

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 2299

To amend title 49, United States Code, to enhance the safety and reliability of pipeline transportation, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.

Sec. 102. Pipeline workforce development.

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

- Sec. 104. Advancement of new pipeline safety technologies and approaches.
- Sec. 105. Pipeline safety testing enhancement study.
- Sec. 106. Regulatory updates.
- Sec. 107. Self-disclosure of violations.
- Sec. 108. Due process protections in enforcement proceedings.
- Sec. 109. Pipeline operating status.
- Sec. 110. Updates to standards for liquefied natural gas facilities.
- Sec. 111. National Center of Excellence for Liquefied Natural Gas Safety.
- Sec. 112. Prioritization of rulemaking.
- Sec. 113. Leak detection and repair.
- Sec. 114. Inspection and maintenance plans.
- Sec. 115. Consideration of pipeline class location changes.
- Sec. 116. Protection of employees providing pipeline safety information.
- Sec. 117. Interstate drug and alcohol oversight.
- Sec. 118. Purpose and general authority.
- Sec. 119. National Academy of Sciences study on automatic and remote-controlled shut-off valves on existing pipelines.
- Sec. 120. Unusually sensitive areas.
- Sec. 121. Safety-related condition reports.
- Sec. 122. Risk analysis and integrity management programs.
- Sec. 123. Rule of construction.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

- Sec. 201. Short title.
- Sec. 202. Distribution integrity management plans.
- Sec. 203. Emergency response plans.
- Sec. 204. Operations and maintenance manuals.
- Sec. 205. Pipeline safety management systems.
- Sec. 206. Pipeline safety practices.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

1 **TITLE I—IMPROVING PIPELINE**
2 **SAFETY AND INFRASTRUCTURE**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

7 “(a) GAS AND HAZARDOUS LIQUID.—

8 “(1) IN GENERAL.—From fees collected under
9 section 60301, there are authorized to be appro-
10 priated to the Secretary to carry out section 12 of
11 the Pipeline Safety Improvement Act of 2002 (49
12 U.S.C. 60101 note; Public Law 107–355) and the
13 provisions of this chapter relating to gas and haz-
14 ardous liquid—

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

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

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

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

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

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

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

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

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

15 “(2) TRUST FUND AMOUNTS.—In addition to
16 the amounts authorized to be appropriated under
17 paragraph (1), there are authorized to be appro-
18 priated from the Oil Spill Liability Trust Fund es-
19 tablished by section 9509(a) of the Internal Revenue
20 Code of 1986 to carry out section 12 of the Pipeline
21 Safety Improvement Act of 2002 (49 U.S.C. 60101
22 note; Public Law 107–355) and the provisions of
23 this chapter relating to hazardous liquid—

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

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

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

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

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

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

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

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

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

23 “(3) UNDERGROUND NATURAL GAS STORAGE
24 FACILITY SAFETY ACCOUNT.—From fees collected
25 under section 60302, there is authorized to be ap-

1 appropriated to the Secretary to carry out section
2 60141 \$8,000,000 for each of fiscal years 2021
3 through 2023.

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

7 “(A) \$ 1,520,000 to carry out section
8 102(b)(1) of the PIPES Act of 2020, of
9 which—

10 “(i) \$1,292,000 shall be from
11 amounts made available under paragraph
12 (1)(A); and

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

15 “(B) \$2,300,000 to carry out section
16 102(b)(2)(A) of the PIPES Act of 2020, of
17 which—

18 “(i) \$1,955,000 shall be from
19 amounts made available under paragraph
20 (1)(A); and

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

23 “(C) \$1,600,000 to carry out section
24 102(b)(2)(B) of the PIPES Act of 2020, of
25 which—

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

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

6 “(D) \$1,800,000 to carry out section
7 102(b)(2)(C) of the PIPES Act of 2020, of
8 which—

9 “(i) \$ 1,530,000 shall be from
10 amounts made available under paragraph
11 (1)(C); and

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

14 “(E) \$2,455,000 to carry out section
15 102(c) of the PIPES Act of 2020 in fiscal year
16 2021, of which—

17 “(i) \$2,086,750 shall be from
18 amounts made available under paragraph
19 (1)(A); and

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

22 “(F) \$2,455,000 to carry out section
23 102(c) of the PIPES Act of 2020 in fiscal year
24 2022, of which—

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

4 “(ii) \$368,250 shall be from amounts
5 made available under paragraph (2)(B);
6 and

7 “(G) \$2,455,000 to carry out section
8 102(c) of the PIPES Act of 2020 in fiscal year
9 2023, of which—

10 “(i) \$2,086,750 shall be from
11 amounts made available under paragraph
12 (1)(C); and

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

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

19 “(1) \$25,000,000 for fiscal year 2021.

20 “(2) \$26,000,000 for fiscal year 2022.

21 “(3) \$27,000,000 for fiscal year 2023.”.

22 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
23 6107 of title 49, United States Code, is amended by strik-
24 ing “\$1,058,000 for each of fiscal years 2016 through

1 2019” and inserting “\$1,058,000 for each of fiscal years
2 2021 through 2023”.

3 (d) EMERGENCY RESPONSE GRANTS.—Section
4 60125(b)(2) of title 49, United States Code, is amended
5 by striking “fiscal years 2012 through 2015” and insert-
6 ing “fiscal years 2021 through 2023”.

7 (e) PIPELINE SAFETY INFORMATION GRANTS TO
8 COMMUNITIES.—Section 60130 of title 49, United States
9 Code, is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) in the first sentence, by striking
13 “to local communities and groups of indi-
14 viduals (not including for-profit entities)”
15 and inserting “to local communities, In-
16 dian Tribes, and groups of individuals (not
17 including for-profit entities)”; and

18 (ii) in the third sentence, by striking
19 “The amount” and inserting “Except as
20 provided in subsection (c)(2), the amount”;
21 and

22 (B) by striking paragraph (4);

23 (2) by striking subsection (c) and inserting the
24 following:

25 “(c) FUNDING.—

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

7 “(2) IMPROVING TECHNICAL ASSISTANCE.—
8 From the amounts used to carry out this section
9 under paragraph (1) each fiscal year, the Secretary
10 shall award \$1,000,000 to an eligible applicant
11 through a competitive selection process for the pur-
12 pose of improving the quality of technical assistance
13 provided to communities or individuals under this
14 section.

