GENERAL.—Section 60109(e) of title 49,
8 United States Code, is amended by adding at the end the
9 following:

10 “(7) EVALUATION OF RISK.—

11 “(A) IN GENERAL.—Not later than 2 years
12 after the date of enactment of this paragraph,
13 the Secretary shall promulgate regulations to
14 ensure that each distribution integrity manage-
15 ment plan developed by an operator of a dis-
16 tribution system includes an evaluation of—

17 “(i) the risks resulting from the pres-
18 ence of cast iron pipes and mains in the
19 distribution system; and

20 “(ii) the risks that could lead to or re-
21 sult from the operation of a low-pressure
22 distribution system at a pressure that
23 makes the operation of any connected and
24 properly adjusted low-pressure gas burning

1 equipment unsafe, as determined by the
2 Secretary.

3 “(B) CONSIDERATION.—In carrying out
4 subparagraph (A)(ii), the Secretary shall ensure
5 that an operator of a distribution system—

6 “(i) considers factors other than past
7 observed abnormal operating conditions (as
8 defined in section 192.803 of title 49, Code
9 of Federal Regulations (or a successor reg-
10 ulation)) in ranking risks and identifying
11 measures to mitigate those risks; and

12 “(ii) may not determine that there are
13 no potential consequences associated with
14 low probability events unless that deter-
15 mination is otherwise supported by engi-
16 neering analysis or operational knowledge.

17 “(C) DEADLINES.—

18 “(i) IN GENERAL.—Not later than 2
19 years after the date of enactment of this
20 paragraph, each operator of a distribution
21 system shall make available to the Sec-
22 retary or the relevant State authority with
23 a certification in effect under section
24 60105, as applicable, a copy of—

1 “(I) the distribution integrity
2 management plan of the operator;

3 “(II) the emergency response
4 plan under section 60102(d)(5); and

5 “(III) the procedural manual for
6 operations, maintenance, and emer-
7 gencies under section 60102(d)(4).

8 “(ii) UPDATES.—Each operator of a
9 distribution system shall make available to
10 the Secretary or make available for inspec-
11 tion to the relevant State authority de-
12 scribed in clause (i), if applicable, an up-
13 dated plan or manual described in that
14 clause by not later than 60 days after the
15 date of a significant update, as determined
16 by the Secretary.

17 “(iii) APPLICABILITY OF FOIA.—Noth-
18 ing in this subsection shall be construed to
19 authorize the disclosure of any information
20 that is exempt from disclosure under sec-
21 tion 552(b) of title 5.

22 “(D) REVIEW OF PLANS AND DOCU-
23 MENTS.—

24 “(i) TIMING.—

1 “(I) IN GENERAL.—Not later
2 than 2 years after the date of promul-
3 gation of the regulations under sub-
4 paragraph (A), and not less frequently
5 than once every 5 years thereafter,
6 the Secretary or relevant State au-
7 thority with a certification in effect
8 under section 60105 shall review the
9 distribution integrity management
10 plan, the emergency response plan,
11 and the procedural manual for oper-
12 ations, maintenance, and emergencies
13 of each operator of a distribution sys-
14 tem and record the results of that re-
15 view for use in the next review of the
16 program of that operator.

17 “(II) GRACE PERIOD.—For the
18 third, fourth, and fifth years after the
19 date of promulgation of the regula-
20 tions under subparagraph (A), the
21 Secretary—

22 “(aa) shall not use subclause
23 (I) as justification to reduce
24 funding, decertify, or penalize in
25 any way under section 60105,

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1 60106, or 60107 a State author-
2 ity that has in effect a certifi-
3 cation under section 60105 or an
4 agreement under section 60106;
5 and

6 “(bb) shall—

7 “(AA) submit to the
8 Committee on Commerce,
9 Science, and Transportation
10 of the Senate and the Com-
11 mittees on Transportation
12 and Infrastructure and En-
13 ergy and Commerce of the
14 House of Representatives a
15 list of States found to be
16 noncompliant with subclause
17 (I) during the annual pro-
18 gram evaluation; and

19 “(BB) provide a writ-
20 ten notice to each State au-
21 thority described in item
22 (aa) that is not in compli-
23 ance with the requirements
24 of subclause (I).

