

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3432
OFFERED BY Mr . Pallone

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Safe, Accountable, Fair, and Environmentally Respon-
4 sible Pipelines Act of 2019” or the “SAFER Pipelines Act
5 of 2019”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Authorization of appropriations.
- Sec. 3. Purpose and general authority.
- Sec. 4. State pipeline safety program certifications.
- Sec. 5. State pipeline safety grants.
- Sec. 6. Inspection and maintenance.
- Sec. 7. High-density population areas and environmentally sensitive areas.
- Sec. 8. Community right-to-know and emergency preparedness.
- Sec. 9. Cost recovery for design reviews.
- Sec. 10. Actions by private persons.
- Sec. 11. Civil penalties.
- Sec. 12. Criminal penalties.
- Sec. 13. Emergency response grants.
- Sec. 14. Verification of pipeline qualification programs.
- Sec. 15. National pipeline mapping system.
- Sec. 16. Congressional access to oil spill response plans.
- Sec. 17. Leak detection technology.
- Sec. 18. Gas pipeline repair criteria.
- Sec. 19. Methane release mitigation.
- Sec. 20. Unusually sensitive areas.
- Sec. 21. User fees for underground natural gas storage facilities.
- Sec. 22. Seismicity.
- Sec. 23. Pipeline safety testing.

- Sec. 24. Workforce.
- Sec. 25. Hiring report.
- Sec. 26. Plan to combine State damage prevention and one-call notification programs.
- Sec. 27. Gas gathering lines.
- Sec. 28. Regulatory updates.
- Sec. 29. Component verification.
- Sec. 30. Codification of final rule.
- Sec. 31. Public engagement improvement.
- Sec. 32. Use of a firearm to damage pipeline infrastructure under construction.
- Sec. 33. Threatening safe operations of pipeline infrastructure.
- Sec. 34. Physical security and cybersecurity for pipelines and liquefied natural gas facilities.

1 SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

2 (a) OPERATIONAL EXPENSES.—There are authorized
3 to be appropriated to the Secretary of Transportation for
4 the necessary operational expenses of the Pipeline and
5 Hazardous Materials Safety Administration the following
6 amounts:

- 7 (1) \$24,215,000 for fiscal year 2020.
- 8 (2) \$24,941,450 for fiscal year 2021.
- 9 (3) \$26,460,000 for fiscal year 2022.
- 10 (4) \$27,254,000 for fiscal year 2023.

11 (b) GAS AND HAZARDOUS LIQUID.—Section
12 60125(a) of title 49, United States Code, is amended—

13 (1) in paragraph (1), by striking subparagraphs
14 (A) through (D) and inserting the following:

15 “(A) \$160,800,000 for fiscal year 2020, of
16 which \$10,000,000 shall be expended for car-
17 rying out such section 12 and \$60,000,000
18 shall be expended for making grants;

1 “(B) \$165,624,000 for fiscal year 2021 of
2 which \$10,000,000 shall be expended for car-
3 rying out such section 12 and \$61,800,000
4 shall be expended for making grants;

5 “(C) \$170,600,000 for fiscal year 2022, of
6 which \$10,000,000 shall be expended for car-
7 rying out such section 12 and \$63,650,000
8 shall be expended for making grants; and

9 “(D) \$175,700,000 for fiscal year 2023, of
10 which \$10,000,000 shall be expended for car-
11 rying out such section 12 and \$65,560,000
12 shall be expended for making grants.”;

13 (2) in paragraph (2), by striking subparagraphs
14 (A) through (D) and inserting the following:

15 “(A) \$25,000,000 for fiscal year 2020, of
16 which \$5,000,000 shall be expended for car-
17 rying out such section 12 and \$9,000,000 shall
18 be expended for making grants;

19 “(B) \$25,000,000 for fiscal year 2021, of
20 which \$5,000,000 shall be expended for car-
21 rying out such section 12 and \$9,000,000 shall
22 be expended for making grants;

23 “(C) \$26,000,000 for fiscal year 2022, of
24 which \$5,000,000 shall be expended for car-

1 rying out such section 12 and \$9,000,000 shall
2 be expended for making grants; and

3 “(D) \$26,000,000 for fiscal year 2023, of
4 which \$5,000,000 shall be expended for car-
5 rying out such section 12 and \$9,000,000 shall
6 be expended for making grants.”; and

7 (3) in paragraph (3), by striking “\$8,000,000
8 for each of fiscal years 2017 through 2019” and in-
9 serting “\$9,000,000 for each of fiscal years 2020
10 through 2023”.

11 (c) EMERGENCY RESPONSE GRANTS.—Section
12 60125(b)(2) of title 49, United States Code, is amended
13 by striking “\$10,000,000 for each of fiscal years 2012
14 through 2015” and inserting “\$12,000,000 for each of fis-
15 cal years 2020 through 2023”.

16 (d) PIPELINE SAFETY INFORMATION GRANTS TO
17 COMMUNITIES.—Section 60130(c) of title 49, United
18 States Code, is amended by striking “section 2(b) of the
19 PIPES Act of 2016, the Secretary shall expend
20 \$1,500,000 for each of fiscal years 2016 through 2019
21 to carry out this section. Such amounts shall not be de-
22 rived from user fees collected under section 60301” and
23 inserting “section 2(a) of the SAFER Pipelines Act of
24 2019, the Secretary shall expend \$2,000,000 for each of
25 fiscal years 2020 through 2023 to carry out this section”.

1 (e) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
2 tion 60134(i) of title 49, United States Code, is amended
3 by striking “\$1,500,000 for each of fiscal years 2012
4 through 2015” and inserting “\$2,000,000 for each of fis-
5 cal years 2020 through 2023”.

6 (f) ONE-CALL NOTIFICATION PROGRAMS.—Section
7 6107 of title 49, United States Code, is amended by strik-
8 ing “\$1,058,000 for each of fiscal years 2016 through
9 2019” and inserting “\$2,000,000 for each of fiscal years
10 2020 through 2023”.

11 **SEC. 3. PURPOSE AND GENERAL AUTHORITY.**

12 (a) COST-BENEFIT ANALYSIS.—Section 60102(b) of
13 title 49, United States Code, is amended—

14 (1) in paragraph (2)—

15 (A) by striking subparagraphs (C) through
16 (E); and

17 (B) by redesignating subparagraphs (F)
18 and (G) as subparagraphs (C) and (D), respec-
19 tively; and

20 (2) by striking paragraphs (3) through (7).

21 (b) SAFETY-RELATED CONDITION REPORTING.—

22 (1) AVAILABILITY OF INFORMATION TO FIRST
23 RESPONDERS.—Section 60102(h) of title 49, United
24 States Code, is amended—

1 (A) in paragraph (2) by striking “Notice
2 of the condition shall be given concurrently to
3 appropriate State authorities.”; and

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

5 “(3)(A) Notice of the condition of an intrastate
6 or interstate pipeline facility shall be given concu-
7 rently to appropriate State authorities.

8 “(B) The Secretary shall require that, upon re-
9 ceipt of a report on a safety-related condition sub-
10 mitted under this section, a State agency shall pro-
11 vide the report, upon request, to any relevant State
12 emergency response commission, tribal emergency
13 response commission, tribal emergency planning
14 committee, local emergency planning committee,
15 local government, or public agency responsible for
16 emergency response, including any updates to the re-
17 port received by the State agency.”.