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

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

19 “(d) DEFINITIONS.—In this section:

20 “(1) TECHNICAL ASSISTANCE.—The term ‘tech-
21 nical assistance’ means engineering, research, and
22 other scientific analysis of pipeline safety issues, in-
23 cluding the promotion of public participation on
24 technical pipeline safety issues in proceedings related
25 to this chapter.

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

3 “(A) is a public safety advocate;

4 “(B) has pipeline safety expertise;

5 “(C) is able to provide individuals and
6 communities with technical assistance; and

7 “(D) was established with funds des-
8 ignated for the purpose of community service
9 through the implementation of section 3553 of
10 title 18 relating to violations of this chapter.”.

11 (f) DAMAGE PREVENTION PROGRAMS.—Section
12 60134(i) of title 49, United States Code, is amended in
13 the first sentence by striking “fiscal years 2012 through
14 2015” and inserting “fiscal years 2021 through 2023”.

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

20 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

21 (a) INSPECTOR TRAINING.—Not later than 1 year
22 after the date of enactment of this Act, the Administrator
23 shall—

24 (1) review the inspector training programs pro-
25 vided at the Inspector Training and Qualifications

1 Division of the Administration in Oklahoma City,
2 Oklahoma; and

3 (2) determine whether any of the programs re-
4 ferred to in paragraph (1), or any portions of the
5 programs, could be provided online through tele-
6 training or another type of distance learning.

7 (b) STAFFING.—

8 (1) IN GENERAL.—The Secretary shall increase
9 the number of full-time equivalent employees (as
10 compared to the number of positions on the date of
11 enactment of this Act) by 8 full-time employees with
12 subject matter expertise in pipeline safety, pipeline
13 facilities, and pipeline systems to finalize out-
14 standing rulemakings and fulfill congressional man-
15 dates.

16 (2) PIPELINE INSPECTION AND ENFORCEMENT
17 PERSONNEL.—The Secretary shall ensure that the
18 number of full-time positions for pipeline inspection
19 and enforcement personnel in the Office of Pipeline
20 Safety of the Administration does not fall below the
21 following:

22 (A) 224 for fiscal year 2021.

23 (B) 235 for fiscal year 2022.

24 (C) 247 for fiscal year 2023.

25 (c) RECRUITMENT AND RETENTION INCENTIVES.—

1 (1) IN GENERAL.—The Secretary shall use in-
2 centives, as necessary, to recruit and retain a quali-
3 fied workforce, including inspection and enforcement
4 personnel and attorneys and subject matter experts
5 at the Office of Pipeline Safety of the Administra-
6 tion, including—

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

9 (B) repayment of student loans permitted
10 under section 5379 of that title;

11 (C) tuition assistance permitted under
12 chapter 41 of that title;

13 (D) recruitment incentives permitted under
14 section 5753 of that title; and

15 (E) retention incentives permitted under
16 section 5754 of that title.

17 (2) CONTINUED SERVICE AGREEMENT.—The
18 Secretary shall ensure that the incentives described
19 in paragraph (1) are accompanied by a continued
20 service agreement.

21 (3) APPROVAL.—The Secretary shall request,
22 as necessary, the approval of the Office of Personnel
23 Management to use the incentives described in para-
24 graph (1).

1 **SEC. 103. COST RECOVERY AND FEES FOR FACILITY RE-**
2 **IEWS.**

3 (a) FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED
4 NATURAL GAS FACILITIES.—Chapter 603 of title 49,
5 United States Code, is amended by inserting after section
6 60302 the following:

7 **“§ 60303. Fees for compliance reviews of liquefied**
8 **natural gas facilities**

9 “(a) IMPOSITION OF FEE.—

10 “(1) IN GENERAL.—The Secretary of Transpor-
11 tation (referred to in this section as the ‘Secretary’)
12 shall impose on a person who files with the Federal
13 Energy Regulatory Commission an application for a
14 liquefied natural gas facility that has design and
15 construction costs totaling not less than
16 \$2,500,000,000 a fee for the necessary expenses of
17 a review, if any, that the Secretary conducts, in con-
18 nection with that application, to determine compli-
19 ance with subpart B of part 193 of title 49, Code
20 of Federal Regulations (or successor regulations).

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

25 “(b) MEANS OF COLLECTION.—

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

3 “(2) USE OF GOVERNMENT ENTITIES.—The
4 Secretary may—

5 “(A) use a department, agency, or instru-
6 mentality of the Federal Government or of a
7 State or local government to collect fees under
8 this section; and

9 “(B) reimburse that department, agency,
10 or instrumentality a reasonable amount for the
11 services provided.

12 “(c) ACCOUNT.—There is established an account, to
13 be known as the ‘Liquefied Natural Gas Siting Account’,
14 in the Pipeline Safety Fund established in the Treasury
15 of the United States under section 60301.”.

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

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

20 **SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
21 **NOLOGIES AND APPROACHES.**

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

1 **“§ 60142. Pipeline safety enhancement programs**

2 “(a) IN GENERAL.—The Secretary may establish and
3 carry out limited safety-enhancing testing programs to
4 evaluate innovative technologies and operational practices
5 testing the safe operation of—

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

7 “(2) a hazardous liquid pipeline facility.

8 “(b) LIMITATIONS.—

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

11 “(A) 5 percent of the total miles of haz-
12 ardous liquid pipelines in the United States
13 that are regulated by—

14 “(i) the Pipeline and Hazardous Ma-
15 terials Safety Administration; or

16 “(ii) a State authority under section
17 60105 or 60106; and

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

21 “(i) the Pipeline and Hazardous Ma-
22 terials Safety Administration; or

23 “(ii) a State authority under section
24 60105 or 60106.

25 “(2) OPERATOR MILEAGE LIMITATION.—The
26 Secretary shall limit the miles of pipelines that each

1 operator can test under each program established
2 under subsection (a) to the lesser of—

3 “(A) 38 percent of the total miles of pipe-
4 lines in the system of the operator that are reg-
5 ulated by—

6 “(i) the Pipeline and Hazardous Ma-
7 terials Safety Administration; or

8 “(ii) a State authority under section
9 60105 or 60106; or

10 “(B) 1,000 miles.

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

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

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

19 “(C) an unusually sensitive area (as de-
20 scribed under subsection (a)(1)(B)(ii) of section
21 60109 in accordance with subsection (b) of that
22 section).