1 “(ii) REVIEW.—Each plan or proce-
2 dural manual made available under sub-
3 paragraph (C)(i) shall be reexamined—

4 “(I) on significant change to the
5 plans or procedural manual, as appli-
6 cable;

7 “(II) on significant change to the
8 gas distribution system of the oper-
9 ator, as applicable; and

10 “(III) not less frequently than
11 once every 5 years.

12 “(iii) CONTEXT OF REVIEW.—The
13 Secretary may conduct a review under
14 clause (i) or (ii) as an element of the in-
15 spection of the operator carried out by the
16 Secretary.

17 “(iv) INADEQUATE PROGRAMS.—If the
18 Secretary determines that the documents
19 reviewed under clause (i) or (ii) do not
20 comply with the requirements of this chap-
21 ter (including regulations to implement
22 this chapter), have not been adequately im-
23 plemented, or are inadequate for the safe
24 operation of a pipeline facility, the Sec-

1 retary may conduct proceedings under this
2 chapter.”.

3 (b) CONTENTS OF STATE PIPELINE SAFETY PRO-
4 GRAM CERTIFICATIONS.—

5 (1) IN GENERAL.—Section 60105(b) of title 49,
6 United States Code, is amended—

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

9 (B) in paragraph (7), by striking the pe-
10 riod at the end and inserting a semicolon; and

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

12 “(8) has the capability to sufficiently review
13 and evaluate the adequacy of the plans and manuals
14 described in section 60109(e)(7)(C)(i); and

15 “(9) has a sufficient number of employees de-
16 scribed in paragraph (3) to ensure safe operations of
17 pipeline facilities, updating the State Inspection Cal-
18 culation Tool to take into account factors includ-
19 ing—

20 “(A) the number of miles of natural gas
21 and hazardous liquid pipelines in the State, in-
22 cluding the number of miles of cast iron and
23 bare steel pipelines;

24 “(B) the number of services in the State;

1 “(C) the age of the gas distribution system
2 in the State; and

3 “(D) environmental factors that could im-
4 pact the integrity of the pipeline, including rel-
5 evant geological issues.”.

6 (2) RULEMAKING.—The Secretary shall pro-
7 mulgate regulations to require that a State authority
8 with a certification in effect under section 60105 of
9 title 49, United States Code, has a sufficient num-
10 ber of qualified inspectors to ensure safe operations,
11 as determined by the State Inspection Calculation
12 Tool and other factors determined to be appropriate
13 by the Secretary.

14 (3) DEADLINE.—Not later than 2 years after
15 the date of enactment of this Act, the Secretary
16 shall promulgate regulations to implement the
17 amendments made by this subsection.

18 **SEC. 203. EMERGENCY RESPONSE PLANS.**

19 Section 60102 of title 49, United States Code (as
20 amended by section 113), is amended by adding at the
21 end the following:

22 “(r) EMERGENCY RESPONSE PLANS.—Not later than
23 2 years after the date of enactment of this subsection, the
24 Secretary shall update regulations to ensure that each
25 emergency response plan developed by an operator of a

1 distribution system under subsection (d)(5), includes writ-
2 ten procedures for—

3 “(1) establishing communication with first re-
4 sponders and other relevant public officials, as soon
5 as practicable, beginning from the time of confirmed
6 discovery, as determined by the Secretary, by the op-
7 erator of a gas pipeline emergency involving a re-
8 lease of gas from a distribution system of that oper-
9 ator that results in—

10 “(A) a fire related to an unintended re-
11 lease of gas;

12 “(B) an explosion;

13 “(C) 1 or more fatalities; or

14 “(D) the unscheduled release of gas and
15 shutdown of gas service to a significant number
16 of customers, as determined by the Secretary;

17 “(2) establishing general public communication
18 through an appropriate channel—

19 “(A) as soon as practicable, as determined
20 by the Secretary, after a gas pipeline emergency
21 described in paragraph (1); and

22 “(B) that provides information regard-
23 ing—

24 “(i) the emergency described in sub-
25 paragraph (A); and

1 “(ii) the status of public safety; and
2 “(3) the development and implementation of a
3 voluntary, opt-in system that would allow operators
4 of distribution systems to rapidly communicate with
5 customers in the event of an emergency.”.

