AMENDMENT NO. ________ Calendar No. _______

Purpose: In the nature of a substitute.


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 following:

2

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the “Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020” or the “PIPES Act of 2020”.

5 (b) Table of Contents.—The table of contents for 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 “Administration” means the Pipeline and Hazardous Materials Safety Administration.

4 (2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Administration.

5 (3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.
TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

“(a) GAS AND HAZARDOUS LIQUID.—

“(1) IN GENERAL.—From fees collected under section 60301, there are authorized to be appropriated to the Secretary to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and the provisions of this chapter relating to gas and hazardous liquid—

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

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

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

“(B) $158,500,000 for fiscal year 2022, of which—
“(i) $9,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

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

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

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

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

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

“(A) $27,000,000 for fiscal year 2021, of which—
“(i) $3,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

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

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

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

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

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

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

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

“(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—From fees collected under section 60302, there is authorized to be ap-
appropriated to the Secretary to carry out section 60141 $8,000,000 for each of fiscal years 2021 through 2023.

“(4) Recruitment and retention.—From amounts made available to the Secretary under paragraphs (1) and (2), the Secretary shall use—

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

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

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

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

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

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

“(C) $1,600,000 to carry out section 102(b)(2)(B) of the PIPES Act of 2020, of which—
“(i) $1,360,000 shall be from amounts made available under paragraph (1)(B); and

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

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

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

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

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

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

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

“(F) $2,455,000 to carry out section 102(c) of the PIPES Act of 2020 in fiscal year 2022, of which—
“(i) $2,086,750 shall be from amounts made available under paragraph (1)(B); and

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

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

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

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

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

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

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

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

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 of title 49, United States Code, is amended by striking “$1,058,000 for each of fiscal years 2016 through
2019” and inserting “$1,058,000 for each of fiscal years 2021 through 2023”.

(d) Emergency Response Grants.—Section 60125(b)(2) of title 49, United States Code, is amended by striking “fiscal years 2012 through 2015” and inserting “fiscal years 2021 through 2023”.

(e) Pipeline Safety Information Grants to Communities.—Section 60130 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking “to local communities and groups of individuals (not including for-profit entities)” and inserting “to local communities, Indian Tribes, and groups of individuals (not including for-profit entities)”; and

(ii) in the third sentence, by striking “The amount” and inserting “Except as provided in subsection (e)(2), the amount”; and

(B) by striking paragraph (4);

(2) by striking subsection (e) and inserting the following:

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

“(2) IMPROVING TECHNICAL ASSISTANCE.—From the amounts used to carry out this section under paragraph (1) each fiscal year, the Secretary shall award $1,000,000 to an eligible applicant through a competitive selection process for the purpose of improving the quality of technical assistance provided to communities or individuals under this section.

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

(3) by adding at the end the following:

“(d) DEFINITIONS.—In this section:

“(1) TECHNICAL ASSISTANCE.—The term ‘technical assistance’ means engineering, research, and other scientific analysis of pipeline safety issues, including the promotion of public participation on technical pipeline safety issues in proceedings related to this chapter.
“(2) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means a nonprofit entity that—

“(A) is a public safety advocate;

“(B) has pipeline safety expertise;

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

“(D) was established with funds designated for the purpose of community service through the implementation of section 3553 of title 18 relating to violations of this chapter.”.

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

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

SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.

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

(1) review the inspector training programs provided at the Inspector Training and Qualifications
Division of the Administration in Oklahoma City, Oklahoma; and

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

(b) STAFFING.—

(1) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees (as compared to the number of positions on the date of enactment of this Act) by 8 full-time employees with subject matter expertise in pipeline safety, pipeline facilities, and pipeline systems to finalize outstanding rulemakings and fulfill congressional mandates.

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

(A) 224 for fiscal year 2021.

(B) 235 for fiscal year 2022.

(C) 247 for fiscal year 2023.

(c) RECRUITMENT AND RETENTION INCENTIVES.—
(1) In general.—The Secretary shall use incentives, as necessary, to recruit and retain a qualified workforce, including inspection and enforcement personnel and attorneys and subject matter experts at the Office of Pipeline Safety of the Administration, including—

(A) special pay rates permitted under section 5305 of title 5, United States Code;

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

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

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

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

(2) Continued Service Agreement.—The Secretary shall ensure that the incentives described in paragraph (1) are accompanied by a continued service agreement.

(3) Approval.—The Secretary shall request, as necessary, the approval of the Office of Personnel Management to use the incentives described in paragraph (1).
SEC. 103. COST RECOVERY AND FEES FOR FACILITY REVIEWS.

(a) Fees for Compliance Reviews of Liquefied Natural Gas Facilities.—Chapter 603 of title 49, United States Code, is amended by inserting after section 60302 the following:

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

“(a) Imposition of Fee.—

“(1) In General.—The Secretary of Transportation (referred to in this section as the ‘Secretary’) shall impose on a person who files with the Federal Energy Regulatory Commission an application for a liquefied natural gas facility that has design and construction costs totaling not less than $2,500,000,000 a fee for the necessary expenses of a review, if any, that the Secretary conducts, in connection with that application, to determine compliance with subpart B of part 193 of title 49, Code of Federal Regulations (or successor regulations).

“(2) Relation to other Review.—The Secretary may not impose fees under paragraph (1) and section 60117(o) or 60301(b) for the same compliance review described in paragraph (1).

“(b) Means of Collection.—
“(1) IN GENERAL.—The Secretary shall prescribe procedures to collect fees under this section.

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

“(A) use a department, agency, or instrumentality of the Federal Government or of a State or local government to collect fees under this section; and

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

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

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

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

SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECHNOLOGIES AND APPROACHES.

