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116TH CONGRESS
2^D SESSION

H. R. 5120

[Report No. 116–661, Part I]

To amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2019

Mr. DEFAZIO (for himself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 17, 2020

Additional sponsor: Ms. NORTON

DECEMBER 17, 2020

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 17, 2020

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on November 15, 2019]

A BILL

To amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SH-ORT TITLE.*—*This Act may be cited as the*
 5 *“Safe, Accountable, Fair, and Environmentally Responsible*
 6 *Pipelines Act of 2019” or the “SAFER Pipelines Act of*
 7 *2019”.*

8 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 9 *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. Risk analysis and integrity management programs.*
- 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. Advancement of new pipeline safety technologies and approaches.*
- Sec. 24. Workforce.*
- Sec. 25. Hiring report.*
- Sec. 26. Plan to combine State damage prevention and one-call notification pro-*
grams.
- Sec. 27. Gas gathering lines.*
- Sec. 28. Regulatory updates.*
- Sec. 29. Component verification.*
- Sec. 30. Codification of final rule.*
- Sec. 31. Threatening safe operations of pipeline infrastructure.*
- Sec. 32. Penalty for causing a defect in pipeline infrastructure under construc-*
tion.

Sec. 33. Use of a firearm to damage pipeline infrastructure under construction.

Sec. 34. Pipeline safety voluntary information-sharing system.

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 Haz-*
 5 *ardous 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 60125(a)*
 12 *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 carrying*
 17 *out such section 12 and \$60,000,000 shall be ex-*
 18 *pended for making grants;*

19 “(B) *\$165,624,000 for fiscal year 2021 of*
 20 *which \$10,000,000 shall be expended for carrying*
 21 *out such section 12 and \$61,800,000 shall be ex-*
 22 *pended for making grants;*

23 “(C) *\$170,600,000 for fiscal year 2022, of*
 24 *which \$10,000,000 shall be expended for carrying*

1 *out such section 12 and \$63,650,000 shall be ex-*
2 *pended for making grants; and*

3 *“(D) \$175,700,000 for fiscal year 2023, of*
4 *which \$10,000,000 shall be expended for carrying*
5 *out such section 12 and \$65,560,000 shall be ex-*
6 *pended for making grants.”;*

7 *(2) in paragraph (2) by striking subparagraphs*
8 *(A) through (D) and inserting the following:*

9 *“(A) \$25,000,000 for fiscal year 2020, of*
10 *which \$5,000,000 shall be expended for carrying*
11 *out such section 12 and \$9,000,000 shall be ex-*
12 *pended for making grants;*

13 *“(B) \$25,000,000 for fiscal year 2021, of*
14 *which \$5,000,000 shall be expended for carrying*
15 *out such section 12 and \$9,000,000 shall be ex-*
16 *pended for making grants;*

17 *“(C) \$26,000,000 for fiscal year 2022, of*
18 *which \$5,000,000 shall be expended for carrying*
19 *out such section 12 and \$9,000,000 shall be ex-*
20 *pended for making grants; and*

21 *“(D) \$26,000,000 for fiscal year 2023, of*
22 *which \$5,000,000 shall be expended for carrying*
23 *out such section 12 and \$9,000,000 shall be ex-*
24 *pended for making grants.”; and*

1 (3) in paragraph (3) by striking “\$8,000,000 for
2 each of fiscal years 2017 through 2019” and inserting
3 “\$9,000,000 for each of fiscal years 2020 through
4 2023”.

5 (c) *EMERGENCY RESPONSE GRANTS*.—Section
6 60125(b)(2) of title 49, United States Code, is amended by
7 striking “\$10,000,000 for each of fiscal years 2012 through
8 2015” and inserting “\$12,000,000 for each of fiscal years
9 2020 through 2023”.

10 (d) *PIPELINE SAFETY INFORMATION GRANTS TO COM-*
11 *MUNITIES*.—Section 60130(c) of title 49, United States
12 Code, is amended by striking “section 2(b) of the PIPES
13 Act of 2016, the Secretary shall expend \$1,500,000 for each
14 of fiscal years 2016 through 2019 to carry out this section.
15 Such amounts shall not be derived from user fees collected
16 under section 60301” and inserting “section 2(a) of the
17 SAFER Pipelines Act of 2019, the Secretary shall expend
18 \$2,000,000 for each of fiscal years 2020 through 2023 to
19 carry out this section”.

20 (e) *STATE DAMAGE PREVENTION PROGRAMS*.—Section
21 60134(i) of title 49, United States Code, is amended by
22 striking “\$1,500,000 for each of fiscal years 2012 through
23 2015” and inserting “\$2,000,000 for each of fiscal years
24 2020 through 2023”.

1 (f) *ONE-CALL NOTIFICATION PROGRAMS.*—Section
2 6107 of title 49, United States Code, is amended by striking
3 “\$1,058,000 for each of fiscal years 2016 through 2019” and
4 inserting “\$2,000,000 for each of fiscal years 2020 through
5 2023”.

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

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

9 (1) in paragraph (2)—

10 (A) by striking subparagraphs (C) through
11 (E); and

12 (B) by redesignating subparagraphs (F)
13 and (G) as subparagraphs (C) and (D), respec-
14 tively; and

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

16 (b) *SAFETY-RELATED CONDITION REPORTING.*—

17 (1) *AVAILABILITY OF INFORMATION TO FIRST RE-*
18 *SPONDERS.*—Section 60102(h) of title 49, United
19 States Code, is amended—

20 (A) in paragraph (2) by striking “Notice of
21 the condition shall be given concurrently to ap-
22 propriate State authorities.”; and

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

1 “(3)(A) *Notice of the condition of an intrastate or*
2 *interstate pipeline facility shall be given concurrently to*
3 *appropriate State authorities.*

4 “(B) *The Secretary shall require that, upon receipt of*
5 *a report on a safety-related condition submitted under this*
6 *section, a State agency shall provide the report, upon re-*
7 *quest, to any relevant State emergency response commis-*
8 *sion, tribal emergency response commission, tribal emer-*
9 *gency planning committee, local emergency planning com-*
10 *mittee, local government, or public agency responsible for*
11 *emergency response, including any updates to the report re-*
12 *ceived by the State agency.”.*

13 (2) *EXEMPTION REMOVAL.—Section 60102(h) of*
14 *title 49, United States Code, is further amended by*
15 *adding at the end the following:*

16 “(4) *Regulations prescribed by the Secretary under*
17 *this section may not exempt a condition from being subject*
18 *to reporting requirements if the exemption of such condition*
19 *would reduce or eliminate the value of the reports as leading*
20 *indicators of safety or environmental hazards.”.*

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

24 “(1) *HIGH CONSEQUENCE AREAS.—*

1 “(A) *IN GENERAL.*—Not later than 2 years
2 after the date of enactment of the *SAFER Pipe-*
3 *lines Act of 2019*, the Secretary shall issue regu-
4 lations to require operators of transmission pipe-
5 line facilities to install and use automatic or re-
6 mote-controlled shut-off valves for such pipeline
7 facilities that are located in high consequence
8 areas (as defined in part 192 or 195 of title 49,
9 *Code of Federal Regulations*, as applicable).

10 “(B) *OTHER AREAS.*—The Secretary may
11 issue regulations to require operators of trans-
12 mission pipeline facilities to install and use
13 automatic or remote-controlled shut-off valves for
14 such pipeline facilities that are not located in
15 areas described in subparagraph (A).”.

