

AMENDMENT TO H.R. _____
(PIPELINE SAFETY ACT OF 2016)
OFFERED BY MR. POMPEO OF KANSAS

Strike section 15 and insert the following:

1 SEC. 15. EMERGENCY ORDER AUTHORITY.

2 Section 60117 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(o) EMERGENCY ORDER AUTHORITY.—

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

16 “(2) CONSIDERATIONS.—Before issuing an
17 emergency order under paragraph (1), the Secretary
18 shall consider, after consultation with appropriate

1 Federal agencies, State agencies, or other entities,
2 the following, as appropriate:

3 “(A) The impact of the emergency order
4 on public health and safety.

5 “(B) The impact, if any, of the emergency
6 order on the national or regional economy or
7 national security.

8 “(C) The impact of the emergency order
9 on owners and operators of pipeline facilities.

10 “(3) WRITTEN ORDER.—An emergency order
11 issued by the Secretary pursuant to paragraph (1)
12 with respect to an imminent hazard shall contain a
13 written description of—

14 “(A) the violation, condition, or practice
15 that constitutes or is causing the imminent haz-
16 ard;

17 “(B) the entities subject to the order;

18 “(C) the restrictions, prohibitions, or safe-
19 ty measures imposed;

20 “(D) the standards and procedures for ob-
21 taining relief from the order;

22 “(E) how the order is tailored to abate the
23 imminent hazard and the reasons the authori-
24 ties under section 60112 and 60117(l) are in-
25 sufficient to do so; and

1 “(F) how the considerations were taken
2 into account pursuant to paragraph (2).

3 “(4) OPPORTUNITY FOR REVIEW.—Upon re-
4 ceipt of a petition for review from an entity subject
5 to, and adversely affected by, an emergency order
6 issued under this subsection, the Secretary shall pro-
7 vide an opportunity for a review of the order under
8 section 554 of title 5 to determine whether the order
9 should remain in effect, be modified, or be termi-
10 nated.

11 “(5) EXPIRATION OF EFFECTIVENESS
12 ORDER.—If a petition for review of an emergency
13 order is filed under paragraph (4) and an agency de-
14 cision with respect to the petition is not issued on
15 or before the last day of the 30-day period beginning
16 on the date on which the petition is filed, the order
17 shall cease to be effective on such day, unless the
18 Secretary determines in writing on or before the last
19 day of such period that the imminent hazard still ex-
20 ists.

21 “(6) JUDICIAL REVIEW OF ORDERS.—After a
22 final agency action under the review process de-
23 scribed in paragraph (4), or the issuance of a writ-
24 ten determination by the Secretary pursuant to
25 paragraph (5), an entity subject to, and adversely

1 affected by, an emergency order issued under this
2 subsection may seek judicial review of the order in
3 a district court of the United States and shall be
4 given expedited consideration.

5 “(7) REGULATIONS.—

6 “(A) TEMPORARY REGULATIONS.—Not
7 later than 60 days after the date of enactment
8 of the Pipeline Safety Act of 2016, the Sec-
9 retary shall issue such temporary regulations as
10 are necessary to carry out this subsection. The
11 temporary regulations shall expire on the date
12 of issuance of the final regulations required
13 under subparagraph (B).

14 “(B) FINAL REGULATIONS.—Not later
15 than 270 days after such date of enactment,
16 the Secretary shall issue such regulations as are
17 necessary to carry out this subsection. Such
18 regulations shall ensure that the review process
19 described in paragraph (4) contains the same
20 procedures as subsections (d) and (g) of section
21 109.19 of title 49, Code of Federal Regulations,
22 and is otherwise consistent with the review
23 process developed under such section, to the
24 greatest extent practicable and not inconsistent
25 with this section.

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

11 “(9) LIMITATION AND SAVINGS CLAUSE.—An
12 emergency order issued under this subsection may
13 not be construed to—

14 “(A) alter, amend, or limit the Secretary’s
15 obligations under, or the applicability of, section
16 553 of title 5; or

17 “(B) provide the authority to amend the
18 Code of Federal Regulations.”.