(a) IN GENERAL.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:
§ 60142. Pipeline safety enhancement programs

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

“(1) a natural gas pipeline facility; or

“(2) a hazardous liquid pipeline facility.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—Testing programs established under subsection (a) may not exceed—

“(A) 5 percent of the total miles of hazardous liquid pipelines in the United States that are regulated by—

“(i) the Pipeline and Hazardous Materials Safety Administration; or

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

“(B) 5 percent of the total miles of natural gas pipelines in the United States that are regulated by—

“(i) the Pipeline and Hazardous Materials Safety Administration; or

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

“(2) OPERATOR MILEAGE LIMITATION.—The Secretary shall limit the miles of pipelines that each
operator can test under each program established
under subsection (a) to the lesser of—

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

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

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

“(B) 1,000 miles.

“(3) Prohibited areas.—Any program estab-
lished under subsection (a) shall not be located in—

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

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

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

“(4) High consequence areas for haz-
ardous liquid pipelines.—
“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report examining the benefits and costs of prohibiting the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)).

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

“(i) the safety benefits of allowing the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation));

and

“(ii) whether additional testing conditions are required to protect those areas while conducting a testing program established under subsection (a) in those areas.

“(c) DURATION.—

“(1) IN GENERAL.—The term of a testing program established under subsection (a) shall be not more than a period of 3 years beginning on the date of approval of the program.
“(2) REQUIREMENT.—The Secretary shall not establish any additional safety-enhancing testing programs under subsection (a) after the date that is 3 years after the date of enactment of this section.

“(d) SAFETY STANDARDS.—

“(1) IN GENERAL.—The Secretary shall require, as a condition of approval of a testing program under subsection (a), that the safety measures in the testing program are designed to achieve a level of safety that is greater than the level of safety required by this chapter.

“(2) DETERMINATION.—

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

“(B) LIMITATION.—An order under subparagraph (A) shall pertain only to those regulations that would otherwise prevent the use of the safety technology to be tested under the testing program.
“(3) INCREASED SAFETY CAPABILITIES.—For purposes of paragraph (1), improvement in the reliability, accuracy, durability, or certainty of pipeline safety technologies, techniques, or methods shall constitute an appropriate means of meeting the safety measure requirement described in that paragraph.

“(e) CONSIDERATIONS.—In establishing a testing program under subsection (a), the Secretary shall consider—

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

“(2)(A) whether the owners or operators participating in the program have a safety management system in place; and

“(B) how the application of that system proposes to eliminate or mitigate potential safety and environmental risks throughout the duration of the program; and

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

“(A) the Secretary;

“(B) collaborative research development organizations; or

“(C) other institutions.
“(f) **Data and Findings.**—

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

“(2) **Public Report.**—The Secretary shall make publicly available on the website of the Department of Transportation an annual report for any ongoing testing program established under subsection (a) summarizing the progress of the program.

“(g) **Authority to Revoke Participation.**—The Secretary shall immediately revoke participation in a testing program under subsection (a) if—

“(1)(A) the participant has an accident or incident involving death or personal injury necessitating in-patient hospitalization; and

“(B) the testing program is determined to be the cause of, or a contributing factor to, that accident or incident;

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

“(3) in the determination of the Secretary, continued participation in the testing program by the
participants would be unsafe or would not be consistent with the goals and objectives of this chapter.

“(h) Authority to Terminate Program.—The Secretary shall immediately terminate a testing program under subsection (a) if continuation of the testing program would not be consistent with the goals and objectives of this chapter.

“(i) State Rights.—

“(1) Exemption.—Except as provided in paragraph (2), if a State submits to the Secretary notice that the State requests an exemption from any testing program considered for establishment under this section, the State shall be exempt.

“(2) Limitations.—

“(A) In General.—The Secretary shall not grant a requested exemption under paragraph (1) after a testing program is established.

“(B) Late Notice.—The Secretary shall not grant a requested exemption under paragraph (1) if the notice submitted under that paragraph is submitted to the Secretary more than 30 days after the date on which the Secretary issues an order providing an effective
date for the testing program in accordance with subsection (j).

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

“(j) PROGRAM REVIEW PROCESS AND PUBLIC NOTICE.—

“(1) IN GENERAL.—The Secretary shall publish in the Federal Register and send directly to each relevant State and each appropriate State authority with a certification in effect under section 60105 a notice of each proposed testing program under subsection (a), including the order to be considered, and provide an opportunity for public comment for not less than 90 days.

“(2) RESPONSE FROM SECRETARY.—Not later than the date on which the Secretary issues an order providing an effective date of a testing program noticed under paragraph (1), the Secretary shall—

“(A) publish the order in the Federal Register; and

“(B) respond to each comment submitted under paragraph (1).
“(k) REPORT TO CONGRESS.—At the conclusion of each testing program, the Secretary shall make publicly available on the website of the Department of Transportation a report containing—

“(1) the findings and conclusions of the Secretary with respect to the testing program; and

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

“(A) would enhance the safe operation of interstate gas or hazardous liquid pipeline facilities; and

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

“(l) STANDARDS.—If a report under subsection (k) indicates that it is practicable to establish technically, operationally, and economically feasible standards for the use of a safety-enhancing technology and any corresponding operational practices tested by the testing program described in the report, the Secretary, as soon as practicable after submission of the report, may promulgate regulations consistent with chapter 5 of title 5 (commonly known as the ‘Administrative Procedure Act’) that—
“(1) allow operators of interstate gas or hazardous liquid pipeline facilities to use the relevant technology or practice to the extent practicable; and
“(2) establish technically, operationally, and economically feasible standards for the capability and deployment of the technology or practice.”.

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

“60142. Pipeline safety enhancement programs.”.

SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT STUDY.

Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Appropriations of the House of Representatives a report relating to—

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

(2)(A) the development of additional testing and research capabilities through the establishment
of an independent pipeline safety testing facility under the Department of Transportation;

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

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

(D) the costs and benefits of colocating an independent pipeline safety testing facility at an existing training center of the Administration; and

(3) the ability of the Administration to use the testing facilities of the Department of Transportation, other Federal agencies, or federally funded research and development centers.