16 (d) *CRACK MANAGEMENT.*—Section 60102 of title 49,
17 *United States Code*, is amended by adding at the end the
18 following:

19 “(g) *CRACK MANAGEMENT.*—

20 “(1) *IN GENERAL.*—

21 “(A) *HIGH CONSEQUENCE AREAS.*—Not
22 later than 2 years after the date of enactment of
23 this subsection, the Secretary shall issue regula-
24 tions to require operators of gas pipeline facili-
25 ties and hazardous liquid pipeline facilities that

1 *are located in high consequence areas (as defined*
2 *in part 192 or 195 of title 49, Code of Federal*
3 *Regulations, as applicable) to address and repair*
4 *cracks in such facilities.*

5 “(B) *OTHER AREAS.*—*The Secretary may*
6 *issue regulations to require operators of gas pipe-*
7 *line facilities and hazardous liquid pipeline fa-*
8 *cilities that are not located in areas described in*
9 *subparagraph (A) to address and repair cracks*
10 *in such facilities.*

11 “(2) *REQUIREMENTS.*—*Regulations issued under*
12 *paragraph (1) shall specify—*

13 “(A) *under what conditions an engineering*
14 *assessment of cracks, including environmentally*
15 *assisted cracks, must be performed;*

16 “(B) *acceptable methods for performing an*
17 *engineering assessment on a pipeline, including*
18 *the assessment of cracks coinciding with corro-*
19 *sion;*

20 “(C) *criteria for determining whether the*
21 *excavation of a pipeline segment is required due*
22 *to a probable crack, and deadlines for completing*
23 *any excavation so required;*

24 “(D) *pressure restriction limits for pipelines*
25 *for which a determination is made to excavate*

1 *such pipeline pursuant to the requirements of*
2 *subparagraph (C); and*

3 “(E) acceptable methods for determining
4 crack growth for any cracks not required to be
5 repaired under the regulations, including growth
6 caused by fatigue, corrosion fatigue, or stress cor-
7 rosion cracking, as applicable.”.

8 **SEC. 4. STATE PIPELINE SAFETY PROGRAM CERTIFI-**
9 **CATIONS.**

10 *Section 60105(e) of title 49, United States Code, is*
11 *amended—*

12 (1) *by inserting “In carrying out this subsection,*
13 *the Secretary may request that a State authority pro-*
14 *vide records of any inspection of a pipeline facility*
15 *made by the State authority or any investigation de-*
16 *scribed in subsection (c)(1)(B).” after “with the cer-*
17 *tification.”; and*

18 (2) *by inserting after “under this subsection” the*
19 *following: “, including, upon request by the Secretary,*
20 *by authorizing the Secretary to participate in such*
21 *an inspection or investigation”.*

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

23 *Section 60107 of title 49, United States Code, is*
24 *amended by adding at the end the following:*

1 “(f) *GRANTS FOR RENDERING AID.*—*The Secretary*
2 *may make an additional payment, to a State receiving a*
3 *payment under subsection (a), to pay the costs incurred by*
4 *the State in rendering aid to another State to respond to*
5 *a natural disaster or major pipeline incident.*”.

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

7 *Section 60108 of title 49, United States Code, is*
8 *amended by adding at the end the following:*

9 “(f) *PIPELINE CONSTRUCTION PROJECT DATA COL-*
10 *LECTION.*—*The Secretary may require the owner or oper-*
11 *ator of a pipeline facility to provide to the Secretary infor-*
12 *mation the Secretary determines appropriate regarding*
13 *construction of the pipeline facility, including relating to*
14 *any shutdown of such construction.*”.

15 **SEC. 7. RISK ANALYSIS AND INTEGRITY MANAGEMENT PRO-**
16 **GRAMS.**

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

19 “(12) *USE OF DIRECT ASSESSMENTS.*—

20 “(A) *TRANSMISSION PIPELINE FACILITIES*
21 *REGULATION.*—*Not later than 2 years after the*
22 *date of enactment of this paragraph, the Sec-*
23 *retary shall issue regulations for appropriate*
24 *methods of assessment of transmission pipeline*
25 *facilities under paragraph (3) that prioritize the*

1 *use of other inspection methods before, in tandem*
2 *with, or in lieu of, the use of direct assessment,*
3 *including internal inspection devices or pressure*
4 *testing, to provide a greater level of safety.*

5 “(B) *DISTRIBUTION PIPELINES STUDY.*—

6 *Not later than 2 years after the date of enact-*
7 *ment of this paragraph, the Secretary shall sub-*
8 *mit to the Committees on Energy and Commerce*
9 *and Transportation and Infrastructure of the*
10 *House of Representatives and the Committee on*
11 *Commerce, Science, and Transportation of the*
12 *Senate a report containing—*

13 “(i) *the results of a study of methods of*
14 *assessment of distribution pipelines that*
15 *may be used under paragraph (3), other*
16 *than direct assessment, to determine wheth-*
17 *er any such methods—*

18 “(I) *would provide a greater level*
19 *of safety than direct assessment of such*
20 *pipelines; and*

21 “(II) *are feasible; and*

22 “(i) *any recommendations based on*
23 *such study.”.*

1 **SEC. 8. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
2 **PREPAREDNESS.**

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

5 **“§60116. Community right-to-know and emergency**
6 **preparedness**

7 “(a) *PUBLIC EDUCATION PROGRAMS.*—

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

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

14 “(B) the possible hazards associated with
15 unintended releases from the pipeline facility;
16 and

17 “(C) the physical indications that a release
18 from a pipeline facility may have occurred, the
19 steps that should be taken for public safety in the
20 event of such a release, and how to report such
21 a release.

22 “(2) *REVIEW AND MODIFICATION OF EXISTING*
23 *PROGRAMS.*—Not later than 1 year after the date of
24 enactment of the SAFER Pipelines Act of 2019, each
25 owner or operator of a gas or hazardous liquid pipe-
26 line facility shall—

1 “(A) review its existing public education
2 program for effectiveness, and modify the pro-
3 gram as necessary; and

4 “(B) submit to the Secretary for review a
5 detailed description of its public education pro-
6 gram, including any modifications made to the
7 program under subparagraph (A).

8 “(3) *STANDARDS; MATERIAL.*—The Secretary
9 may—

10 “(A) issue standards for public education
11 programs under this subsection, including stand-
12 ards providing for periodic review of such pro-
13 grams and modification of such programs as
14 needed; and

15 “(B) develop material for use in the pro-
16 grams.

17 “(b) *LIAISON WITH STATE, LOCAL, AND TRIBAL*
18 *EMERGENCY RESPONSE ENTITIES.*—

19 “(1) *IN GENERAL.*—Not later than 1 year after
20 the date of enactment of the *SAFER Pipelines Act of*
21 *2019*, an operator of a gas or hazardous liquid pipe-
22 line facility shall establish liaison with—

23 “(A) any State entity with responsibility
24 for pipeline emergency response in each State in
25 which the pipeline facility is located;

1 “(B) the appropriate local emergency plan-
2 ning entity in each emergency planning district
3 in which the pipeline facility is located; and

4 “(C) any Tribal entity with responsibility
5 for pipeline emergency response or planning in
6 the area in which the pipeline facility is located.

7 “(2) COMMUNITIES WITHOUT LOCAL OR TRIBAL
8 EMERGENCY PLANNING OR RESPONSE ENTITIES.—In
9 a community for which a local or Tribal entity de-
10 scribed in paragraph (1) does not exist, the operator
11 of a gas or hazardous liquid pipeline facility shall li-
12 aise, to the extent practicable, with the local fire, po-
13 lice, and other emergency response entities.

14 “(3) AVAILABILITY OF INFORMATION.—

15 “(A) EVALUATION.—Not later than 2 years
16 after the date of enactment of the SAFER Pipe-
17 lines Act of 2019, and based on the consultation
18 required under subparagraph (C), the Secretary
19 shall conduct an evaluation and determine
20 whether State, local, and Tribal entities de-
21 scribed in paragraphs (1) and (2) have sufficient
22 access to pipeline emergency response informa-
23 tion.

