

AMENDMENT TO H.R. 3432
OFFERED BY MR. KENNEDY OF MASSACHUSETTS

At the end of the bill, add the following:

1 **SEC. 11. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.**

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

5 “(7) IN GENERAL.—

6 “(A) EVALUATION OF RISK.—Not later
7 than 1 year after the date of enactment of this
8 paragraph, the Secretary shall promulgate regu-
9 lations that ensure that each distribution integ-
10 rity management plan developed by an operator
11 of a distribution pipeline includes an evaluation
12 of—

13 “(i) the risks resulting from the pres-
14 ence of cast iron pipes and mains in the
15 distribution system; and

16 “(ii) the risks that could lead to or re-
17 sult from the operation of a distribution
18 pipeline above the maximum allowable op-
19 erating pressure (as described in section

1 192.619 of title 49, Code of Federal Regu-
2 lations (or successor regulations)).

3 “(B) CONSIDERATION.—In the evaluations
4 required in a plan under subparagraph (A), the
5 regulations promulgated by the Secretary shall
6 ensure that the distribution integrity manage-
7 ment plan evaluates future potential threats in
8 a manner that considers factors other than past
9 observed abnormal operating conditions (as de-
10 fined in section 192.803 of title 49, Code of
11 Federal Regulations (or successor regulations))
12 in ranking risks and identifying measures to
13 mitigate those risks under that subparagraph,
14 so that operators avoid using a risk rating of
15 zero for low probability events unless otherwise
16 supported by engineering analysis.

17 “(C) DEADLINES.—

18 “(i) IN GENERAL.—Not later than
19 180 days after the date of enactment of
20 this paragraph, each operator of a dis-
21 tribution pipeline shall submit to the Sec-
22 retary or to the relevant certified State au-
23 thority, if applicable, a copy of—

24 “(I) the distribution integrity
25 management plan of the operator;

1 “(II) the emergency response
2 plan under section 192.615 of title 49,
3 Code of Federal Regulations (or suc-
4 cessor regulations); and

5 “(III) the procedural manual for
6 operations, maintenance, and emer-
7 gencies under section 192.605 of title
8 49, Code of Federal Regulations (or
9 successor regulations).

10 “(ii) UPDATES.—Each operator of a
11 distribution pipeline shall submit to the
12 Secretary an updated plan or manual de-
13 scribed in clause (i) by not later than 60
14 days after the date of the update.”.

15 (b) MONITORING.—Section 60105(e) of title 49,
16 United States Code, is amended—

17 (1) in the second sentence, by striking “A
18 State” and inserting the following:

19 “(2) COOPERATION.—A State”;

20 (2) by striking “The Secretary” and inserting
21 the following:

22 “(1) IN GENERAL.—The Secretary”; and

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

24 “(3) AUDIT PROGRAM.—Not later than 1 year
25 after the date of enactment of this paragraph, the

1 Secretary shall promulgate regulations to update the
2 annual State Program Evaluations to—

3 “(A) ensure that a State authority has the
4 capability to sufficiently review and evaluate the
5 adequacy of the plans and manuals described in
6 section 60109(e)(7)(C)(i); and

7 “(B) require that a State authority has a
8 sufficient number of inspectors to ensure safe
9 operations, as determined by a formula that
10 takes into account factors including but not
11 limited to—

12 “(i) the number of miles of cast iron
13 pipe in the State;

14 “(ii) the number of customers in the
15 State;

16 “(iii) population density in areas with
17 gas distribution pipeline;

18 “(iv) the age of the gas distribution
19 system in the State; and

20 “(v) environmental factors, including
21 relevant geological issues.”.