SEC. 106. REGULATORY UPDATES.

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

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

(2) a final rule required to be issued under the PIPES Act of 2016 (Public Law 114–183; 130
Stat. 514) that has not been published in the Federal Register; and

(3) any other final rule regarding gas or hazardous liquid pipeline facilities required to be issued under this Act or an Act enacted prior to the date of enactment of this Act that has not been published in the Federal Register.

(b) REQUIREMENTS.—

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

(2) NOTIFICATION OF CONGRESS.—On publication of a final rule in the Federal Register for an outstanding mandate, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a notification in accordance with subsection (c).
(c) CONTENTS.—An update published or a notification submitted under paragraph (1) or (2) of subsection (b) shall contain, as applicable—

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

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

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

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

(D) any resource constraints affecting the rulemaking process for each outstanding mandate;

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

(F) a description of all rulemakings regarding gas or hazardous liquid pipeline facilities published in the Federal Register that are not identified under subsection (b)(2); and

(2) with respect to information relating to the Office of the Secretary—
(A) the date that the outstanding mandate was submitted to the Office of the Secretary for review;

(B) the reason that the outstanding mandate is under review beyond 45 days;

(C) the staff allocations within the Office of the Secretary with respect to each the outstanding mandate;

(D) any resource constraints affecting review of the outstanding mandate;

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

(F) if applicable, the date that the outstanding mandate was returned to the Administration for revision and the anticipated date for resubmission to the Office of the Secretary;

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

(H) a statement of whether the outstanding mandate remains under review by the Office of Management and Budget.
SEC. 107. SELF-DISCLOSURE OF VIOLATIONS.

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

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

(2) by adding at the end the following:

“(D) self-disclosure and correction of violations, or actions to correct a violation, prior to discovery by the Pipeline and Hazardous Materials Safety Administration; and”.

SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT PROCEEDINGS.

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

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

(2) by inserting after subsection (a) the following:

“(b) ENFORCEMENT PROCEDURES.—

“(1) PROCESS.—In implementing enforcement procedures under this chapter and part 190 of title 49, Code of Federal Regulations (or successor regulations), the Secretary shall—

“(A) allow the respondent to request the use of a consent agreement and consent order to resolve any matter of fact or law asserted;
“(B) allow the respondent and the agency to convene 1 or more meetings—

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

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

“(C) require that the case file in an enforcement proceeding include all agency records pertinent to the matters of fact and law asserted;

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

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

“(F) require that the agency have the burden of proof, presentation, and persuasion in any enforcement matter;

“(G) require that any order contain findings of relevant fact and conclusions of law;

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

“(I) require an order on a petition for reconsideration to be issued not later than 120
days after the date on which the petition is filed; and

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

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

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

“(B) in the case of a formal hearing (as defined in section 190.3 of title 49, Code of Federal Regulations (or a successor regulation)), open to the public.

“(3) TRANSPARENCY.—

“(A) AGREEMENTS, ORDERS, AND JUDGMENTS OPEN TO THE PUBLIC.—With respect to each enforcement proceeding under this chapter, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall make publicly available on the website of the Administration—

“(i) the charging documents;
“(ii) the written response of the respondent, if filed; and

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

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

“(i) In general.—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Comptroller General of the United States shall—

“(I) review information on pipeline enforcement actions that the Pipeline and Hazardous Materials Safety Administration makes publicly available on the internet; and

“(II) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on that review, including any recommendations under clause (iii).
“(ii) CONTENTS.—The report under clause (i)(II) shall include—

“(I) a description of the process that the Pipeline and Hazardous Materials Safety Administration uses to collect and record enforcement information;

“(II) an assessment of whether and, if so, how the Pipeline and Hazardous Materials Safety Administration ensures that enforcement information is made available to the public in an accessible manner; and

“(III) an assessment of the information described in clause (i)(I).

“(iii) RECOMMENDATIONS.—The report under clause (i)(II) may include recommendations regarding—

“(I) any improvements that could be made to the accessibility of the information described in clause (i)(I);

“(II) whether and, if so, how the information described in clause (i)(I) could be made more transparent; and
“(III) any other recommendations that the Comptroller General of the United States considers appropriate.

“(4) SAVINGS CLAUSE.—Nothing in this subsection alters the procedures applicable to—

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

“(B) a safety order under subsection (m);

or

“(C) a corrective action order under section 60112.”.

(b) CONFORMING AMENDMENTS.—

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

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

(3) Section 60118(a)(3) of title 49, United States Code, is amended by striking “section 60117(a)–(d)” and inserting “subsections (a) through (e) of section 60117”.
SEC. 109. PIPELINE OPERATING STATUS.

(a) In General.—Chapter 601 of title 49, United States Code (as amended by section 104(a)), is amended by adding at the end the following:

§ 60143. Idled pipelines

“(a) Definition of Idled.—In this section, the term ‘idled’, with respect to a pipeline, means that the pipeline—

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

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

“(2) has been isolated from all sources of hazardous liquid, natural gas, or other gas; and

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

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

“(b) Rulemaking.—

“(1) In General.—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Secretary shall promulgate regulations prescribing the applicability of the pipeline safety re-
requirements to idled natural or other gas transmission and hazardous liquid pipelines.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—The applicability of the regulations under paragraph (1) shall be based on the risk that idled natural or other gas transmission and hazardous liquid pipelines pose to the public, property, and the environment, and shall include requirements to resume operation.

“(B) INSPECTION.—The Secretary or an appropriate State agency shall inspect each idled pipeline and verify that the pipeline has been purged of combustibles and hazardous materials, if required under subsection (a).

“(C) REQUIREMENTS FOR REINSPECTION.—The Secretary shall determine the requirements for periodic reinspection of idled natural or other gas transmission and hazardous liquid pipelines.