24 “(B) REGULATION.—If the Secretary deter-
25 mines under subparagraph (A) that State, local,

1 *and Tribal entities described in paragraphs (1)*
2 *and (2) do not have sufficient access to pipeline*
3 *emergency response information, the Secretary*
4 *shall issue regulations not later than 3 years*
5 *after the date of enactment of the SAFER Pipe-*
6 *lines Act of 2019 specifying relevant emergency*
7 *response information and requiring each oper-*
8 *ator of a gas or hazardous liquid pipeline facil-*
9 *ity to make such information available to the*
10 *applicable State, local, and Tribal entities de-*
11 *scribed in paragraphs (1) and (2).*

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

19 “(b) *CONFORMING AMENDMENT.*—*The table of sections*
20 *for chapter 601 of title 49, United States Code, is amended*
21 *by striking the item relating to section 60116 and inserting*
22 *the following:*

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

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

2 *Section 60117(n)(1)(B)(i) of title 49, United States*
 3 *Code, is amended by striking “\$2,500,000,000” and insert-*
 4 *ing “\$250,000,000”.*

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

6 *Section 60121 of title 49, United States Code, is*
 7 *amended by adding at the end the following:*

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

13 **SEC. 11. CIVIL PENALTIES.**

14 *(a) INCREASED PENALTIES.—Section 60122(a) of title*
 15 *49, United States Code, is amended—*

16 *(1) in paragraph (1)—*

17 *(A) by striking “\$200,000” and inserting*
 18 *“\$20,000,000”; and*

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

22 *(2) in paragraph (2) by striking “\$50,000” and*
 23 *inserting “\$20,000,000”.*

24 *(b) DEPOSIT IN HIGHWAY TRUST FUND.—Penalties*
 25 *collected pursuant to amendments made by this section*

1 *shall be transferred to the Highway Account of the Highway*
2 *Trust Fund.*

3 **SEC. 12. CRIMINAL PENALTIES.**

4 *Section 60123(a) of title 49, United States Code, is*
5 *amended by striking “knowingly and willfully” and insert-*
6 *ing “knowingly or recklessly”.*

7 **SEC. 13. EMERGENCY RESPONSE GRANTS.**

8 *Section 60125(b)(1) of title 49, United States Code, is*
9 *amended by striking “and local governments in high con-*
10 *sequence areas, as defined by the Secretary,” and inserting*
11 *“local, and Tribal governments, and nonprofit organiza-*
12 *tions providing pipeline emergency response training,”.*

13 **SEC. 14. VERIFICATION OF PIPELINE QUALIFICATION PRO-**
14 **GRAMS.**

15 *Section 60131(g) of title 49, United States Code, is*
16 *amended—*

17 *(1) in paragraph (1) by striking “; and” and in-*
18 *serting a semicolon;*

19 *(2) in paragraph (2) by striking the period at*
20 *the end and inserting “; and”; and*

21 *(3) by adding at the end the following para-*
22 *graph:*

23 *“(3) with respect to any pipeline facility, means*
24 *a construction task that is performed on the pipeline*
25 *facility.”.*

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

2 (a) *INFORMATION TO BE PROVIDED.*—Section
3 60132(a) of title 49, United States Code, is amended—

4 (1) by striking “Not later than 6 months after
5 the date of enactment of this section, the” and insert-
6 ing “The”; and

7 (2) by striking “(except distribution lines and
8 gathering lines)” and inserting “, including a dis-
9 tribution line or a gathering line (but not including
10 any gathering lines that are not regulated under part
11 192 or part 195 of title 49, Code of Federal Regula-
12 tions),”.

13 (b) *REQUIREMENTS FOR PROVISION OF INFORMA-*
14 *TION.*—Section 60132 of title 49, United States Code, is
15 amended—

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

19 (2) in subsection (f) by striking “to subsection
20 (a)” and inserting “to this section for inclusion in the
21 National Pipeline Mapping System”; and

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

23 “(g) *REQUIREMENTS FOR COVERED FACILITIES.*—Not
24 later than 1 year after a pipeline facility described in sub-
25 section (a) becomes covered by such subsection, the operator
26 of such facility shall provide to the Secretary the informa-

1 *tion required under paragraphs (1) through (4) of such sub-*
2 *section with respect to such facility.*

3 “(h) *ADDITIONAL INFORMATION ON DISTRIBUTION*
4 *LINES.*—*Not later than 2 years after a distribution line be-*
5 *comes covered by subsection (a), the operator of such dis-*
6 *tribution line shall provide to the Secretary, in addition*
7 *to the information required under paragraphs (1) through*
8 *(4) of subsection (a), information on the distribution sys-*
9 *tems that could lead to a point of failure, including—*

10 “(1) *sensing lines;*

11 “(2) *regulator stations;*

12 “(3) *automatic or remote-controlled shut-off*
13 *valves; and*

14 “(4) *any other distribution pipeline technology*
15 *or feature that the Secretary determines is appro-*
16 *priate to ensure safety.*

17 “(i) *UPDATE TO SYSTEM.*—

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

20 “(A) *the Secretary shall determine whether*
21 *the inclusion of additional information in the*
22 *National Pipeline Mapping System would im-*
23 *prove the preparation and response efforts of*
24 *emergency responders with access to the System;*
25 *and*

1 “(B) if the Secretary determines under sub-
2 paragraph (A) that inclusion of additional infor-
3 mation in the National Pipeline Mapping Sys-
4 tem would improve the preparation and response
5 efforts of emergency responders with access to the
6 System, the Secretary shall issue regulations—

7 “(i) identifying such additional infor-
8 mation as the Secretary determines would
9 improve emergency preparedness and re-
10 sponse efforts; and

11 “(ii) requiring each person providing
12 information under subsection (a) to provide
13 such additional information.

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

17 “(A) A description of the pipeline facility,
18 including the length of the facility and origin
19 and termination points.

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

22 “(C) If applicable, a summary of any integ-
23 rity management program activities related to
24 the pipeline facility.”.

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

7 **SEC. 16. CONGRESSIONAL ACCESS TO OIL SPILL RESPONSE**
 8 **PLANS.**

9 Section 60138(a) of title 49, United States Code, is
 10 amended—

- 11 (1) *in paragraph (1) by striking “and”;*
 12 (2) *in paragraph (2)(D) by striking the period*
 13 *and inserting “; and”;* and
 14 (3) *by adding at the end the following:*

15 “(3) *provide to a Member of Congress, upon re-*
 16 *quest from such Member, a copy of any such plan, the*
 17 *contents of which the Secretary may not redact but*
 18 *may note, as the Secretary determines appropriate—*

19 “(A) *proprietary information; and*

20 “(B) *security-sensitive information, includ-*
 21 *ing information described in section 1520.5(a) of*
 22 *title 49, Code of Federal Regulations.”.*

23 **SEC. 17. LEAK DETECTION TECHNOLOGY.**

24 (a) *IN GENERAL.*—*Chapter 601 of title 49, United*
 25 *States Code, is amended by adding at the end the following:*

1 **“§ 60142. Leak detection technology**

2 “(a) *LEAK DETECTION TECHNOLOGY.*—Not later than
3 1 year after the date of enactment of this section, the Sec-
4 retary shall issue regulations requiring each operator of a
5 gas pipeline facility to install and use advanced leak detec-
6 tion technology on all gas pipelines it operates.

7 “(b) *REQUIREMENTS.*—The advanced leak detection
8 technology required under subsection (a) shall, at a min-
9 imum—

10 “(1) have a high accuracy of identifying leak lo-
11 cation;

12 “(2) be capable of measuring methane concentra-
13 tions in parts per billion; and

14 “(3) be capable of correlating methane concentra-
15 tion measurements to data produced by geographic
16 information systems technology.”.

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

“60142. *Leak detection technology.*”.

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

21 “(a) *IN GENERAL.*—Chapter 601 of title 49, United
22 States Code, is further amended by adding at the end the
23 following:

1 **“§ 60143. Gas pipeline repair criteria**

2 “(a) *LEAK REPAIR FOR LARGE LOSS EVENT.*—Not
3 later than 1 year after the date of enactment of this section,
4 the Secretary shall issue regulations requiring each operator
5 of a gas pipeline facility to—

6 “(1) immediately repair a leak in a gas pipeline
7 facility it operates that results in a large loss event;
8 and

9 “(2) report information to the Secretary with re-
10 spect to such large loss event, including—

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

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

14 “(C) the cause of the failure; and

15 “(D) the time from the detection of a gas
16 leak to the completion of the repair of such leak.

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

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

“60143. Gas pipeline repair criteria.”.