6 **SEC. 204. OPERATIONS AND MAINTENANCE MANUALS.**

7 Section 60102 of title 49, United States Code (as
8 amended by section 203), is amended by adding at the
9 end the following:

10 “(s) OPERATIONS AND MAINTENANCE MANUALS.—
11 Not later than 2 years after the date of enactment of this
12 subsection, the Secretary shall update regulations to en-
13 sure that each procedural manual for operations, mainte-
14 nance, and emergencies developed by an operator of a dis-
15 tribution pipeline under subsection (d)(4), includes written
16 procedures for—

17 “(1) responding to overpressurization indica-
18 tions, including specific actions and an order of op-
19 erations for immediately reducing pressure in or
20 shutting down portions of the gas distribution sys-
21 tem, if necessary; and

22 “(2) a detailed procedure for the management
23 of the change process, which shall—

1 “(A) be applied to significant technology,
2 equipment, procedural, and organizational
3 changes to the distribution system; and

4 “(B) ensure that relevant qualified per-
5 sonnel, such as an engineer with a professional
6 engineer licensure, subject matter expert, or
7 other employee who possesses the necessary
8 knowledge, experience, and skills regarding nat-
9 ural gas distribution systems, review and certify
10 construction plans for accuracy, completeness,
11 and correctness.”.

12 **SEC. 205. PIPELINE SAFETY MANAGEMENT SYSTEMS.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date of enactment of this Act, the Secretary shall submit
15 to the Committee on Commerce, Science, and Transpor-
16 tation of the Senate and the Committees on Transpor-
17 tation and Infrastructure and Energy and Commerce of
18 the House of Representatives a report describing—

19 (1) the number of operators of natural gas dis-
20 tribution systems who have implemented a pipeline
21 safety management system in accordance with the
22 standard established by the American Petroleum In-
23 stitute entitled “Pipeline Safety Management Sys-
24 tem Requirements” and numbered American Petro-
25 leum Institute Recommended Practice 1173;

1 (2) the progress made by operators of natural
2 gas distribution systems who have implemented, or
3 are in the process of implementing, a pipeline safety
4 management system described in paragraph (1); and

5 (3) the feasibility of an operator of a natural
6 gas distribution system implementing a pipeline
7 safety management system described in paragraph
8 (1) based on the size of the operator as measured
9 by—

10 (A) the number of customers the operator
11 has; and

12 (B) the amount of natural gas the operator
13 transports.

14 (b) REQUIREMENTS.—As part of the report required
15 under subsection (a), the Secretary shall provide guidance
16 or recommendations that would further the adoption of
17 safety management systems in accordance with the stand-
18 ard established by the American Petroleum Institute enti-
19 tled “Pipeline Safety Management System Requirements”
20 and numbered American Petroleum Institute Rec-
21 ommended Practice 1173.

22 (c) EVALUATION AND PROMOTION OF SAFETY MAN-
23 AGEMENT SYSTEMS.—The Secretary and the relevant
24 State authority with a certification in effect under section

1 60105 of title 49, United States Code, as applicable,
2 shall—

3 (1) promote and assess pipeline safety manage-
4 ment systems frameworks developed by operators of
5 natural gas distribution systems and described in
6 the report under subsection (a), including—

7 (A) if necessary, using independent third-
8 party evaluators; and

9 (B) through a system that promotes self-
10 disclosure of—

11 (i) errors; and

12 (ii) deviations from regulatory stand-
13 ards; and

14 (2) if a deviation from a regulatory standard is
15 identified during the development and application of
16 a pipeline safety management system, certify that—

17 (A) due consideration will be given to fac-
18 tors such as flawed procedures, honest mis-
19 takes, or lack of understanding; and

20 (B) the operators and regulators use the
21 most appropriate tools to fix the deviation, re-
22 turn to compliance, and prevent the recurrence
23 of the deviation, including—

24 (i) root cause analysis; and

1 (ii) training, education, or other ap-
2 propriate improvements to procedures or
3 training programs.