“(D) RESUMPTION OF OPERATIONS.—As a condition to allowing an idled pipeline to resume operations, the Secretary shall require that, prior to resuming operations, the pipeline shall be—
“(i) inspected with—

“(I) hydrostatic pressure testing;

“(II) an internal inspection device; or

“(III) if the use of hydrostatic pressure testing or an internal inspection device is not technologically feasible, another comparable technology or practice; and

“(ii) in compliance with regulations promulgated under this chapter, including any regulations that became effective while the pipeline was idled.”.

(b) Clerical Amendment.—The table of sections for chapter 601 of title 49, United States Code (as amended by section 104(b)), is amended by inserting after the item relating to section 60142 the following:

“60143. Idled pipelines.”.

SEC. 110. UPDATES TO STANDARDS FOR LIQUEFIED NATURAL GAS FACILITIES.

(a) In General.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) review the minimum operating and maintenance standards prescribed under section 60103(d) of title 49, United States Code; and
(2) based on the review under paragraph (1), update the standards described in that paragraph applicable to large-scale liquefied natural gas facilities (other than peak shaving facilities) to provide for a risk-based regulatory approach for such facilities, consistent with this section.

(b) SCOPE.—In updating the minimum operating and maintenance standards under subsection (a)(2), the Secretary shall ensure that all regulations, guidance, and internal documents—

(1) are developed and applied in a manner consistent with this section; and

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

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

(B) part 193 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(c) REQUIREMENTS.—The updates to the operating and maintenance standards required under subsection (a)(2) shall, at a minimum, require operators—
(1) to develop and maintain written safety information identifying hazards associated with—

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

(B) equipment used in the processes; and

(C) technology used in the processes;

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

(3)(A) to consult with employees and representatives of employees on the development and execution of hazard assessments under paragraph (2); and

(B) to provide employees access to the records of the hazard assessments and any other records required under the updated standards;

(4) to establish a system to respond to the findings of a hazard assessment conducted under paragraph (2) that addresses prevention, mitigation, and emergency responses;

(5) to review, when a design change occurs, the most recent hazard assessment conducted under paragraph (2) and the response system established under paragraph (4);
(6) to develop and implement written operating procedures for the processes of liquefied natural gas conversion, storage, and transport;

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

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

(8) to ensure contractors and contract employees are provided appropriate information and training;

(9) to train and educate employees and contractors in emergency response;

(10) to establish a quality assurance program to ensure that equipment, maintenance materials, and spare parts relating to the operations and maintenance of liquefied natural gas facilities are fabricated and installed consistent with design specifications;

(11) to establish maintenance systems for critical process-related equipment, including written procedures, employee training, appropriate inspections, and testing of that equipment to ensure ongoing mechanical integrity;
(12) to conduct pre-start-up safety reviews of all newly installed or modified equipment;

(13) to establish and implement written procedures to manage change to processes of liquefied natural gas conversion, storage, and transport, technology, equipment, and facilities; and

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

(i) loss of life;

(ii) destruction of private property; or

(iii) a major accident; and

(B) to have operating personnel—

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

(ii) if appropriate, take responsive measures.

(d) Submission and Approval.—

(1) In general.—The Secretary shall require that operators that are subject to the regulations under subsection (a)(2) submit to the Secretary for approval a plan for the implementation of the requirements described in subsection (c).

(2) Requirement.—The implementation plan described in paragraph (1) shall include—
(A) an anticipated schedule for the implementation of the requirements described in subsection (c); and

(B) an overview of the process for implementation.

(e) Inspection and Compliance Assurance.—

(1) Determination of Inadequate Programs.—If the Secretary determines during an inspection carried out under chapter 601 of title 49, United States Code, that an operator’s implementation of the requirements described in subsection (c) does not comply with the requirements of that chapter (including any regulations promulgated under that chapter), has not been adequately implemented, is inadequate for the safe operation of a large-scale liquefied natural gas facility, or is otherwise inadequate, the Secretary may conduct enforcement proceedings under that chapter.

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

(f) Emergencies and Compliance.—Nothing in this section may be construed to diminish or modify—
(1) the authority of the Secretary under this title to act in the case of an emergency; or

(2) the authority of the Secretary under sections 60118 through 60123 of title 49, United States Code.

(g) Civil Penalties.—A person violating the standards prescribed under this section, including any revisions to the minimum operating and maintenance standards prescribed under 60103 of title 49, United States Code, shall be liable for a civil penalty that may not exceed $200,000 for each violation pursuant to section 60122(a)(1) of that title.

SEC. 111. NATIONAL CENTER OF EXCELLENCE FOR LIQUEFIED NATURAL GAS SAFETY.

(a) Definitions.—In this section:

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

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

(3) LNG sector stakeholder.—The term “LNG sector stakeholder” means a representative—
(A) LNG facilities that represent the broad array of LNG facilities operating in the United States;

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

(C) postsecondary education;

(D) labor organizations;

(E) safety organizations; or

(F) Federal regulatory agencies of jurisdiction, which may include—

   (i) the Administration;

   (ii) the Federal Energy Regulatory Commission;

   (iii) the Department of Energy;

   (iv) the Occupational Safety and Health Administration;

   (v) the Coast Guard; and

   (vi) the Maritime Administration.

(b) ESTABLISHMENT.—Only after submitting the report under subsection (c) to the committees of Congress described in that subsection, and subject to the availability of funds appropriated by Congress for the applicable purpose, the Secretary, in consultation with LNG sector stakeholders, may establish a center, to be known as the
“National Center of Excellence for Liquefied Natural Gas Safety”.

(c) Report.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Appropriations of the House of Representatives a report on—

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

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

(2) REQUIREMENT.—The report under paragraph (1) shall include an estimate of all potential costs and appropriations necessary to carry out the functions described in subsection (d).