22 **SEC. 12. EMERGENCY RESPONSE PLANS.**

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

1 “(q) EMERGENCY RESPONSE PLANS.—Not later
2 than 1 year after the date of the enactment of this sub-
3 section, the Secretary shall promulgate regulations to en-
4 sure that each emergency response plan under section
5 192.615 of title 49, Code of Federal Regulations (or suc-
6 cessor regulations), developed by an operator of a distribu-
7 tion pipeline includes written procedures for—

8 “(1) establishing communication with fire, po-
9 lice, and other relevant public officials as soon as
10 practicable, but not later than 30 minutes, after a
11 gas pipeline emergency that—

12 “(A) includes fires, explosions, or one or
13 more fatalities; or

14 “(B) results in the shutdown of gas service
15 to more than 100 customers;

16 “(2) establishing public communication as soon
17 as practicable and in consultation with fire, police,
18 and other public officials after a gas pipeline emer-
19 gency that—

20 “(A) includes fires, explosions, or one or
21 more fatalities; or

22 “(B) results in the shutdown of gas service
23 to more than 100 customers; and

24 “(3) the development and implementation of a
25 voluntary, opt-in system that would allow operators

1 of distribution pipelines to rapidly communicate with
2 customers in the event of an emergency.”.

3 **SEC. 13. OPERATIONS AND MAINTENANCE MANUALS.**

4 Section 60102 of title 49, United States Code (as
5 amended by section 3), is amended by adding at the end
6 the following:

7 “(r) OPERATIONS AND MAINTENANCE MANUALS.—
8 Not later than 1 year after the date of enactment of this
9 subsection, the Secretary shall promulgate regulations to
10 ensure that each procedural manual for operations, main-
11 tenance, and emergencies under section 192.605 of title
12 49, Code of Federal Regulations (or successor regula-
13 tions), developed by an operator of a distribution pipeline
14 includes written procedures for—

15 “(1) responding to overpressurization alarms,
16 including a clear timeline and order of operations for
17 shutting down portions of the gas distribution sys-
18 tem, if necessary; and

19 “(2) a detailed procedure for a management of
20 change process, which shall be applied to all changes
21 to the distribution system, and which shall ensure
22 that relevant employees of an operator of a distribu-
23 tion pipeline, as determined through the regulations,
24 review construction documents for accuracy, com-
25 pleteness, and correctness.”.

1 **SEC. 14. PIPELINE SAFETY MANAGEMENT SYSTEMS.**

2 Section 60102 of title 49, United States Code (as
3 amended by section 4), is amended by adding at the end
4 the following:

5 “(s) PIPELINE SAFETY MANAGEMENT SYSTEMS.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this subsection, the Sec-
8 retary shall promulgate regulations directing each
9 operator of a distribution pipeline to develop and im-
10 plement a pipeline safety management systems
11 framework in accordance with Recommended Prac-
12 tice 1173 of the American Petroleum Institute (API
13 RP 1173).

14 “(2) UPDATES.—The Secretary may periodi-
15 cally revise such regulations to adopt new best in-
16 dustry practices for promoting safety management
17 systems, as appropriate.

18 “(3) SUBMISSION.—Each operator of a dis-
19 tribution pipeline shall submit to the Secretary or
20 the relevant State authority, as certified under sec-
21 tion 60105 of title 49, United States Code—

22 “(A) a copy of the pipeline safety manage-
23 ment systems framework developed under para-
24 graph (1) by not later than 2 years after the
25 date of enactment of this subsection; and

1 “(B) any updates to the framework de-
2 scribed in subparagraph (A) by not later than
3 3 years after the date of enactment of this sub-
4 section after the update.

5 “(4) EVALUATION AND CERTIFICATION.—
6 Under a timeline established by the Secretary
7 through regulation, the Secretary or the relevant
8 State authority, as certified under section 60105 of
9 title 49, United States Code, shall—

10 “(A) evaluate pipeline safety management
11 systems frameworks developed under paragraph
12 (1), including by using independent third-party
13 evaluators if necessary; and

14 “(B) certify that—

15 “(i) those frameworks are effective
16 and complete; and

17 “(ii) operators of distribution pipe-
18 lines are in compliance with those frame-
19 works.”.

20 **SEC. 15. PIPELINE SAFETY PRACTICES.**

21 Section 60102 of title 49, United States Code (as
22 amended by section 5), is amended by adding at the end
23 the following:

24 “(t) OTHER PIPELINE SAFETY PRACTICES.—

1 “(1) RECORDS.—Not later than 180 days after
2 the date of enactment of this subsection, the Sec-
3 retary shall promulgate regulations to require an op-
4 erator of a distribution pipeline—

5 “(A) to develop and maintain traceable, re-
6 liable, complete, and up-to-date records of the
7 gas distribution system in each region of oper-
8 ation that depict high-, medium-, and low-gas
9 pressure systems, including maps and other
10 drawings; and

11 “(B) to ensure that the records described
12 in subparagraph (A) are accessible to all em-
13 ployees of the operator and provided to the Sec-
14 retary or the relevant State authority.