23 “(4) HIGH CONSEQUENCE AREAS FOR HAZ-
24 ARDOUS LIQUID PIPELINES.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this section, the
3 Secretary shall submit to Congress a report ex-
4 amining the benefits and costs of prohibiting
5 the testing of hazardous liquid pipelines in high
6 consequence areas (as defined in section
7 195.450 of title 49, Code of Federal Regula-
8 tions (or a successor regulation)).

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

11 “(i) the safety benefits of allowing the
12 testing of hazardous liquid pipelines in
13 high consequence areas (as defined in sec-
14 tion 195.450 of title 49, Code of Federal
15 Regulations (or a successor regulation));
16 and

17 “(ii) whether additional testing condi-
18 tions are required to protect those areas
19 while conducting a testing program estab-
20 lished under subsection (a) in those areas.

21 “(c) DURATION.—

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

1 “(2) REQUIREMENT.—The Secretary shall not
2 establish any additional safety-enhancing testing
3 programs under subsection (a) after the date that is
4 3 years after the date of enactment of this section.

5 “(d) SAFETY STANDARDS.—

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

12 “(2) DETERMINATION.—

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

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

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

7 “(e) CONSIDERATIONS.—In establishing a testing
8 program under subsection (a), the Secretary shall con-
9 sider—

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

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

15 “(B) how the application of that system pro-
16 poses to eliminate or mitigate potential safety and
17 environmental risks throughout the duration of the
18 program; and

19 “(3) whether the proposed safety technology
20 has been tested through a research and development
21 program carried out by—

22 “(A) the Secretary;

23 “(B) collaborative research development
24 organizations; or

25 “(C) other institutions.

1 “(f) DATA AND FINDINGS.—

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

7 “(2) PUBLIC REPORT.—The Secretary shall
8 make publicly available on the website of the De-
9 partment of Transportation an annual report for
10 any ongoing testing program established under sub-
11 section (a) summarizing the progress of the pro-
12 gram.

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

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

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

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

24 “(3) in the determination of the Secretary, con-
25 tinued participation in the testing program by the

1 participant would be unsafe or would not be con-
2 sistent with the goals and objectives of this chapter.

3 “(h) AUTHORITY TO TERMINATE PROGRAM.—The
4 Secretary shall immediately terminate a testing program
5 under subsection (a) if continuation of the testing pro-
6 gram would not be consistent with the goals and objectives
7 of this chapter.

8 “(i) STATE RIGHTS.—

9 “(1) EXEMPTION.—Except as provided in para-
10 graph (2), if a State submits to the Secretary notice
11 that the State requests an exemption from any test-
12 ing program considered for establishment under this
13 section, the State shall be exempt.

14 “(2) LIMITATIONS.—

15 “(A) IN GENERAL.—The Secretary shall
16 not grant a requested exemption under para-
17 graph (1) after a testing program is estab-
18 lished.

19 “(B) LATE NOTICE.—The Secretary shall
20 not grant a requested exemption under para-
21 graph (1) if the notice submitted under that
22 paragraph is submitted to the Secretary more
23 than 30 days after the date on which the Sec-
24 retary issues an order providing an effective

1 date for the testing program in accordance with
2 subsection (j).

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

8 “(j) PROGRAM REVIEW PROCESS AND PUBLIC NO-
9 TICE.—

10 “(1) IN GENERAL.—The Secretary shall publish
11 in the Federal Register and send directly to each rel-
12 evant State and each appropriate State authority
13 with a certification in effect under section 60105 a
14 notice of each proposed testing program under sub-
15 section (a), including the order to be considered, and
16 provide an opportunity for public comment for not
17 less than 90 days.

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

22 “(A) publish the order in the Federal Reg-
23 ister; and

24 “(B) respond to each comment submitted
25 under paragraph (1).

1 “(k) REPORT TO CONGRESS.—At the conclusion of
2 each testing program, the Secretary shall make publicly
3 available on the website of the Department of Transpor-
4 tation a report containing—

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

7 “(2) any recommendations of the Secretary
8 with respect to the testing program, including any
9 recommendations for amendments to laws (including
10 regulations) and the establishment of standards,
11 that—

12 “(A) would enhance the safe operation of
13 interstate gas or hazardous liquid pipeline fa-
14 cilities; and

15 “(B) are technically, operationally, and
16 economically feasible.

17 “(l) STANDARDS.—If a report under subsection (k)
18 indicates that it is practicable to establish technically,
19 operationally, and economically feasible standards for the
20 use of a safety-enhancing technology and any cor-
21 responding operational practices tested by the testing pro-
22 gram described in the report, the Secretary, as soon as
23 practicable after submission of the report, may promulgate
24 regulations consistent with chapter 5 of title 5 (commonly
25 known as the ‘Administrative Procedure Act’) that—

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

4 “(2) establish technically, operationally, and
5 economically feasible standards for the capability
6 and deployment of the technology or practice.”.

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

 “60142. Pipeline safety enhancement programs.”.

11 **SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT**
12 **STUDY.**

13 Not later than 2 years after the date of enactment
14 of this Act, the Secretary shall submit to the Committees
15 on Commerce, Science, and Transportation and Appro-
16 priations of the Senate and the Committees on Transpor-
17 tation and Infrastructure, Energy and Commerce, and Ap-
18 propriations of the House of Representatives a report re-
19 lating to—

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

24 (2)(A) the development of additional testing
25 and research capabilities through the establishment

1 of an independent pipeline safety testing facility
2 under the Department of Transportation;

3 (B) whether an independent pipeline safety
4 testing facility would be critical to the work of the
5 Administration;

6 (C) the costs and benefits of developing an
7 independent pipeline safety testing facility under the
8 Department of Transportation; and

9 (D) the costs and benefits of colocating an inde-
10 pendent pipeline safety testing facility at an existing
11 training center of the Administration; and

12 (3) the ability of the Administration to use the
13 testing facilities of the Department of Transpor-
14 tation, other Federal agencies, or federally funded
15 research and development centers.

16 **SEC. 106. REGULATORY UPDATES.**

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

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

24 (2) a final rule required to be issued under the
25 PIPES Act of 2016 (Public Law 114–183; 130

1 Stat. 514) that has not been published in the Fed-
2 eral 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 prior to the date
6 of enactment of this Act that has not been published
7 in the Federal Register.