(d) FUNCTIONS.—The Center shall, for activities regulated under section 60103 of title 49, United States Code, enhance the United States as the leader and foremost expert in LNG operations by—
(1) furthering the expertise of the Federal Government in the operations, management, and regulatory practices of LNG facilities through—

(A) the use of performance-based principles;

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

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

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

(3) facilitating collaboration among LNG sector stakeholders.

(e) LOCATION.—

(1) IN GENERAL.—The Center shall be located in close proximity to critical LNG transportation infrastructure on, and connecting to, the Gulf of Mexico, as determined by the Secretary.

(2) CONSIDERATIONS.—In determining the location of the Center, the Secretary shall—

(A) take into account the strategic value of locating resources in close proximity to LNG facilities; and
(B) locate the Center in the State with the largest LNG production capacity, as determined by the total capacity (in billion cubic feet per day) of LNG production authorized by the Federal Energy Regulatory Commission under section 3 of the Natural Gas Act (15 U.S.C. 717b) as of the date of enactment of this Act.

(f) COORDINATION WITH TQ TRAINING CENTER.—In carrying out the functions described in subsection (d), the Center shall coordinate with the Training and Qualifications Training Center of the Administration in Oklahoma City, Oklahoma, to facilitate knowledge sharing among, and enhanced training opportunities for, Federal and State pipeline safety inspectors and investigators.

(g) JOINT OPERATION WITH EDUCATIONAL INSTITUTION.—The Secretary may enter into an agreement with an appropriate official of an institution of higher education—

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

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

SEC. 112. PRIORITIZATION OF RULEMAKING.

(a) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue
a final rule with respect to the portion of the proposed rule issued on April 8, 2016, entitled “Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines” (81 Fed. Reg. 20722; Docket No. PHMSA–2011–0023) that relates to the consideration of gathering pipelines.

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

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

(2) analyze information collected by operators of gathering lines when the mapping information described in paragraph (1) is not available for a gathering line; and

(3) assess any plans and timelines of operators of gathering lines to develop the mapping information described in paragraph (1) or otherwise collect information described in paragraph (2).

(c) REPORT.—The Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on the review required under subsection (b), including any
recommendations that the Comptroller General of the
United States may have as a result of the review.

SEC. 113. LEAK DETECTION AND REPAIR.

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

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

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

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

“(B) to protect the environment.

“(2) LEAK DETECTION AND REPAIR PRO-
GRAMS.—
“(A) MINIMUM PERFORMANCE STANDARDS.—The final regulations promulgated under paragraph (1) shall include, for the leak detection and repair programs described in that paragraph, minimum performance standards that reflect the capabilities of commercially available advanced technologies that, with respect to each pipeline covered by the programs, are appropriate for—

“(i) the type of pipeline;

“(ii) the location of the pipeline;

“(iii) the material of which the pipeline is constructed; and

“(iv) the materials transported by the pipeline.

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

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

“(ii) have the potential to become explosive or otherwise hazardous to human safety.
“(3) ADVANCED LEAK DETECTION TECHNOLOGIES AND PRACTICES.—

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

“(i) require the use of advanced leak detection technologies and practices described in subparagraph (B);

“(ii) identify any scenarios where operators may use leak detection practices that depend on human senses; and

“(iii) include a schedule for repairing or replacing each leaking pipe, except a pipe with a leak so small that it poses no potential hazard, with appropriate deadlines.

“(B) ADVANCED LEAK DETECTION TECHNOLOGIES AND PRACTICES DESCRIBED.—The advanced leak detection technologies and practices referred to in subparagraph (A)(i) include—

“(i) for new and existing gas distribution pipeline facilities, technologies and practices to detect pipeline leaks—

“(I) through continuous monitoring on or along the pipeline; or
“(II) through periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other means using commercially available technology;

“(ii) for new and existing gas transmission pipeline facilities, technologies and practices to detect pipeline leaks through—

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

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

“(iii) for regulated gathering lines in Class 2 locations, Class 3 locations, or Class 4 locations, technologies and practices to detect pipeline leaks through—

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

“(II) periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other
means using commercially available technology.

“(4) RULES OF CONSTRUCTION.—

“(A) SURVEYS AND TIMELINES.—In promulgating regulations under this subsection, the Secretary—

“(i) may not reduce the frequency of surveys required under any other provision of this chapter or stipulated by regulation as of the date of enactment of this subsection; and

“(ii) may not extend the duration of any timelines for the repair or remediation of leaks that are stipulated by regulation as of the date of enactment of this subsection.

“(B) APPLICATION.—The limitations in this paragraph do not restrict the Secretary’s ability to modify any regulations through proceedings separate from or subsequent to the final regulations required under paragraph (1).

“(C) EXISTING AUTHORITY.—Nothing in this subsection may be construed to alter the authority of the Secretary to regulate gathering lines as defined pursuant to section 60101.”.
SEC. 114. INSPECTION AND MAINTENANCE PLANS.

(a) In General.—Section 60108 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “, must meet the requirements of any regulations promulgated under section 60102(q),” after “the need for pipeline safety”;

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

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

“(D) the extent to which the plan will contribute to—

“(i) public safety;

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

“(iii) the protection of the environment; and

“(E) the extent to which the plan addresses the replacement or remediation of pipelines that are known to leak based on the material (including cast iron, unprotected steel, wrought
iron, and historic plastics with known issues),
design, or past operating and maintenance his-
tory of the pipeline.”; and

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

“(3) REVIEW OF PLANS.—

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

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

“(C) INADEQUATE PROGRAMS.—If the Sec-
retary determines that a plan reviewed under
this paragraph does not comply with the re-
quirements of this chapter (including any regu-
lations promulgated under this chapter), has
not been adequately implemented, is inadequate
for the safe operation of a pipeline facility, or
is otherwise inadequate, the Secretary may conduct enforcement proceedings under this chapter.”; and

(2) in subsection (b)(1)(B), by inserting “construction material,” after “method of construction,.”.