18 (2) EXEMPTION REMOVAL.—Section 60102(h)
19 of title 49, United States Code, is further amended
20 by adding at the end the following:

21 “(4) Regulations prescribed by the Secretary
22 under this section may not exempt a condition from
23 being subject to reporting requirements if the ex-
24 emption of such condition would reduce or eliminate

1 the value of the reports as leading indicators of safe-
2 ty or environmental hazards.”.

3 (c) AUTOMATIC OR REMOTE-CONTROLLED SHUT-
4 OFF VALVES.—Section 60102(n)(1) of title 49, United
5 States Code, is amended to read as follows:

6 “(1) HIGH CONSEQUENCE AREAS.—

7 “(A) IN GENERAL.—Not later than 2 years
8 after the date of enactment of the SAFER
9 Pipelines Act of 2019, the Secretary shall issue
10 regulations to require operators of transmission
11 pipeline facilities to install and use automatic or
12 remote-controlled shut-off valves for such pipe-
13 line facilities that are located in high con-
14 sequence areas (as defined in part 192 or 195
15 of title 49, Code of Federal Regulations, as ap-
16 plicable).

17 “(B) OTHER AREAS.—The Secretary may
18 issue regulations to require operators of trans-
19 mission pipeline facilities to install and use
20 automatic or remote-controlled shut-off valves
21 for such pipeline facilities that are not located
22 in areas described in subparagraph (A).”.

23 (d) CRACK MANAGEMENT.—Section 60102 of title
24 49, United States Code, is amended by adding at the end
25 the following:

1 “(q) CRACK MANAGEMENT.—

2 “(1) IN GENERAL.—

3 “(A) HIGH CONSEQUENCE AREAS.—Not
4 later than 2 years after the date of enactment
5 of this subsection, the Secretary shall issue reg-
6 ulations to require operators of gas pipeline fa-
7 cilities and hazardous liquid pipeline facilities
8 that are located in high consequence areas (as
9 defined in part 192 or 195 of title 49, Code of
10 Federal Regulations, as applicable) to address
11 and repair cracks in such facilities.

12 “(B) OTHER AREAS.—The Secretary may
13 issue regulations to require operators of gas
14 pipeline facilities and hazardous liquid pipeline
15 facilities that are not located in areas described
16 in subparagraph (A) to address and repair
17 cracks in such facilities.

18 “(2) REQUIREMENTS.—Regulations issued
19 under paragraph (1) shall specify—

20 “(A) under what conditions an engineering
21 assessment of cracks, including environmentally
22 assisted cracks, must be performed;

23 “(B) acceptable methods for performing an
24 engineering assessment on a pipeline, including

1 the assessment of cracks coinciding with corro-
2 sion;

3 “(C) criteria for determining whether the
4 excavation of a pipeline segment is required due
5 to a probable crack, and deadlines for com-
6 pleting any excavation so required;

7 “(D) pressure restriction limits for pipe-
8 lines for which a determination is made to exca-
9 vate such pipeline pursuant to the requirements
10 of subparagraph (C); and

11 “(E) acceptable methods for determining
12 crack growth for any cracks not required to be
13 repaired under the regulations, including
14 growth caused by fatigue, corrosion fatigue, or
15 stress corrosion cracking, as applicable.”.

16 (e) CERTAIN REQUIREMENTS FOR NATURAL GAS
17 DISTRIBUTION SYSTEMS.—Section 60102 of title 49,
18 United States Code, is further amended by adding at the
19 end the following:

20 “(r) CERTAIN REQUIREMENTS FOR NATURAL GAS
21 DISTRIBUTION SYSTEMS.—

22 “(1) EMERGENCY RESPONSE PLANS.—Not later
23 than 1 year after the date of the enactment of this
24 subsection, the Secretary shall revise the standards
25 prescribed under subsection (d)(5) to require that an

1 emergency response plan maintained by an operator
2 of a natural gas distribution system include—

3 “(A) written procedures for—

4 “(i) establishing communication with
5 first responders and other relevant public
6 officials as soon as practicable, but not
7 later than 30 minutes after the operator
8 confirms the discovery of a natural gas
9 pipeline emergency involving an unintended
10 release of natural gas from the operator’s
11 distribution system that results in—

12 “(I) a fire, explosion, or one or
13 more fatalities; or

14 “(II) the unscheduled shutdown
15 of natural gas service to a significant
16 number of customers;

17 “(ii) establishing, in consultation with
18 first responders and other public officials,
19 communication with the public as soon as
20 practicable after a natural gas pipeline
21 emergency described in clause (i); and

22 “(B) the implementation of a voluntary,
23 opt-in system that would allow such operator to
24 rapidly communicate with customers in the
25 event of a natural gas pipeline emergency.

1 “(2) OPERATIONS AND MAINTENANCE MANU-
2 ALS.—Not later than 1 year after the date of enact-
3 ment of this subsection, the Secretary shall revise
4 the standards prescribed under subsection (d)(4) to
5 require that each manual maintained by an operator
6 of a natural gas distribution system under such sub-
7 section includes written procedures for—

8 “(A) responding to indicators of over-
9 pressurization, including specific actions to take
10 in response to such indicators, and an order for
11 such actions, including reducing pressure or
12 shutting down portions of the natural gas dis-
13 tribution system, if necessary; and

14 “(B) managing change to the natural gas
15 distribution system, which shall apply to signifi-
16 cant technology, equipment, procedural, and or-
17 ganizational changes to the system.

18 “(3) OTHER PIPELINE SAFETY PRACTICES.—

19 “(A) RECORDS.—Not later than 1 year
20 after the date of enactment of this subsection,
21 the Secretary shall issue regulations to require
22 an operator of a natural gas distribution sys-
23 tem—

24 “(i) to identify, manage, and maintain
25 traceable, reliable, and complete records,

1 including maps and drawings, that are
2 critical to assuring proper pressure con-
3 trols for the natural gas distribution sys-
4 tem, and to update such records as needed;
5 and

6 “(ii) to ensure that the records de-
7 scribed in clause (i) are—

8 “(I) accessible to all personnel
9 responsible for performing or over-
10 seeing any activity that has the poten-
11 tial to cause a hazardous over-
12 pressurization event; and

13 “(II) provided to the Secretary or
14 the relevant State authority for re-
15 view.

16 “(B) PRESENCE OF QUALIFIED EMPLOY-
17 EES.—

18 “(i) IN GENERAL.—Not later than 1
19 year after the date of enactment of this
20 subsection, the Secretary shall issue regu-
21 lations to require that not fewer than 1
22 employee or contractor of an operator of a
23 natural gas distribution system who is
24 qualified to perform relevant covered tasks,
25 as determined by the Secretary, monitor

1 natural gas pressure and have the capa-
2 bility to promptly shut the flow of natural
3 gas or otherwise prevent overpressurization
4 during any activity that has the potential
5 to cause a hazardous overpressurization
6 event.

7 “(ii) APPLICABILITY.—The Secretary
8 shall ensure that the regulations issued
9 under clause (i) do not apply to any dis-
10 trict regulating station regulated pursuant
11 to subparagraph (C).

12 “(C) DISTRICT REGULATING STATIONS.—
13 Not later than 1 year after the date of enact-
14 ment of this subsection, the Secretary shall
15 issue regulations to require each operator of a
16 natural gas distribution system to assess and
17 upgrade, as appropriate, each district regu-
18 lating station of the operator to ensure that—

19 “(i) the risk of exceeding maximum
20 allowable operating pressure is minimized;

21 “(ii) the station has monitoring tech-
22 nology that ensures the operating pressure
23 of a natural gas distribution system is con-
24 stantly monitored, including at or near the

1 location of critical pressure control equip-
2 ment; and

3 “(iii) the station has pressure-reliev-
4 ing and overpressure protection safety
5 technology, such as a relief valve, auto-
6 matic shut-off valve, or other pressure-lim-
7 iting device, as appropriate for the configu-
8 ration and siting of the station.