8 (b) REQUIREMENTS.—

9 (1) PERIODIC UPDATES.—Not later than 30
10 days after the date of enactment of this Act, and
11 every 30 days thereafter until a final rule referred
12 to in paragraphs (1) through (3) of subsection (a)
13 is published in the Federal Register, the Secretary
14 shall publish on a publicly available website of the
15 Department of Transportation an update regarding
16 the status of each outstanding mandate in accord-
17 ance with subsection (c).

18 (2) NOTIFICATION OF CONGRESS.—On publica-
19 tion of a final rule in the Federal Register for an
20 outstanding mandate, the Secretary shall submit to
21 the Committee on Commerce, Science, and Trans-
22 portation of the Senate and the Committees on
23 Transportation and Infrastructure and Energy and
24 Commerce of the House of Representatives a notifi-
25 cation in accordance with subsection (c).

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

4 (1) with respect to information relating to the
5 Administration—

6 (A) a description of the work plan for each
7 outstanding mandate;

8 (B) an updated rulemaking timeline for
9 each outstanding mandate;

10 (C) the staff allocations with respect to
11 each outstanding mandate;

12 (D) any resource constraints affecting the
13 rulemaking process for each outstanding man-
14 date;

15 (E) any other details associated with the
16 development of each outstanding mandate that
17 affect the progress of the rulemaking process
18 with respect to that outstanding mandate; and

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

23 (2) with respect to information relating to the
24 Office of the Secretary—

1 (A) the date that the outstanding mandate
2 was submitted to the Office of the Secretary for
3 review;

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

6 (C) the staff allocations within the Office
7 of the Secretary with respect to each the out-
8 standing mandate;

9 (D) any resource constraints affecting re-
10 view of the outstanding mandate;

11 (E) an estimated timeline of when review
12 of the outstanding mandate will be complete, as
13 of the date of the update;

14 (F) if applicable, the date that the out-
15 standing mandate was returned to the Adminis-
16 tration for revision and the anticipated date for
17 resubmission to the Office of the Secretary;

18 (G) the date that the outstanding mandate
19 was submitted to the Office of Management and
20 Budget for review; and

21 (H) a statement of whether the out-
22 standing mandate remains under review by the
23 Office of Management and Budget.

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

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

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

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

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

11 **SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
12 **PROCEEDINGS.**

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

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

17 (2) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) ENFORCEMENT PROCEDURES.—

20 “(1) PROCESS.—In implementing enforcement
21 procedures under this chapter and part 190 of title
22 49, Code of Federal Regulations (or successor regu-
23 lations), the Secretary shall—

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

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

3 “(i) for settlement or simplification of
4 the issues; or

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

6 “(C) require that the case file in an en-
7 forcement proceeding include all agency records
8 pertinent to the matters of fact and law as-
9 serted;

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

12 “(E) allow the respondent to request that
13 a hearing be held, and an order be issued, on
14 an expedited basis;

15 “(F) require that the agency have the bur-
16 den of proof, presentation, and persuasion in
17 any enforcement matter;

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

20 “(H) require the Office of Pipeline Safety
21 to file a post-hearing recommendation not later
22 than 30 days after the deadline for any post-
23 hearing submission of a respondent;

24 “(I) require an order on a petition for re-
25 consideration to be issued not later than 120

1 days after the date on which the petition is
2 filed; and

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

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

9 “(A) noticed to the public on the website
10 of the Pipeline and Hazardous Materials Safety
11 Administration; and

12 “(B) in the case of a formal hearing (as
13 defined in section 190.3 of title 49, Code of
14 Federal Regulations (or a successor regula-
15 tion)), open to the public.

16 “(3) TRANSPARENCY.—

17 “(A) AGREEMENTS, ORDERS, AND JUDG-
18 MENTS OPEN TO THE PUBLIC.—With respect to
19 each enforcement proceeding under this chap-
20 ter, the Administrator of the Pipeline and Haz-
21 arduous Materials Safety Administration shall
22 make publicly available on the website of the
23 Administration—

24 “(i) the charging documents;

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

3 “(iii) any consent agreement, consent
4 order, order, or judgment resulting from a
5 hearing under this chapter.

6 “(B) GAO REPORT ON PIPELINE SAFETY
7 PROGRAM COLLECTION AND TRANSPARENCY OF
8 ENFORCEMENT PROCEEDINGS.—

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

13 “(I) review information on pipe-
14 line enforcement actions that the
15 Pipeline and Hazardous Materials
16 Safety Administration makes publicly
17 available on the internet; and

18 “(II) submit to the Committee on
19 Commerce, Science, and Transpor-
20 tation of the Senate and the Commit-
21 tees on Transportation and Infra-
22 structure and Energy and Commerce
23 of the House of Representatives a re-
24 port on that review, including any rec-
25 ommendations under clause (iii).

1 “(ii) CONTENTS.—The report under
2 clause (i)(II) shall include—

3 “(I) a description of the process
4 that the Pipeline and Hazardous Ma-
5 terials Safety Administration uses to
6 collect and record enforcement infor-
7 mation;

8 “(II) an assessment of whether
9 and, if so, how the Pipeline and Haz-
10 ardous Materials Safety Administra-
11 tion ensures that enforcement infor-
12 mation is made available to the public
13 in an accessible manner; and

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

16 “(iii) RECOMMENDATIONS.—The re-
17 port under clause (i)(II) may include rec-
18 ommendations regarding—

19 “(I) any improvements that could
20 be made to the accessibility of the in-
21 formation described in clause (i)(I);

22 “(II) whether and, if so, how the
23 information described in clause (i)(I)
24 could be made more transparent; and

1 “(III) any other recommenda-
2 tions that the Comptroller General of
3 the United States considers appro-
4 priate.

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

7 “(A) an emergency order under subsection
8 (p);

9 “(B) a safety order under subsection (m);
10 or

11 “(C) a corrective action order under sec-
12 tion 60112.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 60109(g)(4) of title 49, United
15 States Code, is amended by striking “section
16 60117(c)” and inserting “section 60117(d)”.

17 (2) Section 60117(p) of title 49, United States
18 Code (as redesignated by subsection (a)(1)), is
19 amended, in paragraph (3)(E), by striking
20 “60117(l)” and inserting “subsection (m)”.

21 (3) Section 60118(a)(3) of title 49, United
22 States Code, is amended by striking “section
23 60117(a)–(d)” and inserting “subsections (a)
24 through (e) of section 60117”.