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, each pipeline operator shall update the inspection and maintenance plan prepared by the operator under section 60108(a) of title 49, United States Code, to address the elements described in the amendments to that section made by subsection (a).

(c) INSPECTION AND MAINTENANCE PLAN OVERSIGHT.—

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

(2) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 1 year after the Secretary's review of the operator plans prepared under section 60108(a) of title 49, United States Code, the Comptroller General of the United
States shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report that—

(A) describes the results of the study conducted under paragraph (1), including an evaluation of the procedures used by the Secretary and States in reviewing the effectiveness of the plans prepared by pipeline operators under section 60108(a) of title 49, United States Code, pursuant to subsection (b) in minimizing releases of natural gas from pipeline facilities; and

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

(3) RESPONSE OF THE SECRETARY.—Not later than 90 days after the date on which the report under paragraph (2) is published, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the
Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report that includes a response to the results of the study conducted under paragraph (1) and the recommendations contained in the report submitted under paragraph (2).

(d) **Best Available Technologies or Practices.**—

(1) **Report of the Secretary.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report—

(A) discussing—

(i) the best available technologies or practices to prevent or minimize, without compromising pipeline safety, the release of natural gas when making planned repairs, replacements, or maintenance to a pipeline facility;

(ii) the best available technologies or practices to prevent or minimize, without compromising pipeline safety, the release
of natural gas when the operator intentionally vents or releases natural gas, including blowdowns; and

(iii) pipeline facility designs that, without compromising pipeline safety, mitigate the need to intentionally vent natural gas; and

(B) recommending a timeline for updating pipeline safety regulations, as the Secretary determines to be appropriate, to address the matters described in subparagraph (A).

(2) RULEMAKING.—Not later than 180 days after the date on which the Secretary submits the report under this subsection, the Secretary shall update pipeline safety regulations that the Secretary has determined are necessary to protect the environment without compromising pipeline safety.

SEC. 115. CONSIDERATION OF PIPELINE CLASS LOCATION CHANGES.

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

(1) review all comments submitted in response to the advance notice of proposed rulemaking enti-
tled “Pipeline Safety: Class Location Change Requirements” (83 Fed. Reg. 36861 (July 31, 2018));

(2) complete any other activities or procedures necessary—

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

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

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

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the Administrator of the Pipeline and Hazardous Materials Safety Administration to publish a notice of proposed rulemaking or otherwise continue the rulemaking process with respect to the ad-
vance notice of proposed rulemaking described in subsection (a)(1).

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

SEC. 116. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

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

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking “employee with” and inserting “current or former employee with”;

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

“(D) DE NOVO REVIEW.—

“(i) IN GENERAL.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision by the date that is 210 days after the date on which the complaint was filed, and if the delay is not due to the bad faith of the employee who filed the complaint, that
employee may bring an original action at
law or equity for de novo review in the ap-
propriate district court of the United
States, which shall have jurisdiction over
such action without regard to the amount
in controversy, and which action shall, at
the request of either party to the action, be
tried by the court with a jury.

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

(3) by adding at the end the following:

“(e) Nonenforceability of Certain Provisions
Waiving Rights and Remedies or Requiring Arbi-
tration of Disputes.—

“(1) Waiver of rights and remedies.—The
rights and remedies provided under this section may
not be waived by any agreement, policy, form, or
condition of employment, including by a predispute
arbitration agreement.

“(2) Predispute Arbitration Agree-
ments.—No provision of a predispute arbitration
agreement shall be valid or enforceable if the provi-
sion requires arbitration of a dispute arising under subsection (a)(1).”.

SEC. 117. INTERSTATE DRUG AND ALCOHOL OVERSIGHT.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary shall amend the auditing program for the drug and alcohol regulations in part 199 of title 49, Code of Federal Regulations, to improve the efficiency and processes of those regulations as applied to—

(1) operators; and

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

(b) Requirement.—In carrying out subsection (a), the Secretary shall minimize duplicative audits of the same operators, and the contractors working for those operators, by the Administration and multiple State agencies.

(c) Rule of Construction.—Nothing in this section may be construed to require modification of the inspection or enforcement authority of any Federal agency or State.

SEC. 118. PURPOSE AND GENERAL AUTHORITY.

Section 60102(b)(5) of title 49, United States Code, is amended—
(1) by striking “Chapter” and inserting “chapter”; and

(2) by inserting “, including safety and environmental benefits,” after “benefits”.

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

(a) Study.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of potential methodologies or standards for the installation of automatic or remote-controlled shut-off valves on an existing pipeline in—

(1) a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations (or a successor regulation)) for a gas transmission pipeline facility; or

(2) for a hazardous liquid pipeline facility—

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

(B) an unusually sensitive area (as defined in section 195.6 of that title (or a successor regulation)).
(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the National Academy of Sciences shall take into consideration, as applicable—

(1) methodologies that conform to the recommendations submitted by the National Transportation Safety Board to the Pipeline and Hazardous Materials Safety Administration and Congress regarding automatic and remote-controlled shut-off valves;

(2) to the extent practicable, compatibility with existing regulations of the Administration, including any regulations promulgated pursuant to docket number PHMSA–2013–0255, relating to the installation of automatic and remote-controlled shutoff valves;

(3) methodologies that maximize safety and environmental benefits; and

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

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Com-
mittees on Transportation and Infrastructure and Energy
and Commerce of the House of Representatives a report
describing the results of the study under subsection (a).

SEC. 120. UNUSUALLY SENSITIVE AREAS.

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

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

“(1) DEFINITIONS.—In this subsection:

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

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

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

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

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

“(2) REVISION.—The Secretary”; and
(2) in paragraph (2) (as so designated), by striking “marine coastal waters” and inserting “certain coastal waters”.