9 “(4) CONSTRUCTION PROJECT APPROVALS.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this subsection,
12 the Secretary shall issue regulations to require
13 that before construction on a natural gas dis-
14 tribution system project may commence, the
15 construction plans for the project shall be ap-
16 proved by a professional engineer with appro-
17 priate subject matter expertise, as defined by
18 the Secretary, who is licensed to practice in the
19 State in which the construction is to be carried
20 out.

21 “(B) ACCESS TO RECORDS.—In issuing the
22 regulations under subparagraph (A), the Sec-
23 retary shall require the owner or operator of a
24 natural gas distribution system with respect to
25 which an approval is required under such sub-

1 paragraph to provide to the professional engi-
2 neer access to all relevant records and prior
3 plans needed to approve the safety of the con-
4 struction project.”.

5 **SEC. 4. STATE PIPELINE SAFETY PROGRAM CERTIFI-**
6 **CATIONS.**

7 (a) CONTENTS.—

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

10 (A) in paragraph (6), by striking “; and”
11 and inserting a semicolon;

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

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

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

18 “(9) has a sufficient number of employees de-
19 scribed in paragraph (3) to ensure safe operations of
20 pipeline facilities, as determined by the Secretary,
21 taking into account factors including—

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

1 “(B) the number of service lines in the
2 State;

3 “(C) the age of the natural gas and haz-
4 ardous liquid pipelines in the State; and

5 “(D) environmental factors that could af-
6 fect the integrity of the natural gas and haz-
7 ardous liquid pipelines, including relevant geo-
8 logical issues.”.

9 (2) DEADLINE FOR REGULATIONS.—Not later
10 than 1 year after the date of enactment of this Act,
11 the Secretary of Transportation shall issue regula-
12 tions to implement the amendments made by this
13 subsection.

14 (b) MONITORING.—Section 60105(e) of title 49,
15 United States Code, is amended to read as follows:

16 “(e) MONITORING.—The Secretary may monitor a
17 safety program established under this section to ensure
18 that the program complies with the certification. In car-
19 rying out this subsection, the Secretary may request that
20 a State authority provide records of any inspection of a
21 pipeline facility made by the State authority or any inves-
22 tigation described in subsection (c)(1)(B). A State author-
23 ity shall cooperate with the Secretary under this sub-
24 section, including, upon request by the Secretary, by au-

1 thORIZING the Secretary to participate in such an inspection
2 or investigation.”.

3 **SEC. 5. STATE PIPELINE SAFETY GRANTS.**

4 Section 60107 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(f) GRANTS FOR RENDERING AID.—The Secretary
7 may make an additional payment, to a State receiving a
8 payment under subsection (a), to pay the costs incurred
9 by the State in rendering aid to another State to respond
10 to a natural disaster or major pipeline incident.”.

11 **SEC. 6. INSPECTION AND MAINTENANCE.**

12 Section 60108 of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(f) PIPELINE CONSTRUCTION PROJECT DATA COL-
15 LECTION.—The Secretary may require the owner or oper-
16 ator of a pipeline facility to provide to the Secretary infor-
17 mation the Secretary determines appropriate regarding
18 construction of the pipeline facility, including relating to
19 any shutdown of such construction.”.

20 **SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRON-
21 MENTALLY SENSITIVE AREAS.**

22 (a) RISK ANALYSIS AND INTEGRITY MANAGEMENT
23 PROGRAMS.—Section 60109(c) of title 49, United States
24 Code, is amended by adding at the end the following:

25 “(12) USE OF DIRECT ASSESSMENTS.—

1 “(A) TRANSMISSION PIPELINE FACILITIES
2 REGULATION.—Not later than 2 years after the
3 date of enactment of this paragraph, the Sec-
4 retary shall issue regulations for appropriate
5 methods of assessment of transmission pipeline
6 facilities under paragraph (3) that prioritize the
7 use of other inspection methods before, in tan-
8 dem with, or in lieu of, the use of direct assess-
9 ment, including internal inspection devices or
10 pressure testing, to provide a greater level of
11 safety.

12 “(B) DISTRIBUTION PIPELINES STUDY.—
13 Not later than 2 years after the date of enact-
14 ment of this paragraph, the Secretary shall sub-
15 mit to the Committees on Energy and Com-
16 merce and Transportation and Infrastructure of
17 the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transpor-
19 tation of the Senate a report containing—

20 “(i) the results of a study of methods
21 of assessment of distribution pipelines that
22 may be used under paragraph (3), other
23 than direct assessment, to determine
24 whether any such methods—

1 “(I) would provide a greater level
2 of safety than direct assessment of
3 such pipelines; and

4 “(II) are feasible; and

5 “(ii) any recommendations based on
6 such study.”.

7 (b) DISTRIBUTION INTEGRITY MANAGEMENT PRO-
8 GRAMS.—Section 60109(e) of title 49, United States
9 Code, is amended by adding at the end the following:

10 “(7) IN GENERAL.—

11 “(A) EVALUATION OF RISK.—Not later
12 than 1 year after the date of enactment of this
13 paragraph, the Secretary shall issue regulations
14 that ensure that each integrity management
15 program developed under paragraph (5) by an
16 operator of a natural gas distribution system
17 includes—

18 “(i) an evaluation—

19 “(I) of the risks resulting from
20 the presence of cast iron or bare steel
21 pipes in the distribution system; and

22 “(II) of the risks that could lead
23 to or result from the operation of a
24 distribution system at a pressure that
25 makes the operation of any connected

1 and properly adjusted low-pressure
2 gas burning equipment unsafe, as de-
3 termined by the Secretary; and

4 “(ii) a ranking of such risks, and
5 identification of measures to mitigate such
6 risks.

7 “(B) CONSIDERATIONS.—In carrying out
8 subparagraph (A)(ii), the Secretary shall ensure
9 that operators—

10 “(i) consider factors other than past
11 abnormal operating conditions (as defined
12 in section 192.803 of title 49, Code of
13 Federal Regulations (or successor regula-
14 tions)); and

15 “(ii) may not determine that there are
16 no potential consequences associated with
17 a low-probability event unless such deter-
18 mination is supported by engineering anal-
19 ysis or operational knowledge.

20 “(C) DEADLINES.—

21 “(i) IN GENERAL.—Not later than 1
22 year after the date of enactment of this
23 paragraph, each operator of a natural gas
24 distribution system shall submit to the
25 Secretary or to the State authority having

1 a current certification under section
2 60105, if applicable, a copy of—

3 “(I) the integrity management
4 program of the operator;

5 “(II) the emergency response
6 plan maintained under section
7 60102(d)(5); and

8 “(III) the manual maintained
9 under section 60102(d)(4).

10 “(ii) UPDATES.—Each operator of a
11 natural gas distribution system shall sub-
12 mit to the Secretary or make available for
13 inspection to the State authority described
14 in clause (i), if applicable, any updated
15 plan or manual described in clause (i) by
16 not later than 60 days after the date of a
17 significant update, as determined by the
18 Secretary.”.