1 **SEC. 109. PIPELINE OPERATING STATUS.**

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

5 **“§ 60143. Idled pipelines**

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

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

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

12 “(2) has been isolated from all sources of haz-
13 arduous liquid, natural gas, or other gas; and

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

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

21 “(b) RULEMAKING.—

22 “(1) IN GENERAL.—Not later than 2 years
23 after the date of enactment of the PIPES Act of
24 2020, the Secretary shall promulgate regulations
25 prescribing the applicability of the pipeline safety re-

1 requirements to idled natural or other gas trans-
2 mission and hazardous liquid pipelines.

3 “(2) REQUIREMENTS.—

4 “(A) IN GENERAL.—The applicability of
5 the regulations under paragraph (1) shall be
6 based on the risk that idled natural or other
7 gas transmission and hazardous liquid pipelines
8 pose to the public, property, and the environ-
9 ment, and shall include requirements to resume
10 operation.

11 “(B) INSPECTION.—The Secretary or an
12 appropriate State agency shall inspect each
13 idled pipeline and verify that the pipeline has
14 been purged of combustibles and hazardous ma-
15 terials, if required under subsection (a).

16 “(C) REQUIREMENTS FOR REINSPEC-
17 TION.—The Secretary shall determine the re-
18 quirements for periodic reinspection of idled
19 natural or other gas transmission and haz-
20 ardous liquid pipelines.

21 “(D) RESUMPTION OF OPERATIONS.—As a
22 condition to allowing an idled pipeline to re-
23 sume operations, the Secretary shall require
24 that, prior to resuming operations, the pipeline
25 shall be—

1 “(i) inspected with—
2 “(I) hydrostatic pressure testing;
3 “(II) an internal inspection de-
4 vice; or
5 “(III) if the use of hydrostatic
6 pressure testing or an internal inspec-
7 tion device is not technologically fea-
8 sible, another comparable technology
9 or practice; and
10 “(ii) in compliance with regulations
11 promulgated under this chapter, including
12 any regulations that became effective while
13 the pipeline was idled.”.

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

“60143. Idled pipelines.”.

18 **SEC. 110. UPDATES TO STANDARDS FOR LIQUEFIED NAT-**
19 **URAL GAS FACILITIES.**

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

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

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

7 (b) SCOPE.—In updating the minimum operating and
8 maintenance standards under subsection (a)(2), the Sec-
9 retary shall ensure that all regulations, guidance, and in-
10 ternal documents—

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

13 (2) achieve a level of safety that is equivalent
14 to, or greater than, the level of safety required by
15 the standards prescribed as of the date of enactment
16 of this Act under—

17 (A) section 60103(d) of title 49, United
18 States Code; and

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

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

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

3 (A) the processes of liquefied natural gas
4 conversion, storage, and transport;

5 (B) equipment used in the processes; and

6 (C) technology used in the processes;

7 (2) to conduct a hazard assessment, including
8 the identification of potential sources of accidental
9 releases;

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

14 (B) to provide employees access to the records
15 of the hazard assessments and any other records re-
16 quired under the updated standards;

17 (4) to establish a system to respond to the find-
18 ings of a hazard assessment conducted under para-
19 graph (2) that addresses prevention, mitigation, and
20 emergency responses;

21 (5) to review, when a design change occurs, the
22 most recent hazard assessment conducted under
23 paragraph (2) and the response system established
24 under paragraph (4);

1 (6) to develop and implement written operating
2 procedures for the processes of liquefied natural gas
3 conversion, storage, and transport;

4 (7)(A) to provide written safety and operating
5 information to employees; and

6 (B) to train employees in operating procedures
7 with an emphasis on addressing hazards and using
8 safe practices;

9 (8) to ensure contractors and contract employ-
10 ees are provided appropriate information and train-
11 ing;

12 (9) to train and educate employees and contrac-
13 tors in emergency response;

14 (10) to establish a quality assurance program
15 to ensure that equipment, maintenance materials,
16 and spare parts relating to the operations and main-
17 tenance of liquefied natural gas facilities are fab-
18 ricated and installed consistent with design specifica-
19 tions;

20 (11) to establish maintenance systems for crit-
21 ical process-related equipment, including written
22 procedures, employee training, appropriate inspec-
23 tions, and testing of that equipment to ensure ongo-
24 ing mechanical integrity;

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

3 (13) to establish and implement written proce-
4 dures to manage change to processes of liquefied
5 natural gas conversion, storage, and transport, tech-
6 nology, equipment, and facilities; and

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

9 (i) loss of life;

10 (ii) destruction of private property; or

11 (iii) a major accident; and

12 (B) to have operating personnel—

13 (i) review any findings of an investigation
14 under subparagraph (A); and

15 (ii) if appropriate, take responsive meas-
16 ures.

17 (d) SUBMISSION AND APPROVAL.—

18 (1) IN GENERAL.—The Secretary shall require
19 that operators that are subject to the regulations
20 under subsection (a)(2) submit to the Secretary for
21 approval a plan for the implementation of the re-
22 quirements described in subsection (c).

23 (2) REQUIREMENT.—The implementation plan
24 described in paragraph (1) shall include—

1 (A) an anticipated schedule for the imple-
2 mentation of the requirements described in sub-
3 section (c); and

4 (B) an overview of the process for imple-
5 mentation.

6 (e) INSPECTION AND COMPLIANCE ASSURANCE.—

7 (1) DETERMINATION OF INADEQUATE PRO-
8 GRAMS.—If the Secretary determines during an in-
9 spection carried out under chapter 601 of title 49,
10 United States Code, that an operator’s implementa-
11 tion of the requirements described in subsection (c)
12 does not comply with the requirements of that chap-
13 ter (including any regulations promulgated under
14 that chapter), has not been adequately implemented,
15 is inadequate for the safe operation of a large-scale
16 liquefied natural gas facility, or is otherwise inad-
17 equate, the Secretary may conduct enforcement pro-
18 ceedings under that chapter.

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

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

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

3 (2) the authority of the Secretary under sec-
4 tions 60118 through 60123 of title 49, United
5 States Code.

6 (g) CIVIL PENALTIES.—A person violating the stand-
7 ards prescribed under this section, including any revisions
8 to the minimum operating and maintenance standards
9 prescribed under 60103 of title 49, United States Code,
10 shall be liable for a civil penalty that may not exceed
11 \$200,000 for each violation pursuant to section
12 60122(a)(1) of that title.