15 “(2) APPROVAL OF CERTAIN ACTIVITIES.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of this subsection,
18 the Secretary shall promulgate regulations to
19 require that, before carrying out any covered
20 task (as defined in section 192.801(b) of title
21 49, Code of Federal Regulations (or successor
22 regulations)), the covered task is approved by a
23 professional engineer licensed to practice in the
24 State in which it is to be carried out.

1 “(B) INCLUSION.—In promulgating regula-
2 tions under subparagraph (A), the Secretary
3 shall ensure that professional engineers are pro-
4 vided access to all relevant records and prior
5 work plans needed to certify the safety of the
6 covered task.

7 “(C) APPLICATION.—The following provi-
8 sions shall not apply to a standard promulgated
9 under subparagraph (A):

10 “(i) Subsections (c) and (d) of section
11 60118.

12 “(ii) Section 60131(e)(5).

13 “(3) PRESENCE OF QUALIFIED EMPLOYEES.—

14 “(A) IN GENERAL.—Not later than 180
15 days after the date of enactment of this sub-
16 section, the Secretary shall promulgate regula-
17 tions to require that not less than 1 employee
18 of an operator of a distribution pipeline who is
19 qualified to perform relevant covered tasks (as
20 defined in section 192.801(b) of title 49, Code
21 of Federal Regulations (or successor regula-
22 tions)), shall monitor gas pressure and have the
23 capability to shut down the flow of gas at a dis-
24 trict regulator station during any construction
25 project that has the potential to cause a haz-

1 arduous over-pressurization at that station, in-
2 cluding tie-ins and abandonment of distribution
3 lines and mains, based on an evaluation of
4 threats that could result in unsafe operation
5 conducted by the operator.

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

12 “(4) DISTRICT REGULATOR STATIONS.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this subsection,
15 the Secretary shall promulgate regulations to
16 require that each operator of a distribution
17 pipeline assesses and upgrades, as appropriate,
18 each district regulator station of the operator to
19 ensure that—

20 “(i) there is no possibility for a com-
21 mon mode of failure in the regulator tech-
22 nology of the station that could lead to an
23 operating pressure that is greater than the
24 maximum allowable operating pressure (as
25 described in section 192.619 of title 49,

1 Code of Federal Regulations (or successor
2 regulations));

3 “(ii) the station has monitoring tech-
4 nology that provides constant awareness of
5 gas pressure at the station; and

6 “(iii) the station has additional pres-
7 sure-relieving safety technology, such as a
8 relief valve or automatic shutoff valve, as
9 appropriate for the configuration and
10 siting of the station.

11 “(5) MINIMUM STAFFING REQUIREMENTS.—

12 “(A) IN GENERAL.—Not later than 1 year
13 after the date of enactment of this subsection,
14 the Secretary shall promulgate regulations to
15 promote sufficient staffing for monitoring and
16 regulating gas pressure levels by each operator
17 of a distribution pipeline.

18 “(B) INCLUSIONS.—Regulations promul-
19 gated under subparagraph (A) shall consider—

20 “(i) the total miles of gas main and
21 service pipeline within the service area of
22 the operator of the distribution pipeline;

23 “(ii) the age and material of the pipes
24 within the service area of the operator of
25 the distribution pipeline; and

1 “(iii) the number and density of cus-
2 tomers within the service area of the oper-
3 ator of the distribution pipeline.”.

4 **SEC. 16. CIVIL PENALTIES.**

5 Section 60122(a)(1) of title 49, United States Code,
6 is amended—

7 (1) in the first sentence, by striking
8 “\$200,000” and inserting “\$20,000,000”;

9 (2) in the third sentence, by striking
10 “\$2,000,000” and inserting “\$200,000,000”; and

11 (3) by adding at the end the following: “The
12 Secretary shall annually adjust the penalties under
13 this paragraph for inflation.”.