19 **SEC. 8. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
20 **PREPAREDNESS.**

21 (a) IN GENERAL.—Section 60116 of title 49, United
22 States Code, is amended to read as follows:

23 **“§ 60116. Community right-to-know and emergency**
24 **preparedness**

25 “(a) PUBLIC EDUCATION PROGRAMS.—

1 “(1) IN GENERAL.—Each owner or operator of
2 a gas or hazardous liquid pipeline facility shall carry
3 out a continuing program to educate the public on—

4 “(A) the use of a one-call notification sys-
5 tem prior to excavation and other damage pre-
6 vention activities;

7 “(B) the possible hazards associated with
8 unintended releases from the pipeline facility;
9 and

10 “(C) the physical indications that a release
11 from a pipeline facility may have occurred, the
12 steps that should be taken for public safety in
13 the event of such a release, and how to report
14 such a release.

15 “(2) REVIEW AND MODIFICATION OF EXISTING
16 PROGRAMS.—Not later than 1 year after the date of
17 enactment of the SAFER Pipelines Act of 2019,
18 each owner or operator of a gas or hazardous liquid
19 pipeline facility shall—

20 “(A) review its existing public education
21 program for effectiveness, and modify the pro-
22 gram as necessary; and

23 “(B) submit to the Secretary for review a
24 detailed description of its public education pro-

1 gram, including any modifications made to the
2 program under subparagraph (A).

3 “(3) STANDARDS; MATERIAL.—The Secretary
4 may—

5 “(A) issue standards for public education
6 programs under this subsection, including
7 standards providing for periodic review of such
8 programs and modification of such programs as
9 needed; and

10 “(B) develop material for use in the pro-
11 grams.

12 “(b) LIAISON WITH STATE, LOCAL, AND TRIBAL
13 EMERGENCY RESPONSE ENTITIES.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of the SAFER Pipelines Act
16 of 2019, an operator of a gas or hazardous liquid
17 pipeline facility shall establish liaison with—

18 “(A) any State entity with responsibility
19 for pipeline emergency response in each State
20 in which the pipeline facility is located;

21 “(B) the appropriate local emergency plan-
22 ning entity in each emergency planning district
23 in which the pipeline facility is located; and

1 “(C) any Tribal entity with responsibility
2 for pipeline emergency response or planning in
3 the area in which the pipeline facility is located.

4 “(2) COMMUNITIES WITHOUT LOCAL OR TRIBAL
5 EMERGENCY PLANNING OR RESPONSE ENTITIES.—
6 In a community for which a local or Tribal entity
7 described in paragraph (1) does not exist, the oper-
8 ator of a gas or hazardous liquid pipeline facility
9 shall liaise, to the extent practicable, with the local
10 fire, police, and other emergency response entities.

11 “(3) AVAILABILITY OF INFORMATION.—

12 “(A) EVALUATION.—Not later than 2
13 years after the date of enactment of the
14 SAFER Pipelines Act of 2019, and based on
15 the consultation required under subparagraph
16 (C), the Secretary shall conduct an evaluation
17 and determine whether State, local, and Tribal
18 entities described in paragraphs (1) and (2)
19 have sufficient access to pipeline emergency re-
20 sponse information.

21 “(B) REGULATION.—If the Secretary de-
22 termines under subparagraph (A) that State,
23 local, and Tribal entities described in para-
24 graphs (1) and (2) do not have sufficient access
25 to pipeline emergency response information, the

1 Secretary shall issue regulations not later than
2 3 years after the date of enactment of the
3 SAFER Pipelines Act of 2019 specifying rel-
4 evant emergency response information and re-
5 quiring each operator of a gas or hazardous liq-
6 uid pipeline facility to make such information
7 available to the applicable State, local, and
8 Tribal entities described in paragraphs (1) and
9 (2).

10 “(C) CONSULTATION.—In conducting the
11 evaluation under subparagraph (A), the Sec-
12 retary shall consult with national organizations
13 representing State, local, and Tribal entities de-
14 scribed in paragraphs (1) and (2) and the tech-
15 nical safety standards committees described in
16 section 60115.”

17 (b) CONFORMING AMENDMENT.—The table of sec-
18 tions for chapter 601 of title 49, United States Code, is
19 amended by striking the item relating to section 60116
20 and inserting the following:

“60116. Community right-to-know and emergency preparedness.”

21 **SEC. 9. COST RECOVERY FOR DESIGN REVIEWS.**

22 Section 60117(n)(1)(B)(i) of title 49, United States
23 Code, is amended by striking “\$2,500,000,000” and in-
24 serting “\$250,000,000”.

1 **SEC. 10. ACTIONS BY PRIVATE PERSONS.**

2 Section 60121 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(e) MANDAMUS.—A person may bring a civil action
5 in an appropriate district court of the United States to
6 compel the Secretary to perform a nondiscretionary duty
7 under this chapter that the Secretary has failed to per-
8 form.”.

9 **SEC. 11. CIVIL PENALTIES.**

10 Section 60122(a) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (1)—

13 (A) by striking “\$200,000” and inserting
14 “\$20,000,000”; and

15 (B) by striking “The maximum civil pen-
16 alty under this paragraph for a related series of
17 violations is \$2,000,000.”; and

18 (2) in paragraph (2) by striking “\$50,000” and
19 inserting “\$20,000,000”.

20 **SEC. 12. CRIMINAL PENALTIES.**

21 Section 60123(a) of title 49, United States Code, is
22 amended by striking “knowingly and willfully” and insert-
23 ing “knowingly or willfully”.

24 **SEC. 13. EMERGENCY RESPONSE GRANTS.**

25 Section 60125(b)(1) of title 49, United States Code,
26 is amended by striking “and local governments in high

1 consequence areas, as defined by the Secretary,” and in-
2 serting “local, and Tribal governments, and nonprofit or-
3 ganizations providing pipeline emergency response train-
4 ing.”.

5 **SEC. 14. VERIFICATION OF PIPELINE QUALIFICATION PRO-**
6 **GRAMS.**

7 Section 60131(g) of title 49, United States Code, is
8 amended—

9 (1) in paragraph (1), by striking “; and” and
10 inserting a semicolon;

11 (2) in paragraph (2), by striking the period at
12 the end and inserting “; and”; and

13 (3) by adding at the end the following para-
14 graph:

15 “(3) with respect to any pipeline facility, means
16 a construction task that is performed on the pipeline
17 facility.”.

18 **SEC. 15. NATIONAL PIPELINE MAPPING SYSTEM.**

19 (a) INFORMATION TO BE PROVIDED.—Section
20 60132(a) of title 49, United States Code, is amended—

21 (1) by striking “Not later than 6 months after
22 the date of enactment of this section, the” and in-
23 serting “The”; and

24 (2) by striking “(except distribution lines and
25 gathering lines)” and inserting “, including a gath-

1 ering line (but not including any gathering lines that
2 are not regulated under part 192 or part 195 of title
3 49, Code of Federal Regulations, or distribution
4 lines),”.

5 (b) REQUIREMENTS FOR PROVISION OF INFORMA-
6 TION.—Section 60132 of title 49, United States Code, is
7 amended—

8 (1) in subsection (b) by striking “under sub-
9 section (a)” and inserting “under this section for in-
10 clusion in the National Pipeline Mapping System”;

11 (2) in subsection (f), by striking “to subsection
12 (a)” and inserting “to this section for inclusion in
13 the National Pipeline Mapping System”; and

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

15 “(g) REQUIREMENTS FOR COVERED FACILITIES.—
16 Not later than 1 year after a pipeline facility described
17 in subsection (a) becomes covered by such subsection, the
18 operator of such facility shall provide to the Secretary the
19 information required under paragraphs (1) through (4) of
20 such subsection with respect to such facility.