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

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

(d) HAZARDOUS LIQUID PIPELINE FACILITIES LOCATED IN CERTAIN AREAS.—Section 60109(g) of title 49, United States Code, is amended—

(1) in paragraph (1)(B), by inserting “, but not less often than once every 12 months” before the period at the end; and

(2) by adding at the end the following:

“(5) CONSIDERATIONS.—In carrying out this subsection, each operator shall implement procedures that assess potential impacts by maritime equipment or other vessels, including anchors, anchor chains, or any other attached equipment.”.
SEC. 121. SAFETY-RELATED CONDITION REPORTS.

Section 60102(h) of title 49, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) Submission of report.—As soon as practicable, but not later than 5 business days, after a representative of a person to whom this section applies first establishes that a condition described in paragraph (1) exists, the operator shall submit the report required under that paragraph to—

“(A) the Secretary;

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

“(C) the appropriate Tribe where the subject of the Safety Related Condition report occurred.

“(3) Submission of report to other entities.—Upon request, a State authority or a Governor that receives a report submitted under this subsection may submit the report to any relevant emergency response or planning entity, including any—
“(A) State emergency response commission established pursuant to section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001);

“(B) Tribal emergency response commission or emergency planning committee (as defined in part 355 of title 40, Code of Federal Regulations (or a successor regulation));

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

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

SEC. 122. RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.

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

“(12) DISTRIBUTION PIPELINES.—

“(A) STUDY.—The Secretary shall conduct a study of methods that may be used under paragraph (3), other than direct assessment, to assess distribution pipelines to determine whether any such method—
“(i) would provide a greater level of safety than direct assessment of the pipelines; and

“(ii) is feasible.

“(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

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

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

SEC. 123. RULE OF CONSTRUCTION.

Nothing in this title or an amendment made by this title may be construed to affect the authority of the Administrator of the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), the authority of the Secretary of the Interior under the Mineral Leasing Act (30 U.S.C. 181 et seq.), or the authority of any State, to regulate a release of pollutants or hazardous substances
to air, water, or land, including through the establishment and enforcement of requirements relating to such release.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Leonel Rondon Pipeline Safety Act”.

SEC. 202. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.

(a) In General.—Section 60109(e) of title 49, United States Code, is amended by adding at the end the following:

“(7) Evaluation of risk.—

“(A) In general.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall promulgate regulations to ensure that each distribution integrity management plan developed by an operator of a distribution system includes an evaluation of—

“(i) the risks resulting from the presence of cast iron pipes and mains in the distribution system; and

“(ii) the risks that could lead to or result from the operation of a low-pressure distribution system at a pressure that makes the operation of any connected and
properly adjusted low-pressure gas burning equipment unsafe, as determined by the Secretary.

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

“(i) considers factors other than past observed abnormal operating conditions (as defined in section 192.803 of title 49, Code of Federal Regulations (or a successor regulation)) in ranking risks and identifying measures to mitigate those risks; and

“(ii) may not determine that there are no potential consequences associated with low probability events unless that determination is otherwise supported by engineering analysis or operational knowledge.

“(C) DEADLINES.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, each operator of a distribution system shall make available to the Secretary or the relevant State authority with a certification in effect under section 60105, as applicable, a copy of—
“(I) the distribution integrity management plan of the operator;

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

“(III) the procedural manual for operations, maintenance, and emergencies under section 60102(d)(4).

“(ii) UPDATES.—Each operator of a distribution system shall make available to the Secretary or make available for inspection to the relevant State authority described in clause (i), if applicable, an updated plan or manual described in that clause by not later than 60 days after the date of a significant update, as determined by the Secretary.

“(iii) APPLICABILITY OF FOIA.—Nothing in this subsection shall be construed to authorize the disclosure of any information that is exempt from disclosure under section 552(b) of title 5.

“(D) REVIEW OF PLANS AND DOCUMENTS.—

“(i) TIMING.—
“(I) IN GENERAL.—Not later than 2 years after the date of promulgation of the regulations under subparagraph (A), and not less frequently than once every 5 years thereafter, the Secretary or relevant State authority with a certification in effect under section 60105 shall review the distribution integrity management plan, the emergency response plan, and the procedural manual for operations, maintenance, and emergencies of each operator of a distribution system and record the results of that review for use in the next review of the program of that operator.

“(II) GRACE PERIOD.—For the third, fourth, and fifth years after the date of promulgation of the regulations under subparagraph (A), the Secretary—

“(aa) shall not use subclause (I) as justification to reduce funding, decertify, or penalize in any way under section 60105,
60106, or 60107 a State authority that has in effect a certification under section 60105 or an agreement under section 60106; and

“(bb) shall—

“(AA) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a list of States found to be noncompliant with subclause (I) during the annual program evaluation; and

“(BB) provide a written notice to each State authority described in item (aa) that is not in compliance with the requirements of subclause (I).
“(ii) Review.—Each plan or procedural manual made available under subparagraph (C)(i) shall be reexamined—

“(I) on significant change to the plans or procedural manual, as applicable;

“(II) on significant change to the gas distribution system of the operator, as applicable; and

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

“(iii) Context of review.—The Secretary may conduct a review under clause (i) or (ii) as an element of the inspection of the operator carried out by the Secretary.

“(iv) Inadequate programs.—If the Secretary determines that the documents reviewed under clause (i) or (ii) do not comply with the requirements of this chapter (including regulations to implement this chapter), have not been adequately implemented, or are inadequate for the safe operation of a pipeline facility, the Sec-
retary may conduct proceedings under this chapter.”.

(b) CONTENTS OF STATE PIPELINE SAFETY PROGRAM CERTIFICATIONS.—

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

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

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

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

“(9) has a sufficient number of employees described in paragraph (3) to ensure safe operations of pipeline facilities, updating the State Inspection Calculation Tool to take into account factors including—

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

“(B) the number of services in the State;
“(C) the age of the gas distribution system in the State; and

“(D) environmental factors that could impact the integrity of the pipeline, including relevant geological issues.”.