1 **SEC. 19. METHANE RELEASE MITIGATION.**

2 (a) *IN GENERAL.*—Chapter 601 of title 49, United
3 States Code, is further amended by adding at the end the
4 following:

5 **“§ 60144. Methane release mitigation**

6 “(a) *METHANE CAPTURE FROM ROUTINE OPER-*
7 *ATIONS OR MAINTENANCE.*—Not later than 1 year after the
8 date of enactment of this section, the Secretary shall issue
9 regulations requiring each operator of a gas pipeline facil-
10 ity to use the best available technology to capture gas re-
11 leased when performing routine operations or maintenance
12 on the pipeline facility.

13 “(b) *REGULATIONS.*—In issuing regulations under
14 subsection (a), the Secretary shall establish—

15 “(1) requirements for the capture of gas released
16 from routine operations, including venting to relieve
17 pressure;

18 “(2) requirements for the capture of gas released
19 from maintenance operations, including blowdowns;
20 and

21 “(3) procedures for emergency situations that re-
22 sult in a release of gas.”.

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

“60144. Methane release mitigation.”.

1 **SEC. 20. UNUSUALLY SENSITIVE AREAS.**

2 (a) *COASTAL WATERS; COASTAL BEACHES.*—Section
3 19 of the *PIPES Act of 2016 (49 U.S.C. 60109 note)* is
4 amended—

5 (1) *in subsection (b) by striking “marine coastal*
6 *waters” and inserting “coastal waters”; and*

7 (2) *by adding at the end the following:*

8 “(c) *DEFINITIONS.*—*In this section, the following defi-*
9 *initions apply:*

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

13 “(2) *COASTAL WATERS.*—*The term ‘coastal*
14 *waters’ has the meaning given such term in section*
15 *4101 of the Shore Protection Act of 1988 (33 U.S.C.*
16 *2601).”.*

17 (b) *COASTAL WATERS.*—Section 60109(b)(2) of title
18 49, *United States Code*, is amended by striking “*marine*
19 *coastal waters” and inserting “coastal waters”.*

20 (c) *UPDATES.*—*Not later than 90 days after the date*
21 *of enactment of this section, the Secretary of Transportation*
22 *shall complete the revision required under section 19(b) of*
23 *the PIPES Act of 2016 (49 U.S.C. 60109 note), as amended*
24 *by this section.*

1 **SEC. 21. USER FEES FOR UNDERGROUND NATURAL GAS**
 2 **STORAGE FACILITIES.**

3 *Section 60302 of title 49, United States Code, is*
 4 *amended—*

5 *(1) in subsection (c)(2)—*

6 *(A) in subparagraph (A) by striking “and”*
 7 *at the end;*

8 *(B) in subparagraph (B) by striking the pe-*
 9 *riod at the end and inserting “; and”; and*

10 *(C) by adding at the end the following:*

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

13 *(2) by striking paragraph (3) of subsection (c);*
 14 *and*

15 *(3) by adding at the end the following:*

16 *“(d) LIMITATIONS.—Fees imposed under subsection (a)*
 17 *shall be sufficient to pay for the costs of activities described*
 18 *in subsection (c), except that the total amount collected for*
 19 *a fiscal year may not be more than 105 percent of the total*
 20 *amount of the appropriations made for the fiscal year ac-*
 21 *tivities to be financed by fees.”.*

22 **SEC. 22. SEISMICITY.**

23 *(a) IN GENERAL.—Not later than 90 days after the*
 24 *date of enactment of this section, the Secretary of Transpor-*
 25 *tation, in consultation with the Federal Energy Regulatory*
 26 *Commission, shall enter into an agreement with the Na-*

1 *tional Academy of Sciences under which the National Acad-*
2 *emy of Sciences shall prepare a report containing—*

3 *(1) the results of a study that—*

4 *(A) evaluates the current Federal require-*
5 *ments for pipeline facility design, siting, con-*
6 *struction, operation and maintenance, and in-*
7 *tegrity management, relating to seismicity, land*
8 *subsidence, landslides, slope instability, frost*
9 *heave, soil settlement, erosion, and other dy-*
10 *namic geologic conditions that may pose a safety*
11 *risk;*

12 *(B) identifies any discrepancy in such re-*
13 *quirements that apply to operators of gas pipe-*
14 *line facilities and hazardous liquid pipeline fa-*
15 *cilities; and*

16 *(C) identifies any deficiencies in industry*
17 *practices related to such requirements; and*

18 *(2) any recommendations of the National Acad-*
19 *emy of Sciences based on such results.*

20 *(b) REPORT TO CONGRESS.—Upon completion of the*
21 *report prepared pursuant to subsection (a), the National*
22 *Academy of Sciences shall submit to the Secretary of Trans-*
23 *portation, the Committee on Transportation and Infra-*
24 *structure of the House of Representatives, the Committee on*
25 *Energy and Commerce of the House of Representatives, and*

1 *the Committee on Commerce, Science, and Transportation*
 2 *of the Senate the report.*

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

6 **SEC. 23. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
 7 **NOLOGIES AND APPROACHES.**

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

10 **“§ 60145. Pipeline safety enhancement programs**

11 *“(a) IN GENERAL.—The Secretary may establish and*
 12 *carry out limited safety-enhancing testing programs during*
 13 *the period of fiscal years 2020 through 2026 to evaluate in-*
 14 *novative technologies and operational practices testing the*
 15 *safe operation of—*

16 *“(1) a natural gas pipeline facility; or*

17 *“(2) a hazardous liquid pipeline facility.*

18 *“(b) LIMITATIONS.—*

19 *“(1) IN GENERAL.—Such testing programs may*
 20 *not exceed—*

21 *“(A) 5 percent of the total miles of haz-*
 22 *ardous liquid pipelines in the United States; and*

23 *“(B) 5 percent of the total miles of natural*
 24 *gas pipelines in the United States.*

1 “(2) *INDIVIDUAL OPERATOR MILEAGE LIMITA-*
2 *TION.—The Secretary shall limit the mileage an indi-*
3 *vidual operator can test under each program estab-*
4 *lished under subsection (a) to the lesser of—*

5 “(A) *50 percent of the total pipeline mileage*
6 *in the operator’s system; or*

7 “(B) *1,000 miles.*

8 “(3) *HIGH POPULATION AREAS; HIGH CON-*
9 *SEQUENCE AREAS.—Any program established under*
10 *subsection (a) shall not be located in a high popu-*
11 *lation area (as defined in section 195.450 of title 49,*
12 *Code of Federal Regulations) or a high consequence*
13 *area (as defined in section 192.903 of title 49, Code*
14 *of Federal Regulations).*

15 “(4) *UNUSUALLY SENSITIVE AREAS.—Any pro-*
16 *gram established under subsection (a) shall not be lo-*
17 *cated in an unusually sensitive area (as described in*
18 *section 60109(b)).*

19 “(5) *HIGH CONSEQUENCE AREAS FOR HAZ-*
20 *ARDOUS LIQUID PIPELINES.—*

21 “(A) *IN GENERAL.—Not later than 1 year*
22 *after the date of enactment of this section, the*
23 *Secretary shall submit to Congress a report con-*
24 *taining an examination of the benefits and costs*
25 *of prohibiting testing in high consequence areas*

1 *(as defined in section 195.450 of title 49, Code*
2 *of Federal Regulations) for hazardous liquid*
3 *pipelines.*

4 “(B) *CONTENTS OF REPORT.—The report*
5 *described in subparagraph (A) shall examine the*
6 *safety benefits of allowing testing for hazardous*
7 *liquid pipelines in high consequence areas and*
8 *whether additional testing conditions are re-*
9 *quired to protect such areas while conducting the*
10 *program established under subsection (a) in such*
11 *areas.*

12 “(6) *RESTRICTION.—*

13 “(A) *IN GENERAL.—The Secretary shall not*
14 *approve a program under this section until the*
15 *report required under paragraph (5) is sub-*
16 *mitted to Congress.*

17 “(B) *EXCEPTION.—The limitation in sub-*
18 *paragraph (A) shall not apply if—*

19 “(i) *the Secretary determines that there*
20 *is a need for a program under this section;*
21 *and*

22 “(ii) *more than 1 year has passed*
23 *since the date of enactment of this section.*

1 “(c) *DURATION.*—*The term of a testing program estab-*
2 *lished under subsection (a) shall be not more than a period*
3 *of 4 years beginning on the date of approval of the program.*