21 “(h) UPDATE TO SYSTEM.—

22 “(1) IN GENERAL.—Not later than 2 years
23 after the date of enactment of this subsection—

24 “(A) the Secretary shall determine whether
25 the inclusion of additional information in the

1 National Pipeline Mapping System would im-
2 prove the preparation and response efforts of
3 emergency responders with access to the Sys-
4 tem; and

5 “(B) if the Secretary determines under
6 subparagraph (A) that inclusion of additional
7 information in the National Pipeline Mapping
8 System would improve the preparation and re-
9 sponse efforts of emergency responders with ac-
10 cess to the System, the Secretary shall issue
11 regulations—

12 “(i) identifying such additional infor-
13 mation as the Secretary determines would
14 improve emergency preparedness and re-
15 sponse efforts; and

16 “(ii) requiring each person providing
17 information under subsection (a) to pro-
18 vide such additional information.

19 “(2) CONSIDERATIONS.—In carrying out para-
20 graph (1), the Secretary shall consider inclusion, to
21 the extent practicable, of the following information:

22 “(A) A description of the pipeline facility,
23 including the length of the facility and origin
24 and termination points.

1 “(B) A 5-year incident, and inspection and
2 enforcement, history for the pipeline facility.

3 “(C) If applicable, a summary of any in-
4 tegrity management program activities related
5 to the pipeline facility.”.

6 (c) **ADDITIONAL INFORMATION ON DISTRIBUTION**
7 **LINES.**—Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall issue such regulations as
9 are necessary to specify the information required to be
10 provided pursuant to section 60132(h) of title 49, United
11 States Code.

12 **SEC. 16. CONGRESSIONAL ACCESS TO OIL SPILL RESPONSE**
13 **PLANS.**

14 Section 60138(a) of title 49, United States Code, is
15 amended—

16 (1) in paragraph (1) by striking “and”;

17 (2) in paragraph (2)(D) by striking the period
18 and inserting “; and”; and

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

20 “(3) provide to a Member of Congress, upon re-
21 quest from such Member, a copy of any such plan,
22 the contents of which the Secretary may not redact
23 but may note, as the Secretary determines appro-
24 priate—

25 “(A) proprietary information; and

1 “(B) security-sensitive information, includ-
2 ing information described in section 1520.5(a)
3 of title 49, Code of Federal Regulations.”.

4 **SEC. 17. LEAK DETECTION TECHNOLOGY.**

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

8 **“§ 60142. Leak detection technology**

9 “(a) LEAK DETECTION TECHNOLOGY.—Not later
10 than 1 year after the date of enactment of this section,
11 the Secretary shall issue regulations requiring each oper-
12 ator of a gas pipeline facility to install and use advanced
13 leak detection technology on all gas pipelines it operates.

14 “(b) REQUIREMENTS.—The advanced leak detection
15 technology required under subsection (a) shall, at a min-
16 imum—

17 “(1) have a high accuracy of identifying leak lo-
18 cation;

19 “(2) be capable of measuring methane con-
20 centrations in parts per billion; and

21 “(3) be capable of correlating methane con-
22 centration measurements to data produced by geo-
23 graphic information systems technology.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 601 of title 49, United States Code, is amend-
3 ed by adding at the end the following new item:

“60142. Leak detection technology.”.

4 **SEC. 18. GAS PIPELINE REPAIR CRITERIA.**

5 (a) IN GENERAL.—Chapter 601 of title 49, United
6 States Code, is further amended by adding at the end the
7 following:

8 **“§ 60143. Gas pipeline repair criteria**

9 “(a) LEAK REPAIR FOR LARGE LOSS EVENT.—Not
10 later than 1 year after the date of enactment of this sec-
11 tion, the Secretary shall issue regulations requiring each
12 operator of a gas pipeline facility to—

13 “(1) immediately repair a leak in a gas pipeline
14 facility it operates that results in a large loss event;
15 and

16 “(2) report information to the Secretary with
17 respect to such large loss event, including—

18 “(A) the location of such large loss event;

19 “(B) the total estimated volume of gas re-
20 leased during such event;

21 “(C) the cause of the failure; and

22 “(D) the time from the detection of a gas
23 leak to the completion of the repair of such
24 leak.

1 “(b) LARGE LOSS EVENT DEFINED.—In this section,
2 the term ‘large loss event’ means the loss of 300,000 cubic
3 feet or more of gas.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 601 of title 49, United States Code, is further
6 amended by adding at the end the following new item:

“60143. Gas pipeline repair criteria.”.

7 **SEC. 19. METHANE RELEASE MITIGATION.**

8 (a) IN GENERAL.—Chapter 601 of title 49, United
9 States Code, is further amended by adding at the end the
10 following:

11 **“§ 60144. Methane release mitigation**

12 “(a) METHANE CAPTURE FROM ROUTINE OPER-
13 ATIONS OR MAINTENANCE.—Not later than 1 year after
14 the date of enactment of this section, the Secretary shall
15 issue regulations requiring each operator of a gas pipeline
16 facility to use the best available technology to capture gas
17 released when performing routine operations or mainte-
18 nance on the pipeline facility.

19 “(b) REGULATIONS.—In issuing regulations under
20 subsection (a), the Secretary shall establish—

21 “(1) requirements for the capture of gas re-
22 leased from routine operations, including venting to
23 relieve pressure;

1 “(2) requirements for the capture of gas re-
2 leased from maintenance operations, including
3 blowdowns; and

4 “(3) procedures for emergency situations that
5 result in a release of gas.”.

6 (b) **CLERICAL AMENDMENT.**—The table of sections
7 for chapter 601 of title 49, United States Code, is further
8 amended by adding at the end the following new item:

 “60144. Methane release mitigation.”.

9 **SEC. 20. UNUSUALLY SENSITIVE AREAS.**

10 (a) **COASTAL WATERS; COASTAL BEACHES.**—Section
11 19 of the PIPES Act of 2016 (49 U.S.C. 60109 note)
12 is amended—

13 (1) in subsection (b) by striking “marine coast-
14 al waters” and inserting “coastal waters”; and

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

16 “(c) **DEFINITIONS.**—In this section, the following
17 definitions apply:

18 “(1) **COASTAL BEACHES.**—The term ‘coastal
19 beaches’ means the land between high and low water
20 marks of coastal waters.

21 “(2) **COASTAL WATERS.**—The term ‘coastal
22 waters’ has the meaning given such term in section
23 4101 of the Shore Protection Act of 1988 (33
24 U.S.C. 2601).”.

1 (b) COASTAL WATERS.—Section 60109(b)(2) of title
2 49, United States Code, is amended by striking “marine
3 coastal waters” and inserting “coastal waters”.

4 (c) UPDATES.—Not later than 90 days after the date
5 of enactment of this section, the Secretary of Transpor-
6 tation shall complete the revision required under section
7 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note),
8 as amended by this section.

9 **SEC. 21. USER FEES FOR UNDERGROUND NATURAL GAS**
10 **STORAGE FACILITIES.**

11 Section 60302 of title 49, United States Code, is
12 amended—

13 (1) in subsection (c)(2)—

14 (A) in subparagraph (A) by striking “and”
15 at the end;

16 (B) in subparagraph (B) by striking the
17 period at the end and inserting “; and”; and

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

19 “(C) may only be used to the extent pro-
20 vided in advance in an appropriations Act.”;

21 (2) by striking paragraph (3) of subsection (c);

22 and

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

24 “(d) LIMITATIONS.—Fees imposed under subsection

25 (a) shall be sufficient to pay for the costs of activities de-

1 scribed in subsection (c), except that the total amount col-
2 lected for a fiscal year may not be more than 105 percent
3 of the total amount of the appropriations made for the
4 fiscal year activities to be financed by fees.”.