13 **SEC. 111. NATIONAL CENTER OF EXCELLENCE FOR LIQUE-**
14 **FIED NATURAL GAS SAFETY.**

15 (a) DEFINITIONS.—In this section:

16 (1) CENTER.—The term “Center” means the
17 National Center of Excellence for Liquefied Natural
18 Gas Safety that may be established under subsection

19 (b).

20 (2) LNG.—The term “LNG” means liquefied
21 natural gas.

22 (3) LNG SECTOR STAKEHOLDER.—The term
23 “LNG sector stakeholder” means a representative
24 of—

1 (A) LNG facilities that represent the broad
2 array of LNG facilities operating in the United
3 States;

4 (B) States, Indian Tribes, and units of
5 local government;

6 (C) postsecondary education;

7 (D) labor organizations;

8 (E) safety organizations; or

9 (F) Federal regulatory agencies of jurisdic-
10 tion, which may include—

11 (i) the Administration;

12 (ii) the Federal Energy Regulatory
13 Commission;

14 (iii) the Department of Energy;

15 (iv) the Occupational Safety and
16 Health Administration;

17 (v) the Coast Guard; and

18 (vi) the Maritime Administration.

19 (b) ESTABLISHMENT.—Only after submitting the re-
20 port under subsection (c) to the committees of Congress
21 described in that subsection, and subject to the availability
22 of funds appropriated by Congress for the applicable pur-
23 pose, the Secretary, in consultation with LNG sector
24 stakeholders, may establish a center, to be known as the

1 “National Center of Excellence for Liquefied Natural Gas
2 Safety”.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 18 months
5 after the date of enactment of this Act, the Sec-
6 retary shall submit to the Committees on Commerce,
7 Science, and Transportation and Appropriations of
8 the Senate and the Committees on Transportation
9 and Infrastructure, Energy and Commerce, and Ap-
10 propriations of the House of Representatives a re-
11 port on—

12 (A) the resources necessary to establish the
13 Center; and

14 (B) the manner in which the Center will
15 carry out the functions described in subsection
16 (d).

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

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

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

4 (A) the use of performance-based prin-
5 ciples;

6 (B) experience and familiarity with LNG
7 operational facilities; and

8 (C) increased communication with LNG
9 experts to learn and support state-of-the-art
10 operational practices;

11 (2) acting as a repository of information on
12 best practices for the operation of LNG facilities;
13 and

14 (3) facilitating collaboration among LNG sector
15 stakeholders.

16 (e) LOCATION.—

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

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

23 (A) take into account the strategic value of
24 locating resources in close proximity to LNG fa-
25 cilities; and

1 (B) locate the Center in the State with the
2 largest LNG production capacity, as determined
3 by the total capacity (in billion cubic feet per
4 day) of LNG production authorized by the Fed-
5 eral Energy Regulatory Commission under sec-
6 tion 3 of the Natural Gas Act (15 U.S.C. 717b)
7 as of the date of enactment of this Act.

8 (f) COORDINATION WITH TQ TRAINING CENTER.—
9 In carrying out the functions described in subsection (d),
10 the Center shall coordinate with the Training and Quali-
11 fications Training Center of the Administration in Okla-
12 homa City, Oklahoma, to facilitate knowledge sharing
13 among, and enhanced training opportunities for, Federal
14 and State pipeline safety inspectors and investigators.

15 (g) JOINT OPERATION WITH EDUCATIONAL INSTI-
16 TUTION.—The Secretary may enter into an agreement
17 with an appropriate official of an institution of higher edu-
18 cation—

19 (1) to provide for joint operation of the Center;
20 and

21 (2) to provide necessary administrative services
22 for the Center.

23 **SEC. 112. PRIORITIZATION OF RULEMAKING.**

24 (a) RULEMAKING.—Not later than 90 days after the
25 date of enactment of this Act, the Secretary shall issue

1 a final rule with respect to the portion of the proposed
2 rule issued on April 8, 2016, entitled “Pipeline Safety:
3 Safety of Gas Transmission and Gathering Pipelines” (81
4 Fed. Reg. 20722; Docket No. PHMSA–2011–0023) that
5 relates to the consideration of gathering pipelines.

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

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

12 (2) analyze information collected by operators
13 of gathering lines when the mapping information de-
14 scribed in paragraph (1) is not available for a gath-
15 ering line; and

16 (3) assess any plans and timelines of operators
17 of gathering lines to develop the mapping informa-
18 tion described in paragraph (1) or otherwise collect
19 information described in paragraph (2).

20 (c) REPORT.—The Comptroller General of the United
21 States shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittees on Transportation and Infrastructure and Energy
24 and Commerce of the House of Representatives a report
25 on the review required under subsection (b), including any

1 recommendations that the Comptroller General of the
2 United States may have as a result of the review.

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

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

6 “(q) GAS PIPELINE LEAK DETECTION AND RE-
7 PAIR.—

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

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

23 “(B) to protect the environment.

24 “(2) LEAK DETECTION AND REPAIR PRO-
25 GRAMS.—

1 “(A) MINIMUM PERFORMANCE STAND-
2 ARDS.—The final regulations promulgated
3 under paragraph (1) shall include, for the leak
4 detection and repair programs described in that
5 paragraph, minimum performance standards
6 that reflect the capabilities of commercially
7 available advanced technologies that, with re-
8 spect to each pipeline covered by the programs,
9 are appropriate for—

10 “(i) the type of pipeline;

11 “(ii) the location of the pipeline;

12 “(iii) the material of which the pipe-
13 line is constructed; and

14 “(iv) the materials transported by the
15 pipeline.

16 “(B) REQUIREMENT.—The leak detection
17 and repair programs described in paragraph (1)
18 shall be able to identify, locate, and categorize
19 all leaks that—

20 “(i) are hazardous to human safety or
21 the environment; or

22 “(ii) have the potential to become ex-
23 plosive or otherwise hazardous to human
24 safety.

1 “(3) ADVANCED LEAK DETECTION TECH-
2 NOLOGIES AND PRACTICES.—

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

5 “(i) require the use of advanced leak
6 detection technologies and practices de-
7 scribed in subparagraph (B);

8 “(ii) identify any scenarios where op-
9 erators may use leak detection practices
10 that depend on human senses; and

11 “(iii) include a schedule for repairing
12 or replacing each leaking pipe, except a
13 pipe with a leak so small that it poses no
14 potential hazard, with appropriate dead-
15 lines.