4 “(d) *SAFETY STANDARDS.*—

5 “(1) *IN GENERAL.*—*The Secretary shall require,*
6 *as a condition of approval of a testing program under*
7 *subsection (a), that the safety measures in the testing*
8 *program are designed to achieve a level of safety that*
9 *is greater than, or equivalent to, the level of safety re-*
10 *quired by this chapter.*

11 “(2) *DETERMINATION.*—

12 “(A) *IN GENERAL.*—*The Secretary may*
13 *issue an order under subparagraph (A) of section*
14 *60118(c)(1) to accomplish the purpose of a test-*
15 *ing program for a term not to exceed the time*
16 *period described in subsection (c) if the condition*
17 *described in paragraph (1) is met, as determined*
18 *by the Secretary.*

19 “(B) *LIMITATION.*—*An order under sub-*
20 *paragraph (A) shall pertain only to those regula-*
21 *tions that would otherwise prevent the use of the*
22 *safety technology to be tested under the testing*
23 *program.*

24 “(e) *CONSIDERATIONS.*—*In establishing a testing pro-*
25 *gram under subsection (a), the Secretary shall consider—*

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

3 “(2) whether the owners or operators partici-
4 pating in the program have a safety management sys-
5 tem in place and how the application for such pro-
6 gram proposes to eliminate or mitigate any potential
7 safety risks;

8 “(3) a description of any measures or activities
9 the owners or operators participating in the program
10 propose to eliminate or mitigate any environmental
11 risks;

12 “(4) a description of any previous testing and
13 the outcome of such testing of the proposed safety tech-
14 nology through a research and development program
15 carried out by—

16 “(A) the Secretary;

17 “(B) collaborative research development or-
18 ganizations; or

19 “(C) other institutions;

20 “(5) whether there have been other testing pro-
21 grams granted under subsection (a) similar to the
22 proposed safety technology and the outcome of such
23 programs; and

24 “(6) whether the pipeline segments tested by the
25 program could affect, or are outside of, a high con-

1 *sequence areas (as defined in sections 192.903 and*
2 *195.450 of title 49, Code of Federal Regulations) and*
3 *unusually sensitive areas (as described in section*
4 *60109(b)).*

5 “(f) *MULTIPLE OPERATORS.—*

6 “(1) *IN GENERAL.—The Secretary may select up*
7 *to 5 owners or operators to carry out a testing pro-*
8 *gram under subsection (a) in a single application.*

9 “(2) *DETERMINATION.—In selecting owners or*
10 *operators under paragraph (1), the Secretary shall*
11 *determine that each testing program proposed by such*
12 *owners or operators—*

13 “(A) *meet the requirements of subsection*
14 *(d)(1);*

15 “(B) *test a similar technology, best practice,*
16 *or related set of technologies and best practices;*
17 *and*

18 “(C) *provides appropriate testing conditions*
19 *for the technologies or practices being used.*

20 “(3) *AUTHORITY TO REVOKE PARTICIPATION.—If*
21 *an owner or operator participating in a program es-*
22 *tablished under subsection (a), the Secretary may re-*
23 *voke permission to participate in such program if—*

24 “(A) *the owner or operator is involved in*
25 *an accident or incident and the testing program*

1 *is determined to be the cause or a contributing*
2 *factor of such accident or incident; or*

3 “(B) *the Secretary determines revocation of*
4 *permission is warranted for public safety rea-*
5 *sons.*

6 “(g) *DATA AND FINDINGS.—*

7 “(1) *IN GENERAL.—As a participant in a testing*
8 *program established under subsection (a), an owner*
9 *or operator shall submit to the Secretary detailed*
10 *findings and a summary of data collected as a result*
11 *of participation in the testing program.*

12 “(2) *PUBLIC REPORT.—To the extent practicable,*
13 *the Secretary shall make a yearly interim report pub-*
14 *licly available on the website of the Department of*
15 *Transportation for any ongoing testing program es-*
16 *tablished under subsection (a) summarizing the*
17 *progress of such program.*

18 “(h) *AUTHORITY TO REVOKE PARTICIPATION.—The*
19 *Secretary shall immediately revoke participation in a test-*
20 *ing program under subsection (a) if—*

21 “(1) *the participant has an accident or incident*
22 *involving a death, or personal injury necessitating in-*
23 *patient hospitalization and the testing program is de-*
24 *termined to be the cause or a contributing factor to*
25 *such accident or incident;*

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

3 “(3) *in the determination of the Secretary, con-*
4 *tinued participation in the testing program by the*
5 *participant would be unsafe.*

6 “(i) *AUTHORITY TO TERMINATE PROGRAM.—The Sec-*
7 *retary shall immediately terminate a testing program*
8 *under subsection (a) if continuation of the testing program*
9 *would not be consistent with the goals and objectives of this*
10 *chapter.*

11 “(j) *STATE RIGHTS.—*

12 “(1) *EXEMPTION.—Except as provided in para-*
13 *graph (2), if a State submits to the Secretary notice*
14 *that the State requests an exemption from any testing*
15 *program considered for establishment under this sec-*
16 *tion, the State shall be exempt.*

17 “(2) *LIMITATIONS.—*

18 “(A) *IN GENERAL.—The Secretary shall not*
19 *grant a requested exemption under paragraph*
20 *(1) after a testing program is established.*

21 “(B) *LATE NOTICE.—The Secretary shall*
22 *not grant a requested exemption under para-*
23 *graph (1) if the notice submitted under that*
24 *paragraph is submitted to the Secretary more*
25 *than 10 days after the date on which the Sec-*

1 *retary issues an order providing an effective date*
2 *for the testing program.*

3 “(3) *EXCEPTION.—A State shall be eligible to*
4 *withdraw from a testing program if an owner or op-*
5 *erator conducting such testing program in such State*
6 *has an incident involving a death, a personal injury*
7 *necessitating in-patient hospitalization, or a report-*
8 *able accident (within the meaning of sections 195.50*
9 *and 191.3 of title 49, Code of Federal Regulations),*
10 *and the testing program is determined to be the cause*
11 *or a contributing factor to such incident.*

12 “(4) *EFFECT.—If a State has not submitted a*
13 *notice requesting an exemption under paragraph (1),*
14 *the State shall not enforce any law (including regula-*
15 *tions) that is inconsistent with a testing program in*
16 *effect in the State under this section.*

17 “(k) *PROGRAM REVIEW PROCESS AND PUBLIC NO-*
18 *TICE.—*

19 “(1) *IN GENERAL.—The Secretary shall publish*
20 *in the Federal Register a notice of each testing pro-*
21 *gram under subsection (a), including the order to be*
22 *considered, and provide an opportunity for public*
23 *comment for not less than 60 days.*

24 “(2) *COMMUNICATION WITH STATES.—*

1 “(A) *IN GENERAL.*—As part of carrying out
2 the process described in paragraph (1), the Sec-
3 retary shall individually notify, at the time de-
4 scribed in paragraph (1), the relevant authorities
5 in the States such testing programs would be
6 conducted in.

7 “(B) *NOTIFICATION CONTENTS.*—The notifi-
8 cation described in subparagraph (A) shall in-
9 clude a specific list of the laws or regulations
10 that the State would not be allowed to enforce
11 pursuant to subsection (j)(4) should such testing
12 program go into effect, and the ability of the
13 State to request an exemption from the program.

14 “(3) *RESPONSE FROM SECRETARY.*—Not later
15 than the date on which the Secretary issues an order
16 providing an effective date of a testing program no-
17 ticed under paragraph (1), the Secretary shall re-
18 spond to each comment submitted under that para-
19 graph.

20 “(l) *REPORT TO CONGRESS.*—At the conclusion of each
21 testing program, the Secretary shall make publicly avail-
22 able on the website of the Department of Transportation
23 a report containing—

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

1 “(2) any recommendations of the Secretary with
2 respect to the testing program, including any rec-
3 ommendations for amendments to laws (including
4 regulations) and the establishment of standards,
5 that—

6 “(A) would enhance the safe operation of
7 interstate gas or hazardous liquid pipeline facili-
8 ties; and

9 “(B) are technically, operationally, and eco-
10 nomically feasible.