5 **SEC. 22. SEISMICITY.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this section, the Secretary of Trans-
8 portation, in consultation with the Federal Energy Regu-
9 latory Commission, shall enter into an agreement with the
10 National Academy of Sciences under which the National
11 Academy of Sciences shall prepare a report containing—

12 (1) the results of a study that—

13 (A) evaluates the current Federal require-
14 ments for pipeline facility design, siting, con-
15 struction, operation and maintenance, and in-
16 tegrity management, relating to seismicity, land
17 subsidence, landslides, slope instability, frost
18 heave, soil settlement, erosion, and other dy-
19 namic geologic conditions that may pose a safe-
20 ty risk;

21 (B) identifies any discrepancy in such re-
22 quirements that apply to operators of gas pipe-
23 line facilities and hazardous liquid pipeline fa-
24 cilities; and

1 (C) identifies any deficiencies in industry
2 practices related to such requirements; and

3 (2) any recommendations of the National Acad-
4 emy of Sciences based on such results.

5 (b) REPORT TO CONGRESS.—Upon completion of the
6 report prepared pursuant to subsection (a), the National
7 Academy of Sciences shall submit to the Secretary of
8 Transportation, the Committee on Transportation and In-
9 frastructure of the House of Representatives, the Com-
10 mittee on Energy and Commerce of the House of Rep-
11 resentatives, and the Committee on Commerce, Science,
12 and Transportation of the Senate the report.

13 (c) PIPELINE FACILITIES.—In this section, the term
14 “pipeline facility” has the meaning given that term in sec-
15 tion 60101 of title 49, United States Code.

16 **SEC. 23. PIPELINE SAFETY TESTING.**

17 (a) EVALUATION.—Not later than 18 months after
18 the date of enactment of this Act, the Secretary of Trans-
19 portation shall submit to the Committee on Commerce,
20 Science, and Transportation of the Senate, the Committee
21 on Transportation and Infrastructure of the House of
22 Representatives, and the Committee on Energy and Com-
23 merce of the House of Representatives a report that evalu-
24 ates concepts for the development of a pipeline safety re-

1 search and testing facility under the Department of
2 Transportation.

3 (b) PURPOSE.—The purpose of the facility described
4 in subsection (a) shall be to support the Department of
5 Transportation and other governmental entities in product
6 evaluation, personnel training, and research and develop-
7 ment of technology and practices to improve the safety,
8 security, efficiency, and environmental impact of—

9 (1) transporting hazardous liquids and gas by
10 pipeline; and

11 (2) storing hazardous liquids or gas for trans-
12 portation.

13 (c) USE OF EXISTING FACILITIES.—In conducting
14 the evaluation pursuant to subsection (a), the Secretary
15 shall examine the opportunity to use existing facilities op-
16 erated by the Department of Transportation or other Fed-
17 eral agencies for research and testing.

18 (d) REPORT CONTENTS.—The report described in
19 subsection (a) shall include—

20 (1) the projected costs to establish such a facil-
21 ity;

22 (2) the projected annual costs to operate such
23 a facility;

24 (3) recommendations for sharing or recovering
25 any establishment and operational expenses from

1 private-sector, non-profit, or academic entities that
2 may use the facility;

3 (4) an evaluation of the feasibility of a partner-
4 ship with a private-sector, non-profit, or academic
5 entity to manage or operate the facility;

6 (5) data and information management protocols
7 for test results; and

8 (6) potential benefits and opportunities for en-
9 hancing the training and development of pipeline
10 safety personnel.

11 **SEC. 24. WORKFORCE.**

12 (a) STAFFING.—

13 (1) IN GENERAL.—The Secretary of Transpor-
14 tation shall increase the number of full-time equiva-
15 lent employees (as compared to the number of posi-
16 tions on the date of enactment of this Act) by—

17 (A) 8 full-time employees with subject mat-
18 ter expertise in pipeline safety, pipeline facili-
19 ties, and pipeline systems to finalize out-
20 standing rulemakings and fulfill mandates for
21 the Office of Pipeline Safety of the Pipeline and
22 Hazardous Materials Safety Administration;
23 and

24 (B) 3 full-time attorneys, with environ-
25 mental expertise, in the Office of Chief Counsel

1 of the Pipeline and Hazardous Materials Safety
2 Administration.

3 (2) PIPELINE INSPECTION AND ENFORCEMENT
4 PERSONNEL.—The Secretary shall ensure that the
5 number of positions for pipeline inspection and en-
6 forcement personnel in the Office of Pipeline Safety
7 of the Pipeline and Hazardous Materials Safety Ad-
8 ministration does not fall below the following:

9 (A) 222 for fiscal year 2020.

10 (B) 233 for fiscal year 2021.

11 (C) 245 for fiscal year 2022.

12 (D) 258 for fiscal year 2023.

13 (E) 272 for fiscal year 2024.

14 (b) RECRUITMENT AND RETENTION AUTHORITIES.—
15 The Secretary shall request authority from the Office of
16 Personnel Management to use incentives, as necessary, to
17 recruit and retain a qualified workforce, including for in-
18 spection and enforcement personnel and subject matter ex-
19 perts dedicated to rulemaking activities in the Office of
20 Pipeline Safety of the Pipeline and Hazardous Materials
21 Safety Administration—

22 (1) special pay rates permitted under section
23 5305 of title 5, United States Code; and

1 (2) repayment of student loans accompanied by
2 a continued service agreement, permitted under sec-
3 tion 5379 of title 5, United States Code.

4 **SEC. 25. HIRING REPORT.**

5 Not later than 180 days after the date of enactment
6 of this Act, and annually thereafter through calendar year
7 2023, the Administrator of the Pipeline and Hazardous
8 Materials Safety Administration shall submit to Congress
9 a report on the efforts of the Administration to hire
10 women, minorities, and veterans as inspectors since Janu-
11 ary 1, 2012.

12 **SEC. 26. PLAN TO COMBINE STATE DAMAGE PREVENTION**
13 **AND ONE-CALL NOTIFICATION PROGRAMS.**

14 Not later than 1 year after the date of enactment
15 of this Act, the Secretary of Transportation shall submit
16 to the Committees on Energy and Commerce and Trans-
17 portation and Infrastructure of the House of Representa-
18 tives and the Committee on Commerce, Science, and
19 Transportation of the Senate a plan to combine the activi-
20 ties carried out by the Secretary under sections 6106 and
21 60134 of title 49, United States Code.

22 **SEC. 27. GAS GATHERING LINES.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation shall issue final regulations on gas gathering lines

1 based on the notice of proposed rulemaking published on
2 April 8, 2016, titled “Pipeline Safety: Safety of Gas
3 Transmission and Gathering Pipelines” (81 Fed. Reg.
4 20722).

5 (b) REGULATIONS.—The final regulations issued
6 under subsection (a) shall cover—

7 (1) all gas gathering lines in class 4, class 3,
8 and class 2 locations, as classified in section 192.5
9 of title 49, Code of Federal Regulations; and

10 (2) gas gathering lines with a diameter of at
11 least 8 inches that are located in a class 1 location,
12 as classified in section 192.5 of title 49, Code of
13 Federal Regulations.