4 **SEC. 206. PIPELINE SAFETY PRACTICES.**

5 Section 60102 of title 49, United States Code (as
6 amended by section 204), is amended by adding at the
7 end the following:

8 “(t) OTHER PIPELINE SAFETY PRACTICES.—

9 “(1) RECORDS.—Not later than 2 years after
10 the date of enactment of this subsection, the Sec-
11 retary shall promulgate regulations to require an op-
12 erator of a distribution system—

13 “(A) to identify and manage traceable, re-
14 liable, and complete records, including maps
15 and other drawings, critical to ensuring proper
16 pressure controls for a gas distribution system,
17 and updating these records as needed, while col-
18 lecting and identifying other records necessary
19 for risk analysis on an opportunistic basis; and

20 “(B) to ensure that the records required
21 under subparagraph (A) are—

22 “(i) accessible to all personnel respon-
23 sible for performing or overseeing relevant
24 construction or engineering work; and

1 “(ii) submitted to, or made available
2 for inspection by, the Secretary or the rel-
3 evant State authority with a certification
4 in effect under section 60105.

5 “(2) PRESENCE OF QUALIFIED EMPLOYEES.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this sub-
8 section, the Secretary shall promulgate regula-
9 tions to require that not less than 1 agent of
10 an operator of a distribution system who is
11 qualified to perform relevant covered tasks, as
12 determined by the Secretary, shall monitor gas
13 pressure at the district regulator station or at
14 an alternative site with equipment capable of
15 ensuring proper pressure controls and have the
16 capability to promptly shut down the flow of
17 gas or control over pressurization at a district
18 regulator station during any construction
19 project that has the potential to cause a haz-
20 ardous overpressurization at that station, in-
21 cluding tie-ins and abandonment of distribution
22 lines and mains, based on an evaluation, con-
23 ducted by the operator, of threats that could re-
24 sult in unsafe operation.

1 “(B) EXCLUSION.—In promulgating regu-
2 lations under subparagraph (A), the Secretary
3 shall ensure that those regulations do not apply
4 to a district regulating station that has a moni-
5 toring system and the capability for remote or
6 automatic shutoff.

7 “(3) DISTRICT REGULATOR STATIONS.—

8 “(A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this subsection,
10 the Secretary shall promulgate regulations to
11 require that each operator of a distribution sys-
12 tem assesses and upgrades, as appropriate,
13 each district regulator station of the operator to
14 ensure that—

15 “(i) the risk of the gas pressure in the
16 distribution system exceeding, by a com-
17 mon mode of failure, the maximum allow-
18 able operating pressure (as described in
19 section 192.623 of title 49, Code of Fed-
20 eral Regulations (or a successor regula-
21 tion)) allowed under Federal law (including
22 regulations) is minimized;

23 “(ii) the gas pressure of a low-pres-
24 sure distribution system is monitored, par-

1 ticularly at or near the location of critical
2 pressure-control equipment;

3 “(iii) the regulator station has sec-
4 ondary or backup pressure-relieving or
5 overpressure-protection safety technology,
6 such as a relief valve or automatic shutoff
7 valve, or other pressure-limiting devices ap-
8 propriate for the configuration and siting
9 of the station and, in the case of a regu-
10 lator station that employs the primary and
11 monitor regulator design, the operator
12 shall eliminate the common mode of failure
13 or provide backup protection capable of ei-
14 ther shutting the flow of gas, relieving gas
15 to the atmosphere to fully protect the dis-
16 tribution system from overpressurization
17 events, or there must be technology in
18 place to eliminate a common mode of fail-
19 ure; and

20 “(iv) if the Secretary determines that
21 it is not operationally possible for an oper-
22 ator to implement the requirements under
23 clause (iii), the Secretary shall require
24 such operator to identify actions in their

1 plan that minimize the risk of an over-
2 pressurization event.”.