16 “(B) ADVANCED LEAK DETECTION TECH-
17 NOLOGIES AND PRACTICES DESCRIBED.—The
18 advanced leak detection technologies and prac-
19 tices referred to in subparagraph (A)(i) in-
20 clude—

21 “(i) for new and existing gas distribu-
22 tion pipeline facilities, technologies and
23 practices to detect pipeline leaks—

24 “(I) through continuous moni-
25 toring on or along the pipeline; or

1 “(II) through periodic surveys
2 with handheld equipment, equipment
3 mounted on mobile platforms, or other
4 means using commercially available
5 technology;

6 “(ii) for new and existing gas trans-
7 mission pipeline facilities, technologies and
8 practices to detect pipeline leaks through—

9 “(I) equipment that is capable of
10 continuous monitoring; or

11 “(II) periodic surveys with
12 handheld equipment, equipment
13 mounted on mobile platforms, or other
14 means using commercially available
15 technology; and

16 “(iii) for regulated gathering lines in
17 Class 2 locations, Class 3 locations, or
18 Class 4 locations, technologies and prac-
19 tices to detect pipeline leaks through—

20 “(I) equipment that is capable of
21 continuous monitoring; or

22 “(II) periodic surveys with
23 handheld equipment, equipment
24 mounted on mobile platforms, or other

1 means using commercially available
2 technology.

3 “(4) RULES OF CONSTRUCTION.—

4 “(A) SURVEYS AND TIMELINES.—In pro-
5 mulgating regulations under this subsection, the
6 Secretary—

7 “(i) may not reduce the frequency of
8 surveys required under any other provision
9 of this chapter or stipulated by regulation
10 as of the date of enactment of this sub-
11 section; and

12 “(ii) may not extend the duration of
13 any timelines for the repair or remediation
14 of leaks that are stipulated by regulation
15 as of the date of enactment of this sub-
16 section.

17 “(B) APPLICATION.—The limitations in
18 this paragraph do not restrict the Secretary’s
19 ability to modify any regulations through pro-
20 ceedings separate from or subsequent to the
21 final regulations required under paragraph (1).

22 “(C) EXISTING AUTHORITY.—Nothing in
23 this subsection may be construed to alter the
24 authority of the Secretary to regulate gathering
25 lines as defined pursuant to section 60101.”.

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

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

4 (1) in subsection (a)—

5 (A) in paragraph (2)—

6 (i) in the matter preceding subpara-
7 graph (A), by inserting “, must meet the
8 requirements of any regulations promul-
9 gated under section 60102(q),” after “the
10 need for pipeline safety”;

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

13 (iii) by striking subparagraph (D) and
14 inserting the following:

15 “(D) the extent to which the plan will con-
16 tribute to—

17 “(i) public safety;

18 “(ii) eliminating hazardous leaks and
19 minimizing releases of natural gas from
20 pipeline facilities; and

21 “(iii) the protection of the environ-
22 ment; and

23 “(E) the extent to which the plan address-
24 es the replacement or remediation of pipelines
25 that are known to leak based on the material
26 (including cast iron, unprotected steel, wrought

1 iron, and historic plastics with known issues),
2 design, or past operating and maintenance his-
3 tory of the pipeline.”; and

4 (B) by striking paragraph (3) and insert-
5 ing the following:

6 “(3) REVIEW OF PLANS.—

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

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

19 “(C) INADEQUATE PROGRAMS.—If the Sec-
20 retary determines that a plan reviewed under
21 this paragraph does not comply with the re-
22 quirements of this chapter (including any regu-
23 lations promulgated under this chapter), has
24 not been adequately implemented, is inadequate
25 for the safe operation of a pipeline facility, or

1 is otherwise inadequate, the Secretary may con-
2 duct enforcement proceedings under this chap-
3 ter.”; and

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

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

12 (c) INSPECTION AND MAINTENANCE PLAN OVER-
13 SIGHT.—

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

21 (2) REPORT OF THE COMPTROLLER GENERAL
22 OF THE UNITED STATES.—Not later than 1 year
23 after the Secretary’s review of the operator plans
24 prepared under section 60108(a) of title 49, United
25 States Code, the Comptroller General of the United

1 States shall submit to the Secretary, the Committee
2 on Commerce, Science, and Transportation of the
3 Senate, and the Committees on Transportation and
4 Infrastructure and Energy and Commerce of the
5 House of Representatives a report that—

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

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

21 (3) RESPONSE OF THE SECRETARY.—Not later
22 than 90 days after the date on which the report
23 under paragraph (2) is published, the Secretary
24 shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committees on Transportation and Infrastructure
2 and Energy and Commerce of the House of Rep-
3 resentatives a report that includes a response to the
4 results of the study conducted under paragraph (1)
5 and the recommendations contained in the report
6 submitted under paragraph (2).

7 (d) BEST AVAILABLE TECHNOLOGIES OR PRAC-
8 TICES.—

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

16 (A) discussing—

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

23 (ii) the best available technologies or
24 practices to prevent or minimize, without
25 compromising pipeline safety, the release

1 of natural gas when the operator inten-
2 tionally vents or releases natural gas, in-
3 cluding blowdowns; and

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

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

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

18 **SEC. 115. CONSIDERATION OF PIPELINE CLASS LOCATION**

19 **CHANGES.**

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

24 (1) review all comments submitted in response
25 to the advance notice of proposed rulemaking enti-

1 tled “Pipeline Safety: Class Location Change Re-
2 quirements” (83 Fed. Reg. 36861 (July 31, 2018));

3 (2) complete any other activities or procedures
4 necessary—

5 (A) to make a determination whether to
6 publish a notice of proposed rulemaking; and

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

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

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

1 vance notice of proposed rulemaking described in sub-
2 section (a)(1).

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

8 **SEC. 116. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
9 **LINE SAFETY INFORMATION.**

10 Section 60129 of title 49, United States Code, is
11 amended—

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

16 (2) in subsection (b)(3), by adding at the end
17 the following:

18 “(D) DE NOVO REVIEW.—

19 “(i) IN GENERAL.—With respect to a
20 complaint under paragraph (1), if the Sec-
21 retary of Labor has not issued a final deci-
22 sion by the date that is 210 days after the
23 date on which the complaint was filed, and
24 if the delay is not due to the bad faith of
25 the employee who filed the complaint, that

1 employee may bring an original action at
2 law or equity for de novo review in the ap-
3 propriate district court of the United
4 States, which shall have jurisdiction over
5 such action without regard to the amount
6 in controversy, and which action shall, at
7 the request of either party to the action, be
8 tried by the court with a jury.