14 **SEC. 28. REGULATORY UPDATES.**

15 (a) DEFINITION OF OUTSTANDING REGULATION.—
16 In this section, the term “outstanding regulation”
17 means—

18 (1) a final rule required to be issued under the
19 Pipeline Safety, Regulatory Certainty, and Job Cre-
20 ation Act of 2011 (Public Law 112–90; 125 Stat.
21 1904) that has not been published in the Federal
22 Register;

23 (2) a final rule required to be issued under the
24 Protecting our Infrastructure of Pipelines and En-
25 hancing Safety Act of 2016 (Public Law 114–183;

1 130 Stat. 514) that has not been published in the
2 Federal Register; and

3 (3) any other final rule regarding gas or haz-
4 arduous liquid pipeline facilities required to be issued
5 under this Act or an Act enacted before the date of
6 enactment of this Act that has not been published
7 by the date required in such Act in the Federal Reg-
8 ister.

9 (b) REQUIREMENT.—Not later than 5 days after the
10 date of enactment of this Act, and every 30 days there-
11 after until an outstanding regulation is published in the
12 Federal Register, the Secretary of Transportation shall
13 provide an update on the status of each outstanding regu-
14 lation by—

15 (1) publishing on a publicly available website of
16 the Department of Transportation information re-
17 garding the status of each outstanding regulation;
18 and

19 (2) submitting notification to the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives, the Committee on Energy and
22 Commerce of the House of Representatives, and the
23 Committee on Commerce, Science, and Transpor-
24 tation of the Senate.

1 (c) CONTENTS.—The information described in sec-
2 tion (b)(1) shall include—

3 (1) with respect to an outstanding regulation
4 under review by the Office of the Secretary for not
5 more than 45 days—

6 (A) the date that such outstanding regula-
7 tion was submitted to the Office of the Sec-
8 retary for review; and

9 (B) the staff allocations within the Office
10 of the Secretary with respect to each such out-
11 standing regulation and any resource con-
12 straints affecting the review;

13 (2) with respect to an outstanding regulation
14 under review by the Office of the Secretary for more
15 than 45 days—

16 (A) the information described in paragraph
17 (1);

18 (B) a description of why such outstanding
19 regulation is under extended review;

20 (C) a work plan for finalizing review of
21 such outstanding regulation; and

22 (D) the date of anticipated completion of
23 such review;

24 (3) with respect to an outstanding regulation
25 that has been transmitted to neither the Office of

1 Management and Budget nor the Office of the Sec-
2 retary—

3 (A) a description of the work plan for such
4 outstanding regulation;

5 (B) the anticipated date on which such
6 regulation will be transmitted to the Office of
7 Management and Budget and the Office of the
8 Secretary;

9 (C) the staff allocations with respect to
10 such outstanding regulation;

11 (D) any resource constraints affecting the
12 rulemaking process for such outstanding regula-
13 tion; and

14 (E) any other details associated with the
15 development of such outstanding regulation
16 that affect the progress of the rulemaking proc-
17 ess with respect to such outstanding regulation;
18 and

19 (4) with respect to an outstanding regulation
20 that has been transmitted to the Office of Manage-
21 ment and Budget—

22 (A) the date such outstanding regulation
23 was submitted to the Office of Management and
24 Budget for review; and

1 (B) a statement of whether the out-
2 standing regulation remains under review by
3 the Office of Management and Budget or has
4 been transmitted for further review by the Of-
5 fice of the Secretary or the Administrator of the
6 Pipeline and Hazardous Materials Safety Ad-
7 ministration.

8 **SEC. 29. COMPONENT VERIFICATION.**

9 (a) IN GENERAL.—Section 60102(e) of title 49,
10 United States Code, is amended—

11 (1) by redesignating paragraphs (1) and (2) as
12 subparagraphs (A) and (B);

13 (2) by striking “The Secretary shall” and in-
14 serting the following:

15 “(1) IN GENERAL.—The Secretary shall”;

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

17 “(C) for facilities identified under subpara-
18 graphs (A) and (B), shall include, for all pipes
19 and related components for which the regula-
20 tions of the Pipeline and Hazardous Materials
21 Safety Administration require compliance with
22 a standard incorporated by reference for such
23 pipe or related component, documentation of
24 verification that such pipe or related component
25 meets such standard.

1 “(2) VERIFICATION.—The verification described
2 in paragraph (1)(C) shall be conducted by—

3 “(A) an independent third party on behalf
4 of the operator;

5 “(B) the operator, so long as such operator
6 does not pay, or receive payment from, a manu-
7 facturer, distributor, or supplier of a pipe or re-
8 lated component described in paragraph (1)(C)
9 for such verification; or

10 “(C) a United States manufacturer of a
11 pipe or related component described in para-
12 graph (1)(C) that is accredited by the Inter-
13 national Organization for Standardization.

14 “(3) DEFINITIONS.—In this subsection:

15 “(A) VERIFICATION.—The term
16 ‘verification’ means sufficient testing and audit-
17 ing to confirm that a standard has been met in
18 the production of a pipe or related component.

19 “(B) INDEPENDENT THIRD PARTY.—The
20 term ‘independent third party’ means an entity
21 that—

22 “(i) does not have a commercial rela-
23 tionship with the manufacturer or supplier
24 of a pipe or related component; and

1 “(ii) is accredited by the International
2 Organization for Standardization.”; and

3 (4) APPLICABILITY.—The amendments made
4 by this subsection shall only apply to pipes and com-
5 ponents that are—

6 (A) covered by the amendments made by
7 such subsection; and

8 (B) purchased on or after the date of en-
9 actment of this Act.

10 (b) REVIEW OF COMPLIANCE OF FLANGES AND FIT-
11 TINGS.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Comp-
14 troller General of the United States shall complete
15 a review of the compliance of flanges and fittings of
16 a pipeline facility (as such term is defined in section
17 60101 of title 49, United States Code) with Federal
18 requirements.

19 (2) CONTENTS OF REVIEW.—The review re-
20 quired under paragraph (1) shall include—

21 (A) a compilation of the existing standards
22 that are incorporated by reference in regula-
23 tions of the Pipeline and Hazardous Materials
24 Safety Administration and apply to the manu-

1 facturing, operation, and maintenance of such
2 flanges and fittings;

3 (B) a review of the existing oversight au-
4 thority of the Secretary of Transportation over
5 manufacturers and distributors of such flanges
6 and fittings and any lack of oversight authority
7 that could lead to incidents or accidents;

8 (C) an analysis of the degree of compliance
9 by such manufacturers and distributors with
10 the standards described in subparagraph (A),
11 the identification of any instances of non-com-
12 pliance with such standards, and the form, de-
13 gree, and scope of such non-compliance;

14 (D) a review of the extent to which
15 verification (as such term is defined in section
16 60102(e) of title 49, United States Code, as
17 added by this section) by operators of pipeline
18 facilities of whether such flanges and fittings of
19 pipeline facilities meet the applicable standards
20 described in subparagraph (A) is occurring;

21 (E) a review of the safety benefits of re-
22 quiring pipeline incident reports to include the
23 identification of the manufacturer of the flanges
24 and fittings involved in those incidents; and

1 (F) identification and recommendation of
2 any additional authorities or responsibilities for
3 the Secretary of Transportation, or additional
4 standards, necessary to improve the safety and
5 integrity of flanges and fittings through manu-
6 facturing and distribution.