11 “(m) STANDARDS.—If a report under subsection (l) in-
12 dicates that it is practicable to establish technically, oper-
13 ationally, and economically feasible standards for the use
14 of a safety-enhancing technology and any corresponding
15 operational practices tested by the testing program de-
16 scribed in the report, the Secretary, as soon as practicable
17 after submission of the report, may promulgate regulations
18 consistent with chapter 5 of title 5 (commonly known as
19 the ‘Administrative Procedures Act’) that—

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

23 “(2) establish technically, operationally, and eco-
24 nomically feasible standards for the capability and
25 deployment of the technology or practice.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
2 *chapter 601 of title 49, United States Code, is further*
3 *amended by adding at the end:*

“60145. Pipeline safety enhancement programs.”.

4 **SEC. 24. WORKFORCE.**

5 (a) *STAFFING.*—

6 (1) *IN GENERAL.*—*The Secretary of Transpor-*
7 *tation shall increase the number of full-time equiva-*
8 *lent employees (as compared to the number of posi-*
9 *tions on the date of enactment of this Act) by—*

10 (A) *8 full-time employees with subject mat-*
11 *ter expertise in pipeline safety, pipeline facili-*
12 *ties, and pipeline systems to finalize outstanding*
13 *rulemakings and fulfill mandates for the Office*
14 *of Pipeline Safety of the Pipeline and Hazardous*
15 *Materials Safety Administration; and*

16 (B) *3 full-time attorneys, with environ-*
17 *mental expertise, in the Office of Chief Counsel*
18 *of the Pipeline and Hazardous Materials Safety*
19 *Administration.*

20 (2) *PIPELINE INSPECTION AND ENFORCEMENT*
21 *PERSONNEL.*—*The Secretary shall ensure that the*
22 *number of positions for pipeline inspection and en-*
23 *forcement personnel in the Office of Pipeline Safety of*
24 *the Pipeline and Hazardous Materials Safety Admin-*
25 *istration does not fall below the following:*

1 (A) 222 for fiscal year 2020.

2 (B) 233 for fiscal year 2021.

3 (C) 245 for fiscal year 2022.

4 (D) 258 for fiscal year 2023.

5 (E) 272 for fiscal year 2024.

6 (b) *RECRUITMENT AND RETENTION AUTHORITIES.*—

7 *The Secretary shall request authority from the Office of Per-*
8 *sonnel Management to use incentives, as necessary, to re-*
9 *cruit and retain a qualified workforce, including for inspec-*
10 *tion and enforcement personnel and subject matter experts*
11 *dedicated to rulemaking activities in the Office of Pipeline*
12 *Safety of the Pipeline and Hazardous Materials Safety Ad-*
13 *ministration—*

14 (1) *special pay rates permitted under section*
15 *5305 of title 5, United States Code; and*

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

19 **SEC. 25. HIRING REPORT.**

20 *Not later than 180 days after the date of enactment*
21 *of this Act, and annually thereafter through calendar year*
22 *2023, the Administrator of the Pipeline and Hazardous Ma-*
23 *terials Safety Administration shall submit to Congress a*
24 *report on the efforts of the Administration to hire women,*

1 minorities, and veterans as inspectors since January 1,
2 2012.

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

5 *Not later than 1 year after the date of enactment of*
6 *this Act, the Secretary of Transportation shall submit to*
7 *the Committees on Energy and Commerce and Transpor-*
8 *tation and Infrastructure of the House of Representatives*
9 *and the Committee on Commerce, Science, and Transpor-*
10 *tation of the Senate a plan to combine the activities carried*
11 *out by the Secretary under sections 6106 and 60134 of title*
12 *49, United States Code.*

13 **SEC. 27. GAS GATHERING LINES.**

14 *(a) IN GENERAL.—Not later than 90 days after the*
15 *date of enactment of this Act, the Secretary of Transpor-*
16 *tation shall issue final regulations on gas gathering lines*
17 *based on the notice of proposed rulemaking published on*
18 *April 8, 2016, titled “Pipeline Safety: Safety of Gas Trans-*
19 *mission and Gathering Pipelines” (81 Fed. Reg. 20722).*

20 *(b) REGULATIONS.—The final regulations issued under*
21 *subsection (a) shall cover—*

22 *(1) all gas gathering lines in class 4, class 3, and*
23 *class 2 locations, as classified in section 192.5 of title*
24 *49, Code of Federal Regulations; and*

1 (2) *gas gathering lines with a diameter of at*
2 *least 8 inches that are located in a class 1 location,*
3 *as classified in section 192.5 of title 49, Code of Fed-*
4 *eral Regulations.*

5 **SEC. 28. REGULATORY UPDATES.**

6 (a) *DEFINITION OF OUTSTANDING REGULATION.*—*In*
7 *this section, the term “outstanding regulation” 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 Reg-*
12 *ister;*

13 (2) *a final rule required to be issued under the*
14 *Protecting our Infrastructure of Pipelines and En-*
15 *hancing Safety Act of 2016 (Public Law 114–183;*
16 *130 Stat. 514) that has not been published in the*
17 *Federal Register; and*

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

23 (b) *REQUIREMENT.*—*Not later than 5 days after the*
24 *date of enactment of this Act, and every 30 days thereafter*
25 *until an outstanding regulation is published in the Federal*

1 *Register, the Secretary of Transportation shall provide an*
2 *update on the status of each outstanding regulation by—*

3 *(1) publishing on a publicly available website of*
4 *the Department of Transportation information re-*
5 *garding the status of each outstanding regulation;*
6 *and*

7 *(2) submitting notification to the Committee on*
8 *Transportation and Infrastructure of the House of*
9 *Representatives, the Committee on Energy and Com-*
10 *merce of the House of Representatives, and the Com-*
11 *mittee on Commerce, Science, and Transportation of*
12 *the Senate.*

13 *(c) CONTENTS.—The information described in section*
14 *(b)(1) shall include—*

15 *(1) with respect to an outstanding regulation*
16 *under review by the Office of the Secretary for not*
17 *more than 45 days—*

18 *(A) the date that such outstanding regula-*
19 *tion was submitted to the Office of the Secretary*
20 *for review; and*

21 *(B) the staff allocations within the Office of*
22 *the Secretary with respect to each such out-*
23 *standing regulation and any resource constraints*
24 *affecting the review;*

1 (2) *with respect to an outstanding regulation*
2 *under review by the Office of the Secretary for more*
3 *than 45 days—*

4 (A) *the information described in paragraph*
5 *(1);*

6 (B) *a description of why such outstanding*
7 *regulation is under extended review;*

8 (C) *a work plan for finalizing review of*
9 *such outstanding regulation; and*

10 (D) *the date of anticipated completion of*
11 *such review;*

12 (3) *with respect to an outstanding regulation*
13 *that has been transmitted to neither the Office of*
14 *Management and Budget nor the Office of the Sec-*
15 *retary—*

16 (A) *a description of the work plan for such*
17 *outstanding regulation;*

18 (B) *the anticipated date on which such reg-*
19 *ulation will be transmitted to the Office of Man-*
20 *agement and Budget and the Office of the Sec-*
21 *retary;*

22 (C) *the staff allocations with respect to such*
23 *outstanding regulation;*

1 (D) any resource constraints affecting the
2 rulemaking process for such outstanding regula-
3 tion; and

4 (E) any other details associated with the de-
5 velopment of such outstanding regulation that af-
6 fect the progress of the rulemaking process with
7 respect to such outstanding regulation; and

8 (4) with respect to an outstanding regulation
9 that has been transmitted to the Office of Manage-
10 ment and Budget—

11 (A) the date such outstanding regulation
12 was submitted to the Office of Management and
13 Budget for review; and

14 (B) a statement of whether the outstanding
15 regulation remains under review by the Office of
16 Management and Budget or has been transmitted
17 for further review by the Office of the Secretary
18 or the Administrator of the Pipeline and Haz-
19 arduous Materials Safety Administration.