(2) RULEMAKING.—The Secretary shall promulgate regulations to require that a State authority with a certification in effect under section 60105 of title 49, United States Code, has a sufficient number of qualified inspectors to ensure safe operations, as determined by the State Inspection Calculation Tool and other factors determined to be appropriate by the Secretary.

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

SEC. 203. EMERGENCY RESPONSE PLANS.

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

“(r) EMERGENCY RESPONSE PLANS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall update regulations to ensure that each emergency response plan developed by an operator of a
distribution system under subsection (d)(5), includes written procedures for—

“(1) establishing communication with first responders and other relevant public officials, as soon as practicable, beginning from the time of confirmed discovery, as determined by the Secretary, by the operator of a gas pipeline emergency involving a release of gas from a distribution system of that operator that results in—

“(A) a fire related to an unintended release of gas;

“(B) an explosion;

“(C) 1 or more fatalities; or

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

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

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

“(B) that provides information regarding—

“(i) the emergency described in subparagraph (A); and
“(ii) the status of public safety; and

“(3) the development and implementation of a voluntary, opt-in system that would allow operators of distribution systems to rapidly communicate with customers in the event of an emergency.”.

SEC. 204. OPERATIONS AND MAINTENANCE MANUALS.

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

“(s) OPERATIONS AND MAINTENANCE MANUALS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall update regulations to ensure that each procedural manual for operations, maintenance, and emergencies developed by an operator of a distribution pipeline under subsection (d)(4), includes written procedures for—

“(1) responding to overpressurization indications, including specific actions and an order of operations for immediately reducing pressure in or shutting down portions of the gas distribution system, if necessary; and

“(2) a detailed procedure for the management of the change process, which shall—
“(A) be applied to significant technology, equipment, procedural, and organizational changes to the distribution system; and

“(B) ensure that relevant qualified personnel, such as an engineer with a professional engineer licensure, subject matter expert, or other employee who possesses the necessary knowledge, experience, and skills regarding natural gas distribution systems, review and certify construction plans for accuracy, completeness, and correctness.”.

SEC. 205. PIPELINE SAFETY MANAGEMENT SYSTEMS.

(a) In General.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report describing—

(1) the number of operators of natural gas distribution systems who have implemented a pipeline safety management system in accordance with the standard established by the American Petroleum Institute entitled “Pipeline Safety Management System Requirements” and numbered American Petroleum Institute Recommended Practice 1173;
(2) the progress made by operators of natural gas distribution systems who have implemented, or are in the process of implementing, a pipeline safety management system described in paragraph (1); and

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

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

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

(b) REQUIREMENTS.—As part of the report required under subsection (a), the Secretary shall provide guidance or recommendations that would further the adoption of safety management systems in accordance with the standard established by the American Petroleum Institute entitled “Pipeline Safety Management System Requirements” and numbered American Petroleum Institute Recommended Practice 1173.

(c) EVALUATION AND PROMOTION OF SAFETY MANAGEMENT SYSTEMS.—The Secretary and the relevant State authority with a certification in effect under section
60105 of title 49, United States Code, as applicable,
shall—

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

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

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

(i) errors; and

(ii) deviations from regulatory stand-
ards; and

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

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

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

(i) root cause analysis; and
(ii) training, education, or other appropriate improvements to procedures or training programs.

SEC. 206. PIPELINE SAFETY PRACTICES.

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

“(t) OTHER PIPELINE SAFETY PRACTICES.—

“(1) RECORDS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to require an operator of a distribution system—

“(A) to identify and manage traceable, reliable, and complete records, including maps and other drawings, critical to ensuring proper pressure controls for a gas distribution system, and updating these records as needed, while collecting and identifying other records necessary for risk analysis on an opportunistic basis; and

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

“(i) accessible to all personnel responsible for performing or overseeing relevant construction or engineering work; and
“(ii) submitted to, or made available for inspection by, the Secretary or the relevant State authority with a certification in effect under section 60105.

“(2) PRESENCE OF QUALIFIED EMPLOYEES.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to require that not less than 1 agent of an operator of a distribution system who is qualified to perform relevant covered tasks, as determined by the Secretary, shall monitor gas pressure at the district regulator station or at an alternative site with equipment capable of ensuring proper pressure controls and have the capability to promptly shut down the flow of gas or control over pressurization at a district regulator station during any construction project that has the potential to cause a hazardous overpressurization at that station, including tie-ins and abandonment of distribution lines and mains, based on an evaluation, conducted by the operator, of threats that could result in unsafe operation.
“(B) Exclusion.—In promulgating regulations under subparagraph (A), the Secretary shall ensure that those regulations do not apply to a district regulating station that has a monitoring system and the capability for remote or automatic shutoff.

“(3) District regulator stations.—

“(A) In general.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate regulations to require that each operator of a distribution system assesses and upgrades, as appropriate, each district regulator station of the operator to ensure that—

“(i) the risk of the gas pressure in the distribution system exceeding, by a common mode of failure, the maximum allowable operating pressure (as described in section 192.623 of title 49, Code of Federal Regulations (or a successor regulation)) allowed under Federal law (including regulations) is minimized;

“(ii) the gas pressure of a low-pressure distribution system is monitored, par-
particularly at or near the location of critical pressure-control equipment;

“(iii) the regulator station has secondary or backup pressure-relieving or overpressure-protection safety technology, such as a relief valve or automatic shutoff valve, or other pressure-limiting devices appropriate for the configuration and siting of the station and, in the case of a regulator station that employs the primary and monitor regulator design, the operator shall eliminate the common mode of failure or provide backup protection capable of either shutting the flow of gas, relieving gas to the atmosphere to fully protect the distribution system from overpressurization events, or there must be technology in place to eliminate a common mode of failure; and

“(iv) if the Secretary determines that it is not operationally possible for an operator to implement the requirements under clause (iii), the Secretary shall require such operator to identify actions in their
plan that minimize the risk of an over-
pressurization event.”.