7 (3) REPORT.—Not later than 210 days after
8 the date of enactment of this Act, the Comptroller
9 General shall submit to the Committee on Com-
10 merce, Science, and Transportation of the Senate,
11 the Committee on Transportation and Infrastructure
12 of the House of Representatives, and the Secretary
13 of Transportation a report containing the results of
14 the review completed under paragraph (1) and any
15 recommendations for legislation or changes to exist-
16 ing regulations.

17 (4) PUBLIC COMMENT PROCESS.—

18 (A) IN GENERAL.—Not later than 30 days
19 after submission of the report required under
20 paragraph (3) to the Secretary, the Secretary
21 shall provide a period of not fewer than 60 days
22 for public comment regarding such report.

23 (B) REPORT.—Not later than 180 days
24 after the end of the public comment period de-
25 scribed in subparagraph (A), the Secretary shall

1 publish in the Federal Register a report re-
2 sponding to the public comments submitted.

3 (C) CONTENTS OF REPORT.—In the report
4 described in subparagraph (B), the Secretary
5 shall indicate any anticipated actions the Sec-
6 retary will take with respect to flanges and fit-
7 tings of a pipeline facility based on the com-
8 ments submitted under this paragraph and the
9 report under paragraph (3).

10 **SEC. 30. CODIFICATION OF FINAL RULE.**

11 The amendments to the Code of Federal Regulations
12 made pursuant to the final rule of the Environmental Pro-
13 tection Agency, titled “Oil and Natural Gas Sector: Emis-
14 sion Standards for New, Reconstructed, and Modified
15 Sources” and published in the Federal Register on June
16 3, 2016 (81 Fed. Reg. 35824), shall have the same force
17 and effect of law as if such amendments had been enacted
18 by an Act of Congress, except that the Administrator of
19 the Environmental Protection Agency may revise such reg-
20 ulations, as provided for under the Clean Air Act, if such
21 revision would result in a reduction in gas release.

22 **SEC. 31. PUBLIC ENGAGEMENT IMPROVEMENT.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of Trans-

1 portation shall convene a working group to consider better
2 practices for engaging the public on pipeline safety.

3 (b) MEMBERSHIP.—The working group convened
4 pursuant to subsection (a) shall include balanced represen-
5 tation from—

6 (1) Federal, Tribal, State, and local officials re-
7 sponsible for pipeline safety oversight;

8 (2) liquids and natural gas transmission and
9 distribution pipeline operating companies and sys-
10 tems; and

11 (3) public, safety, environmental, and labor ad-
12 vocates and representatives.

13 (c) CONSIDERATIONS.—The working group convened
14 pursuant to subsection (a) shall consider and provide rec-
15 ommendations to the Secretary on—

16 (1) the scope of engagement between individ-
17 uals, groups, companies, agencies, and the public at
18 large;

19 (2) better practices for communication of poten-
20 tial or proposed pipeline projects;

21 (3) better practices for communication for exist-
22 ing pipelines;

23 (4) better practices for communication of pipe-
24 line risk and hazards;

1 (5) better practices for communication of pipe-
2 line safety requirements and pipeline safety activi-
3 ties; and

4 (6) better engagement around emergency re-
5 sponse for pipelines.

6 (d) PUBLICATION.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary shall publish
8 the consensus recommendations of the working group.

9 **SEC. 32. USE OF A FIREARM TO DAMAGE PIPELINE INFRA-**
10 **STRUCTURE UNDER CONSTRUCTION.**

11 Section 60123 of title 49, United States Code, is
12 amended by adding at the end the following:

13 “(e) PENALTY FOR USING A FIREARM TO DAMAGE
14 PIPELINE INFRASTRUCTURE UNDER CONSTRUCTION.—

15 “(1) PENALTY.—A person who knowingly and
16 willfully uses a firearm to puncture a pipe, pump, or
17 valve intended to be used in a facility described in
18 subsection (b) shall be fined under title 18, impris-
19 oned for not more than 5 years, or both.

20 “(2) RULE OF CONSTRUCTION.—Nothing in
21 this subsection abridges the exercise of rights guar-
22 anteed under the First Amendment to the Constitu-
23 tion of the United States.”.

1 **SEC. 33. THREATENING SAFE OPERATIONS OF PIPELINE IN-**
2 **FRASTRUCTURE.**

3 Section 60123 of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(e) PENALTY FOR THREATENING THE SAFE OPER-
6 ATIONS OF PIPELINE INFRASTRUCTURE.—

7 “(1) PENALTY.—A person who knowingly and
8 willfully engages in the unauthorized turning manip-
9 ulation of any valve of a pipeline facility described
10 in subsection (b) shall be fined under title 18, im-
11 prisoned for not more than 5 years, or both.

12 “(2) RULE OF CONSTRUCTION.—Nothing in
13 this subsection abridges the exercise of rights guar-
14 anteed under the First Amendment to the Constitu-
15 tion of the United States.”.

16 **SEC. 34. PHYSICAL SECURITY AND CYBERSECURITY FOR**
17 **PIPELINES AND LIQUEFIED NATURAL GAS**
18 **FACILITIES.**

19 (a) PROGRAM.—The Secretary of Energy, in carrying
20 out the Department of Energy’s functions pursuant to the
21 Department of Energy Organization Act (42 U.S.C. 7101
22 et seq.), and in consultation with appropriate Federal
23 agencies, representatives of the energy sector, the States,
24 and other stakeholders, shall carry out a program—

25 (1) to establish policies and procedures to co-
26 ordinate Federal agencies, States, and the energy

1 sector, including through councils or other entities
2 engaged in sharing, analysis, or sector coordinating,
3 to ensure the security, resiliency, and survivability of
4 natural gas pipelines (including natural gas trans-
5 mission and distribution pipelines), hazardous liquid
6 pipelines, and liquefied natural gas facilities;

7 (2) to coordinate response and recovery by Fed-
8 eral agencies, States, and the energy sector, to phys-
9 ical incidents and cyber incidents impacting the en-
10 ergy sector;

11 (3) to develop, for voluntary use, advanced cy-
12 bersecurity applications and technologies for natural
13 gas pipelines (including natural gas transmission
14 and distribution pipelines), hazardous liquid pipe-
15 lines, and liquefied natural gas facilities;

16 (4) to perform pilot demonstration projects re-
17 lating to physical security and cybersecurity for nat-
18 ural gas pipelines (including natural gas trans-
19 mission and distribution pipelines), hazardous liquid
20 pipelines, and liquefied natural gas facilities with
21 representatives of the energy sector;

22 (5) to develop workforce development curricula
23 for the energy sector relating to physical security
24 and cybersecurity for natural gas pipelines (includ-
25 ing natural gas transmission and distribution pipe-

1 lines), hazardous liquid pipelines, and liquefied nat-
2 ural gas facilities; and

3 (6) to provide technical tools to help the energy
4 sector voluntarily evaluate, prioritize, and improve
5 physical security and cybersecurity capabilities of
6 natural gas pipelines (including natural gas trans-
7 mission and distribution pipelines), hazardous liquid
8 pipelines, and liquefied natural gas facilities.

9 (b) SAVINGS CLAUSE.—Nothing in this section shall
10 be construed to modify the authority of any Federal agen-
11 cy other than the Department of Energy relating to phys-
12 ical security or cybersecurity for natural gas pipelines (in-
13 cluding natural gas transmission and distribution pipe-
14 lines), hazardous liquid pipelines, or liquefied natural gas
15 facilities.