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

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

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

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

23 “(2) PREDISPUTE ARBITRATION AGREE-
24 MENTS.—No provision of a predispute arbitration
25 agreement shall be valid or enforceable if the provi-

1 sion requires arbitration of a dispute arising under
2 subsection (a)(1).”.

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

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

10 (1) operators; and

11 (2) pipeline contractors working for multiple
12 operators in multiple States.

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

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

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

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

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

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

5 **SEC. 119. NATIONAL ACADEMY OF SCIENCES STUDY ON**
6 **AUTOMATIC AND REMOTE-CONTROLLED**
7 **SHUT-OFF VALVES ON EXISTING PIPELINES.**

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

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

18 (2) for a hazardous liquid pipeline facility—

19 (A) a commercially navigable waterway (as
20 defined in section 195.450 of that title (or a
21 successor regulation)); or

22 (B) an unusually sensitive area (as defined
23 in section 195.6 of that title (or a successor
24 regulation)).

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

4 (1) methodologies that conform to the rec-
5 ommendations submitted by the National Transpor-
6 tation Safety Board to the Pipeline and Hazardous
7 Materials Safety Administration and Congress re-
8 garding automatic and remote-controlled shut-off
9 valves;

10 (2) to the extent practicable, compatibility with
11 existing regulations of the Administration, including
12 any regulations promulgated pursuant to docket
13 number PHMSA–2013–0255, relating to the instal-
14 lation of automatic and remote-controlled shutoff
15 valves;

16 (3) methodologies that maximize safety and en-
17 vironmental benefits; and

18 (4) the economic, technical, and operational fea-
19 sibility of installing automatic or remote-controlled
20 shut-off valves on existing pipelines by employing
21 such methodologies or standards.

22 (c) REPORT.—Not later than 2 years after the date
23 of enactment of this Act, the National Academy of
24 Sciences shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the Com-

1 mittees on Transportation and Infrastructure and Energy
2 and Commerce of the House of Representatives a report
3 describing the results of the study under subsection (a).

4 **SEC. 120. UNUSUALLY SENSITIVE AREAS.**

5 (a) CERTAIN COASTAL WATERS; COASTAL BEACH-
6 ES.—Section 19(b) of the PIPES Act of 2016 (49 U.S.C.
7 60109 note; Public Law 114–183) is amended—

8 (1) by striking “The Secretary” and inserting
9 the following: “

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

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

13 “(i) the territorial sea of the United
14 States;

15 “(ii) the Great Lakes and their con-
16 necting waters; and

17 “(iii) the marine and estuarine waters
18 of the United States up to the head of
19 tidal influence.

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

23 “(2) REVISION.—The Secretary”; and

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

4 (b) CERTAIN COASTAL WATERS.—Section
5 60109(b)(2) of title 49, United States Code, is amended
6 by striking “marine coastal waters” and inserting “certain
7 coastal waters”.

8 (c) UPDATE TO REGULATIONS.—The Secretary shall
9 complete the revision to regulations required under section
10 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note;
11 Public Law 114–183) (as amended by subsection (a)) by
12 not later than 90 days after the date of enactment of this
13 Act.

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

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

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

21 “(5) CONSIDERATIONS.—In carrying out this
22 subsection, each operator shall implement proce-
23 dures that assess potential impacts by maritime
24 equipment or other vessels, including anchors, an-
25 chor chains, or any other attached equipment.”.

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

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

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

11 “(A) the Secretary;

12 “(B) the appropriate State authority or,
13 where no appropriate State authority exists, to
14 the Governor of a State where the subject of
15 the Safety Related Condition report occurred;
16 and

17 “(C) the appropriate Tribe where the sub-
18 ject of the Safety Related Condition report oc-
19 curred.

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

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

5 “(B) Tribal emergency response commis-
6 sion or emergency planning committee (as de-
7 fined in part 355 of title 40, Code of Federal
8 Regulations (or a successor regulation));

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

13 “(D) other public agency responsible for
14 emergency response.”.

15 **SEC. 122. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
16 **PROGRAMS.**

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

19 “(12) DISTRIBUTION PIPELINES.—

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

1 “(i) would provide a greater level of
2 safety than direct assessment of the pipe-
3 lines; and

4 “(ii) is feasible.

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

13 “(i) the results of the study under
14 subparagraph (A); and

15 “(ii) recommendations based on that
16 study, if any.”.

17 **SEC. 123. RULE OF CONSTRUCTION.**

18 Nothing in this title or an amendment made by this
19 title may be construed to affect the authority of the Ad-
20 ministrator of the Environmental Protection Agency under
21 the Clean Air Act (42 U.S.C. 7401 et seq.), the authority
22 of the Secretary of the Interior under the Mineral Leasing
23 Act (30 U.S.C. 181 et seq.), or the authority of any State,
24 to regulate a release of pollutants or hazardous substances

1 to air, water, or land, including through the establishment
2 and enforcement of requirements relating to such release.

3 **TITLE II—LEONEL RONDON**
4 **PIPELINE SAFETY ACT**

5 **SEC. 201. SHORT TITLE.**

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

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

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

12 “(7) EVALUATION OF RISK.—

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

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

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

1 properly adjusted low-pressure gas burning
2 equipment unsafe, as determined by the
3 Secretary.

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

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

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

18 “(C) DEADLINES.—

19 “(i) IN GENERAL.—Not later than 2
20 years after the date of enactment of this
21 paragraph, each operator of a distribution
22 system shall make available to the Sec-
23 retary or the relevant State authority with
24 a certification in effect under section
25 60105, as applicable, a copy of—

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

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

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

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

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

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

24 “(i) TIMING.—

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

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

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

76

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

6 “(bb) shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(B) an explosion;

13 “(C) 1 or more fatalities; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) errors; and

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

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

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

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

24 (i) root cause analysis; and

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

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

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

8 “(t) OTHER PIPELINE SAFETY PRACTICES.—

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

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

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

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

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

5 “(2) PRESENCE OF QUALIFIED EMPLOYEES.—

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

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

7 “(3) DISTRICT REGULATOR STATIONS.—

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

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

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

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

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

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

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