20 **SEC. 29. COMPONENT VERIFICATION.**

21 (a) *IN GENERAL.*—

22 (1) *VERIFICATION.*—Section 60102(e) of title 49,
23 United States Code, is amended—

24 (A)(i) in paragraph (1), by striking “and”
25 at the end; and

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

3 (B) by redesignating paragraphs (1) and
4 (2) as subparagraphs (A) and (B), respectively
5 (and by adjusting the margins accordingly);

6 (C) by striking “The Secretary shall” and
7 inserting the following:

8 “(1) *IN GENERAL.*—The Secretary shall”; and

9 (D) by adding at the end the following:

10 “(C) for facilities identified under subpara-
11 graphs (A) and (B), shall include, for all pipes
12 and related components for which the regulations
13 of the Pipeline and Hazardous Materials Safety
14 Administration require compliance with a stand-
15 ard incorporated by reference for such pipe or re-
16 lated component, documentation of verification
17 that such pipe or related component meets such
18 standard.

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

21 “(A) an independent third party on behalf
22 of the operator;

23 “(B) the operator, so long as such operator
24 does not pay, or receive payment from, a manu-
25 facturer, distributor, or supplier of a pipe or re-

1 *lated component described in paragraph (1)(C)*
2 *for such verification; or*

3 “(C) a United States manufacturer of a
4 pipe or related component described in para-
5 graph (1)(C) that is accredited by the Inter-
6 national Organization for Standardization.

7 “(3) *DEFINITIONS.*—*In this subsection:*

8 “(A) *VERIFICATION.*—*The term*
9 ‘*verification*’ *means sufficient testing and audit-*
10 *ing to confirm that a standard has been met in*
11 *the production of a pipe or related component.*

12 “(B) *INDEPENDENT THIRD PARTY.*—*The*
13 *term ‘independent third party’ means an entity*
14 *that—*

15 “(i) *does not have a commercial rela-*
16 *tionship with the manufacturer or supplier*
17 *of a pipe or related component; and*

18 “(ii) *is accredited by the International*
19 *Organization for Standardization.”.*

20 “(2) *APPLICABILITY.*—*The amendments made by*
21 *this subsection shall only apply to pipes and compo-*
22 *nents that are—*

23 “(A) *covered by the amendments made by*
24 *such subsection; and*

1 (B) purchased on or after the date of enact-
2 ment of this Act.

3 (b) *REVIEW OF COMPLIANCE OF FLANGES AND FIT-*
4 *TINGS.—*

5 (1) *IN GENERAL.—Not later than 180 days after*
6 *the date of enactment of this Act, the Comptroller*
7 *General of the United States shall complete a review*
8 *of the compliance of flanges and fittings of a pipeline*
9 *facility (as such term is defined in section 60101 of*
10 *title 49, United States Code) with Federal require-*
11 *ments.*

12 (2) *CONTENTS OF REVIEW.—The review required*
13 *under paragraph (1) shall include—*

14 (A) *a compilation of the existing standards*
15 *that are incorporated by reference in regulations*
16 *of the Pipeline and Hazardous Materials Safety*
17 *Administration and apply to the manufacturing,*
18 *operation, and maintenance of such flanges and*
19 *fittings;*

20 (B) *a review of the existing oversight au-*
21 *thority of the Secretary of Transportation over*
22 *manufacturers and distributors of such flanges*
23 *and fittings and any lack of oversight authority*
24 *that could lead to incidents or accidents;*

1 (C) an analysis of the degree of compliance
2 by such manufacturers and distributors with the
3 standards described in subparagraph (A), the
4 identification of any instances of non-compliance
5 with such standards, and the form, degree, and
6 scope of such non-compliance;

7 (D) a review of the extent to which
8 verification (as such term is defined in section
9 60102(e) of title 49, United States Code, as
10 added by this section) by operators of pipeline
11 facilities of whether such flanges and fittings of
12 pipeline facilities meet the applicable standards
13 described in subparagraph (A) is occurring;

14 (E) a review of the safety benefits of requir-
15 ing pipeline incident reports to include the iden-
16 tification of the manufacturer of the flanges and
17 fittings involved in those incidents; and

18 (F) an identification and recommendation
19 of any additional authorities or responsibilities
20 for the Secretary of Transportation, or addi-
21 tional standards, necessary to improve the safety
22 and integrity of flanges and fittings through
23 manufacturing and distribution.

24 (3) *REPORT.*—Not later than 210 days after the
25 date of enactment of this Act, the Comptroller General

1 *shall submit to the Committee on Commerce, Science,*
2 *and Transportation of the Senate, the Committee on*
3 *Transportation and Infrastructure of the House of*
4 *Representatives, and the Secretary of Transportation*
5 *a report containing the results of the review completed*
6 *under paragraph (1) and any recommendations for*
7 *legislation or changes to existing regulations.*

8 (4) *PUBLIC COMMENT PROCESS.—*

9 (A) *IN GENERAL.—Not later than 30 days*
10 *after submission of the report required under*
11 *paragraph (3) to the Secretary, the Secretary*
12 *shall provide a period of not fewer than 60 days*
13 *for public comment regarding such report.*

14 (B) *REPORT.—Not later than 180 days*
15 *after the end of the public comment period de-*
16 *scribed in subparagraph (A), the Secretary shall*
17 *publish in the Federal Register a report respond-*
18 *ing to the public comments submitted.*

19 (C) *CONTENTS OF REPORT.—In the report*
20 *described in subparagraph (B), the Secretary*
21 *shall indicate any anticipated actions the Sec-*
22 *retary will take with respect to flanges and fit-*
23 *tings of a pipeline facility based on the com-*
24 *ments submitted under this paragraph and the*
25 *report under paragraph (3).*

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

2 *The amendments to the Code of Federal Regulations*
3 *made pursuant to the final rule of the Environmental Pro-*
4 *tection Agency, titled “Oil and Natural Gas Sector: Emis-*
5 *sion Standards for New, Reconstructed, and Modified*
6 *Sources” and published in the Federal Register on June 3,*
7 *2016 (81 Fed. Reg. 35824), shall have the same force and*
8 *effect of law as if such amendments had been enacted by*
9 *an Act of Congress, except that the Administrator of the*
10 *Environmental Protection Agency may revise such regula-*
11 *tions, as provided for under the Clean Air Act, if such revi-*
12 *sion would result in a reduction in gas release.*

13 **SEC. 31. THREATENING SAFE OPERATIONS OF PIPELINE IN-**
14 **INFRASTRUCTURE.**

15 *Section 60123 of title 49, United States Code, is*
16 *amended by adding at the end the following:*

17 “(e) **PENALTY FOR THREATENING THE SAFE OPER-**
18 **ATIONS OF PIPELINE INFRASTRUCTURE.**—

19 “(1) **IN GENERAL.**—*A person knowingly and*
20 *willfully engaging in the unauthorized turning or*
21 *manipulation of a valve of any pipeline facility de-*
22 *scribed in subsection (b) shall be fined under title 18,*
23 *imprisoned for not more than 5 years, or both.*

24 “(2) **RULE OF STATUTORY CONSTRUCTION.**—
25 *Nothing in this subsection abridges the exercise of*

1 *rights guaranteed under the First Amendment to the*
 2 *Constitution of the United States.”.*

3 **SEC. 32. PENALTY FOR CAUSING A DEFECT IN PIPELINE IN-**
 4 **FRAS****TRUCTURE UNDER CONSTRUCTION.**

5 *Section 60123 of title 49, United States Code, is fur-*
 6 *ther amended by adding at the end the following:*

7 *“(f) PENALTY FOR CAUSING A DEFECT IN PIPELINE*
 8 *INFRASTRUCTURE UNDER CONSTRUCTION.—*

9 *“(1) IN GENERAL.—A person knowingly and*
 10 *willfully causing a defect in a pipe, pump, or valve*
 11 *intended to be used in any pipeline facility described*
 12 *in subsection (b) that would affect the integrity or*
 13 *safe operation of any such facility shall be fined*
 14 *under title 18, imprisoned for not more than 5 years,*
 15 *or both.*

16 *“(2) RULE OF STATUTORY CONSTRUCTION.—*
 17 *Nothing in this subsection abridges the exercise of*
 18 *rights guaranteed under the First Amendment to the*
 19 *Constitution of the United States.”.*

20 **SEC. 33. USE OF A FIREARM TO DAMAGE PIPELINE INFRA-**
 21 **STRUC****TURE UNDER CONSTRUCTION.**

22 *Section 60123 of title 49, United States Code, is fur-*
 23 *ther amended by adding at the end the following:*

24 *“(g) PENALTY FOR USING A FIREARM TO DAMAGE*
 25 *PIPELINE INFRASTRUCTURE UNDER CONSTRUCTION.—*

1 “(1) *IN GENERAL.*—A person knowingly and
2 willfully using a firearm to puncture or damage a
3 pipe, pump, or valve intended to be used in any pipe-
4 line facility described in subsection (b) shall be fined
5 under title 18, imprisoned for not more than 5 years,
6 or both.

7 “(2) *RULE OF STATUTORY CONSTRUCTION.*—
8 Nothing in this subsection abridges the exercise of
9 rights guaranteed under the First Amendment to the
10 Constitution of the United States.”.

11 **SEC. 34. PIPELINE SAFETY VOLUNTARY INFORMATION-**
12 **SHARING SYSTEM.**

13 (a) *IN GENERAL.*—Chapter 601 of title 49, United
14 States Code, is further amended by adding at the end the
15 following:

16 **“§ 60146. Voluntary information-sharing system**

17 “(a) *ESTABLISHMENT.*—

18 “(1) *IN GENERAL.*—Subject to the availability of
19 funds, the Secretary may establish a confidential and
20 nonpunitive voluntary information-sharing system
21 (referred to in this section as the ‘System’) to encour-
22 age collaborative efforts to improve inspection infor-
23 mation feedback and information sharing, with the
24 purpose of improving natural gas transmission and
25 hazardous liquid pipeline safety.

1 “(2) *COMPONENTS.—The System—*

2 “(A) *shall include pipeline integrity risk*
3 *analysis information; and*

4 “(B) *may include other information relat-*
5 *ing to reducing pipeline incidents, such as—*

6 “(i) *lessons learned from accidents and*
7 *near misses;*

8 “(ii) *process improvements;*

9 “(iii) *technology deployments; and*

10 “(iv) *other voluntary information-*
11 *sharing systems.*

12 “(3) *REQUIREMENT.—The System shall protect*
13 *proprietary information while encouraging the ex-*
14 *change of data, including in-line inspection and dig*
15 *verification data, among operators, tool vendors, and*
16 *the representatives of the Secretary to facilitate the*
17 *development of—*

18 “(A) *advanced pipeline-inspection tech-*
19 *nologies; and*

20 “(B) *enhanced risk analysis.*

21 “(4) *CONSULTATION.—If appropriate, the Sec-*
22 *retary may involve other public and private stake-*
23 *holders in establishing and maintaining the System.*

24 “(b) *DATA MANAGER.—In carrying out this section,*
25 *the Secretary may engage a partner agency or nongovern-*

1 *mental entity to receive, store, manage, and provide for the*
2 *use of—*

3 *“(1) system data; and*

4 *“(2) information submitted to the System.*

5 *“(c) LIMITATION ON DISCLOSURE.—*

6 *“(1) APPLICABILITY OF FOIA.—Any part of any*
7 *record (including, but not limited to an analysis by*
8 *a pipeline operator of the safety risks of the pipeline*
9 *operator and a statement of the mitigation measures*
10 *identified by the pipeline operator to address those*
11 *risks) provided to the Secretary and retained in the*
12 *System is exempt from the requirements of section*
13 *552 of title 5, and specifically exempt from release*
14 *under subsection (b)(3) of that section, if the record*
15 *is—*

16 *“(A) supplied to the Secretary for purposes*
17 *of the System; or*

18 *“(B) made available for inspection and*
19 *copying by an officer, employee, or agent of the*
20 *Secretary for purposes of the System.*

21 *“(2) EXCEPTION.—Notwithstanding paragraph*
22 *(1), the Secretary in consultation with the informa-*
23 *tion owner, may disclose deidentified material or any*
24 *part of any record comprised of facts otherwise avail-*
25 *able to the public if, in the sole discretion of the Sec-*

1 *retary, the Secretary determines that disclosure would*
2 *be consistent with the confidentiality needed for the*
3 *System and improve pipeline safety.*

4 “(d) *EXCLUDED EVIDENCE.—Except as provided in*
5 *subsection (f), any data or information submitted to or*
6 *stored, managed, analyzed, or produced by the System shall*
7 *not be used—*

8 *“(1) as evidence for any purpose in any Federal,*
9 *State, local, Tribal, or private litigation, including*
10 *any action or proceeding; or*

11 *“(2) to support any corrective action relating to*
12 *a probable violation under this chapter (including*
13 *any regulation promulgated or order issued under*
14 *this chapter).*

15 “(e) *EXCLUSION FROM DISCOVERY.—Except as pro-*
16 *vided in subsection (f), any data or information submitted*
17 *to or stored, managed, analyzed, or produced by the System*
18 *shall not be subject to discovery in any Federal, State, local,*
19 *Tribal, or private litigation or other proceeding.*

20 “(f) *LIMITATIONS ON EXCLUSION.—The exclusions de-*
21 *scribed in subsections (d) and (e) shall not apply to—*

22 *“(1) evidence of a knowing and willful violation;*

23 *“(2) a reportable release under sections 191.7 or*
24 *195.50 of title 49, Code of Federal Regulations (or a*
25 *successor regulation);*

1 “(3) a safety-related condition under sections
2 191.7 or 195.55 of title 49, Code of Federal Regula-
3 tions (or a successor regulation); or

4 “(4) data or information obtained by the Sec-
5 retary independently of the System.

6 “(g) GOVERNING BOARD.—Not later than 180 days
7 after the date of enactment of this section, the Adminis-
8 trator shall establish a governing board co-chaired by the
9 Administrator and a representative of the pipeline industry
10 to—

11 “(1) govern the System through consensus of the
12 board and co-chairs;

13 “(2) develop governance documents and oversee
14 their enforcement; and

15 “(3) establish and appoint members of issue
16 analysis teams;

17 “(h) CONFIDENTIALITY.—No person, including any
18 System governing board member, program manager, third-
19 party data manager, issue analysis team member, nor any
20 Federal, State, local or tribal agency, having or obtaining
21 access to any data or information submitted to, stored,
22 managed, analyzed or produced by the System, shall release
23 or communicate that information to any person outside the
24 System, with the sole exception being the publication of re-
25 ports by the System based on analysis of de-identified infor-

1 *mation and safety related findings that the System gov-*
2 *erning board in its sole discretion determines to publish or*
3 *authorize the Administration to publish.*

4 “(i) *VOLUNTARY PARTICIPATION.*—*No person may be*
5 *compelled to participate in or submit data or information*
6 *to the System.*

7 “(j) *SUSTAINABLE FUNDING.*—*The Secretary shall ex-*
8 *plore sustainable funding sources for the System, including*
9 *public-private partnerships.*

10 “(k) *EFFECT.*—*Nothing in this section affects any Fed-*
11 *eral or State pipeline safety law.*

12 “(l) *LIMITATION ON FUNDING.*—*The Secretary may*
13 *expend not more than \$1,000,000 for each of the fiscal years*
14 *2020 through 2024 to establish the System.*

15 “(m) *SAVINGS CLAUSE.*—*Notwithstanding the protec-*
16 *tions provided under this section, no pipeline operator may*
17 *use the submission of information to the System as protec-*
18 *tion against enforcement actions or corrective orders that*
19 *are based on information or evidence obtained outside of*
20 *the System.”.*

21 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
22 *chapter 601 of title 49, United States Code, is further*
23 *amended by adding at the end the following:*

“60146.Voluntary information-sharing system.”.

Union Calendar No. 545

116TH CONGRESS
2^D SESSION

H. R. 5120

[Report No. 116-661, Part I]

A BILL

To amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes.

DECEMBER 17, 2020

Reported from the Committee on Transportation and
Infrastructure with an amendment

DECEMBER 17, 2020

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed