

SAFE, ACCOUNTABLE, FAIR, AND ENVIRONMENTALLY
RESPONSIBLE PIPELINES ACT OF 2019

DECEMBER 17, 2020.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 5120]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 5120) to amend title 49, United States
Code, to provide enhanced safety and environmental protection in
pipeline transportation, and for other purposes, having considered
the same, reports favorably thereon with an amendment and rec-
ommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Authorization of appropriations.
- Sec. 3. Purpose and general authority.
- Sec. 4. State pipeline safety program certifications.
- Sec. 5. State pipeline safety grants.
- Sec. 6. Inspection and maintenance.
- Sec. 7. Risk analysis and integrity management programs.
- Sec. 8. Community right-to-know and emergency preparedness.
- Sec. 9. Cost recovery for design reviews.
- Sec. 10. Actions by private persons.
- Sec. 11. Civil penalties.
- Sec. 12. Criminal penalties.
- Sec. 13. Emergency response grants.
- Sec. 14. Verification of pipeline qualification programs.
- Sec. 15. National pipeline mapping system.
- Sec. 16. Congressional access to oil spill response plans.
- Sec. 17. Leak detection technology.
- Sec. 18. Gas pipeline repair criteria.
- Sec. 19. Methane release mitigation.
- Sec. 20. Unusually sensitive areas.
- Sec. 21. User fees for underground natural gas storage facilities.
- Sec. 22. Seismicity.
- Sec. 23. Advancement of new pipeline safety technologies and approaches.
- Sec. 24. Workforce.
- Sec. 25. Hiring report.
- Sec. 26. Plan to combine State damage prevention and one-call notification programs.
- Sec. 27. Gas gathering lines.
- Sec. 28. Regulatory updates.
- Sec. 29. Component verification.
- Sec. 30. Codification of final rule.
- Sec. 31. Threatening safe operations of pipeline infrastructure.
- Sec. 32. Penalty for causing a defect in pipeline infrastructure under construction.
- Sec. 33. Use of a firearm to damage pipeline infrastructure under construction.
- Sec. 34. Pipeline safety voluntary information-sharing system.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

“(A) \$160,800,000 for fiscal year 2020, of which \$10,000,000 shall be expended for carrying out such section 12 and \$60,000,000 shall be expended for making grants;

“(B) \$165,624,000 for fiscal year 2021 of which \$10,000,000 shall be expended for carrying out such section 12 and \$61,800,000 shall be expended for making grants;

“(C) \$170,600,000 for fiscal year 2022, of which \$10,000,000 shall be expended for carrying out such section 12 and \$63,650,000 shall be expended for making grants; and

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

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

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

“(B) \$25,000,000 for fiscal year 2021, of which \$5,000,000 shall be expended for carrying out such section 12 and \$9,000,000 shall be expended for making grants;

“(C) \$26,000,000 for fiscal year 2022, of which \$5,000,000 shall be expended for carrying out such section 12 and \$9,000,000 shall be expended for making grants; and

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

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

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

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

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

(f) 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 “\$2,000,000 for each of fiscal years 2020 through 2023”.

SEC. 3. PURPOSE AND GENERAL AUTHORITY.

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

(1) in paragraph (2)—

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

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (C) and (D), respectively; and

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

(b) SAFETY-RELATED CONDITION REPORTING.—

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

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

(B) by adding at the end the following:

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

“(B) The Secretary shall require that, upon receipt of a report on a safety-related condition submitted under this section, a State agency shall provide the report, upon request, to any relevant State emergency response commission, tribal emergency response commission, tribal emergency planning committee, local emergency planning committee, local government, or public agency responsible for emergency response, including any updates to the report received by the State agency.”

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

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

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

“(1) HIGH CONSEQUENCE AREAS.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the SAFER Pipelines Act of 2019, the Secretary shall issue regulations to require operators of transmission pipeline facilities to install and use automatic or remote-controlled shut-off valves for such pipeline facilities that are located in high consequence areas (as defined in part 192 or 195 of title 49, Code of Federal Regulations, as applicable).

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

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

“(q) CRACK MANAGEMENT.—

“(1) IN GENERAL.—

“(A) HIGH CONSEQUENCE AREAS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of gas pipeline facilities and hazardous liquid pipeline facilities that are located in high consequence areas (as defined in part 192 or 195 of title 49, Code of Federal Regulations, as applicable) to address and repair cracks in such facilities.

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

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

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

“(B) acceptable methods for performing an engineering assessment on a pipeline, including the assessment of cracks coinciding with corrosion;

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

“(D) pressure restriction limits for pipelines for which a determination is made to excavate such pipeline pursuant to the requirements of subparagraph (C); and

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

SEC. 4. STATE PIPELINE SAFETY PROGRAM CERTIFICATIONS.

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

(1) by inserting “In carrying out this subsection, the Secretary may request that a State authority provide records of any inspection of a pipeline facility made by the State authority or any investigation described in subsection (c)(1)(B).” after “with the certification.”; and

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

SEC. 5. STATE PIPELINE SAFETY GRANTS.

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

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

SEC. 6. INSPECTION AND MAINTENANCE.

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

“(f) PIPELINE CONSTRUCTION PROJECT DATA COLLECTION.—The Secretary may require the owner or operator of a pipeline facility to provide to the Secretary information the Secretary determines appropriate regarding construction of the pipeline facility, including relating to any shutdown of such construction.”

SEC. 7. 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) USE OF DIRECT ASSESSMENTS.—

“(A) TRANSMISSION PIPELINE FACILITIES REGULATION.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall issue regulations for appropriate methods of assessment of transmission pipeline facilities under paragraph (3) that prioritize the use of other inspection methods before, in tandem with, or in lieu of, the use of direct assessment, including internal inspection devices or pressure testing, to provide a greater level of safety.

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

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

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

“(II) are feasible; and

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

SEC. 8. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY PREPAREDNESS.

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

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

“(a) **PUBLIC EDUCATION PROGRAMS.**—

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

“(A) the use of a one-call notification system prior to excavation and other damage prevention activities;

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

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

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

“(A) review its existing public education program for effectiveness, and modify the program as necessary; and

“(B) submit to the Secretary for review a detailed description of its public education program, including any modifications made to the program under subparagraph (A).

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

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

“(B) develop material for use in the programs.

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

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

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

“(B) the appropriate local emergency planning entity in each emergency planning district in which the pipeline facility is located; and

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

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

“(3) **AVAILABILITY OF INFORMATION.**—

“(A) **EVALUATION.**—Not later than 2 years after the date of enactment of the SAFER Pipelines Act of 2019, and based on the consultation required under subparagraph (C), the Secretary shall conduct an evaluation and determine whether State, local, and Tribal entities described in paragraphs (1) and (2) have sufficient access to pipeline emergency response information.

“(B) **REGULATION.**—If the Secretary determines under subparagraph (A) that State, local, and Tribal entities described in paragraphs (1) and (2) do not have sufficient access to pipeline emergency response information, the Secretary shall issue regulations not later than 3 years after the date of enactment of the SAFER Pipelines Act of 2019 specifying relevant emergency response information and requiring each operator of a gas or hazardous liquid pipeline facility to make such information available to the applicable State, local, and Tribal entities described in paragraphs (1) and (2).

“(C) **CONSULTATION.**—In conducting the evaluation under subparagraph (A), the Secretary shall consult with national organizations representing State, local, and Tribal entities described in paragraphs (1) and (2) and the technical safety standards committees described in section 60115.”.

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

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

SEC. 9. COST RECOVERY FOR DESIGN REVIEWS.

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

SEC. 10. ACTIONS BY PRIVATE PERSONS.

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

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

SEC. 11. CIVIL PENALTIES.

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

(1) in paragraph (1)—

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

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

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

(b) DEPOSIT IN HIGHWAY TRUST FUND.—Penalties collected pursuant to amendments made by this section shall be transferred to the Highway Account of the Highway Trust Fund.

SEC. 12. CRIMINAL PENALTIES.

Section 60123(a) of title 49, United States Code, is amended by striking “knowingly and willfully” and inserting “knowingly or recklessly”.

SEC. 13. EMERGENCY RESPONSE GRANTS.

Section 60125(b)(1) of title 49, United States Code, is amended by striking “and local governments in high consequence areas, as defined by the Secretary,” and inserting “local, and Tribal governments, and nonprofit organizations providing pipeline emergency response training,”.

SEC. 14. VERIFICATION OF PIPELINE QUALIFICATION PROGRAMS.

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

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

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

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

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

SEC. 15. NATIONAL PIPELINE MAPPING SYSTEM.

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

(1) by striking “Not later than 6 months after the date of enactment of this section, the” and inserting “The”; and

(2) by striking “(except distribution lines and gathering lines)” and inserting “, including a distribution line or a gathering line (but not including any gathering lines that are not regulated under part 192 or part 195 of title 49, Code of Federal Regulations).”.

(b) REQUIREMENTS FOR PROVISION OF INFORMATION.—Section 60132 of title 49, United States Code, is amended—

(1) in subsection (b) by striking “under subsection (a)” and inserting “under this section for inclusion in the National Pipeline Mapping System”;

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

(3) by adding at the end the following:

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

“(h) ADDITIONAL INFORMATION ON DISTRIBUTION LINES.—Not later than 2 years after a distribution line becomes covered by subsection (a), the operator of such distribution line shall provide to the Secretary, in addition to the information required

under paragraphs (1) through (4) of subsection (a), information on the distribution systems that could lead to a point of failure, including—

- “(1) sensing lines;
- “(2) regulator stations;
- “(3) automatic or remote-controlled shut-off valves; and
- “(4) any other distribution pipeline technology or feature that the Secretary determines is appropriate to ensure safety.

“(i) UPDATE TO SYSTEM.—

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

“(A) the Secretary shall determine whether the inclusion of additional information in the National Pipeline Mapping System would improve the preparation and response efforts of emergency responders with access to the System; and

“(B) if the Secretary determines under subparagraph (A) that inclusion of additional information in the National Pipeline Mapping System would improve the preparation and response efforts of emergency responders with access to the System, the Secretary shall issue regulations—

“(i) identifying such additional information as the Secretary determines would improve emergency preparedness and response efforts; and

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

“(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider inclusion, to the extent practicable, of the following information:

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

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

“(C) If applicable, a summary of any integrity management program activities related to the pipeline facility.”.

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

SEC. 16. CONGRESSIONAL ACCESS TO OIL SPILL RESPONSE PLANS.

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

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

“(3) provide to a Member of Congress, upon request from such Member, a copy of any such plan, the contents of which the Secretary may not redact but may note, as the Secretary determines appropriate—

“(A) proprietary information; and

“(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.”.

SEC. 17. LEAK DETECTION TECHNOLOGY.

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

“§ 60142. Leak detection technology

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

“(b) REQUIREMENTS.—The advanced leak detection technology required under subsection (a) shall, at a minimum—

“(1) have a high accuracy of identifying leak location;

“(2) be capable of measuring methane concentrations in parts per billion; and

“(3) be capable of correlating methane concentration measurements to data produced by geographic information systems technology.”.

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

“60142. Leak detection technology.”.

SEC. 18. GAS PIPELINE REPAIR CRITERIA.

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

“§ 60143. Gas pipeline repair criteria

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

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

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

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

“(B) the total estimated volume of gas released during such event;

“(C) the cause of the failure; and

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

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

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

“60143. Gas pipeline repair criteria.”.

SEC. 19. METHANE RELEASE MITIGATION.

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

“§ 60144. Methane release mitigation

“(a) METHANE CAPTURE FROM ROUTINE OPERATIONS OR MAINTENANCE.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring each operator of a gas pipeline facility to use the best available technology to capture gas released when performing routine operations or maintenance on the pipeline facility.

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

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

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

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

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

“60144. Methane release mitigation.”.

SEC. 20. UNUSUALLY SENSITIVE AREAS.

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

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

(2) by adding at the end the following:

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

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

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

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

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

SEC. 21. USER FEES FOR UNDERGROUND NATURAL GAS STORAGE FACILITIES.

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

(1) in subsection (c)(2)—

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

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

(C) by adding at the end the following:

“(C) may only be used to the extent provided in advance in an appropriations Act.”;

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

(3) by adding at the end the following:

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

SEC. 22. SEISMICITY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation, in consultation with the Federal Energy Regulatory Commission, shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall prepare a report containing—

(1) the results of a study that—

(A) evaluates the current Federal requirements for pipeline facility design, siting, construction, operation and maintenance, and integrity management, relating to seismicity, land subsidence, landslides, slope instability, frost heave, soil settlement, erosion, and other dynamic geologic conditions that may pose a safety risk;

(B) identifies any discrepancy in such requirements that apply to operators of gas pipeline facilities and hazardous liquid pipeline facilities; and

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

(2) any recommendations of the National Academy of Sciences based on such results.

(b) REPORT TO CONGRESS.—Upon completion of the report prepared pursuant to subsection (a), the National Academy of Sciences shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate the report.

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

SEC. 23. 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:

“§ 60145. Pipeline safety enhancement programs

“(a) IN GENERAL.—The Secretary may establish and carry out limited safety-enhancing testing programs during the period of fiscal years 2020 through 2026 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.—Such testing programs may not exceed—

“(A) 5 percent of the total miles of hazardous liquid pipelines in the United States; and

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

“(2) INDIVIDUAL OPERATOR MILEAGE LIMITATION.—The Secretary shall limit the mileage an individual operator can test under each program established under subsection (a) to the lesser of—

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

“(B) 1,000 miles.

“(3) HIGH POPULATION AREAS; HIGH CONSEQUENCE AREAS.—Any program established under subsection (a) shall not be located in a high population area (as defined in section 195.450 of title 49, Code of Federal Regulations) or a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations).

“(4) UNUSUALLY SENSITIVE AREAS.—Any program established under subsection (a) shall not be located in an unusually sensitive area (as described in section 60109(b)).

“(5) HIGH CONSEQUENCE AREAS FOR HAZARDOUS 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 containing an examination of the benefits and costs of prohibiting testing in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations) for hazardous liquid pipelines.

“(B) CONTENTS OF REPORT.—The report described in subparagraph (A) shall examine the safety benefits of allowing testing for hazardous liquid

pipelines in high consequence areas and whether additional testing conditions are required to protect such areas while conducting the program established under subsection (a) in such areas.

“(6) RESTRICTION.—

“(A) IN GENERAL.—The Secretary shall not approve a program under this section until the report required under paragraph (5) is submitted to Congress.

“(B) EXCEPTION.—The limitation in subparagraph (A) shall not apply if—

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

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

“(c) DURATION.—The term of a testing program established under subsection (a) shall be not more than a period of 4 years beginning on the date of approval of the program.

“(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, or equivalent to, 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.

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

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

“(2) whether the owners or operators participating in the program have a safety management system in place and how the application for such program proposes to eliminate or mitigate any potential safety risks;

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

“(4) a description of any previous testing and the outcome of such testing of the proposed safety technology through a research and development program carried out by—

“(A) the Secretary;

“(B) collaborative research development organizations; or

“(C) other institutions;

“(5) whether there have been other testing programs granted under subsection (a) similar to the proposed safety technology and the outcome of such programs; and

“(6) whether the pipeline segments tested by the program could affect, or are outside of, a high consequence areas (as defined in sections 192.903 and 195.450 of title 49, Code of Federal Regulations) and unusually sensitive areas (as described in section 60109(b)).

“(f) MULTIPLE OPERATORS.—

“(1) IN GENERAL.—The Secretary may select up to 5 owners or operators to carry out a testing program under subsection (a) in a single application.

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

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

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

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

“(3) AUTHORITY TO REVOKE PARTICIPATION.—If an owner or operator participating in a program established under subsection (a), the Secretary may revoke permission to participate in such program if—

“(A) the owner or operator is involved in an accident or incident and the testing program is determined to be the cause or a contributing factor of such accident or incident; or

“(B) the Secretary determines revocation of permission is warranted for public safety reasons.

“(g) 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.—To the extent practicable, the Secretary shall make a yearly interim report publicly available on the website of the Department of Transportation for any ongoing testing program established under subsection (a) summarizing the progress of such program.

“(h) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a testing program under subsection (a) if—

“(1) the participant has an accident or incident involving a death, or personal injury necessitating in-patient hospitalization and the testing program is determined to be the cause or a contributing factor to such 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 participant would be unsafe.

“(i) 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.

“(j) 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 10 days after the date on which the Secretary issues an order providing an effective date for the testing program.

“(3) EXCEPTION.—A State shall be eligible to withdraw from a testing program if an owner or operator conducting such testing program in such State has an incident involving a death, a personal injury necessitating in-patient hospitalization, or a reportable accident (within the meaning of sections 195.50 and 191.3 of title 49, Code of Federal Regulations), and the testing program is determined to be the cause or a contributing factor to such incident.

“(4) 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.

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

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

“(2) COMMUNICATION WITH STATES.—

“(A) IN GENERAL.—As part of carrying out the process described in paragraph (1), the Secretary shall individually notify, at the time described in paragraph (1), the relevant authorities in the States such testing programs would be conducted in.

“(B) NOTIFICATION CONTENTS.—The notification described in subparagraph (A) shall include a specific list of the laws or regulations that the State would not be allowed to enforce pursuant to subsection (j)(4) should such testing program go into effect, and the ability of the State to request an exemption from the program.

“(3) 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 respond to each comment submitted under that paragraph.

“(l) 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.

“(m) STANDARDS.—If a report under subsection (l) 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 Procedures 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 further amended by adding at the end:

“60145. Pipeline safety enhancement programs.”.

SEC. 24. WORKFORCE.

(a) STAFFING.—

(1) IN GENERAL.—The Secretary of Transportation 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—

(A) 8 full-time employees with subject matter expertise in pipeline safety, pipeline facilities, and pipeline systems to finalize outstanding rulemakings and fulfill mandates for the Office of Pipeline Safety of the Pipeline and Hazardous Materials Safety Administration; and

(B) 3 full-time attorneys, with environmental expertise, in the Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration.

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

(A) 222 for fiscal year 2020.

(B) 233 for fiscal year 2021.

(C) 245 for fiscal year 2022.

(D) 258 for fiscal year 2023.

(E) 272 for fiscal year 2024.

(b) RECRUITMENT AND RETENTION AUTHORITIES.—The Secretary shall request authority from the Office of Personnel Management to use incentives, as necessary, to recruit and retain a qualified workforce, including for inspection and enforcement personnel and subject matter experts dedicated to rulemaking activities in the Office of Pipeline Safety of the Pipeline and Hazardous Materials Safety Administration—

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

(2) repayment of student loans accompanied by a continued service agreement, permitted under section 5379 of title 5, United States Code.

SEC. 25. HIRING REPORT.

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

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

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to combine the activities carried out by the Secretary under sections 6106 and 60134 of title 49, United States Code.

SEC. 27. GAS GATHERING LINES.

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

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

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

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

SEC. 28. REGULATORY UPDATES.

(a) **DEFINITION OF OUTSTANDING REGULATION.**—In this section, the term “outstanding regulation” 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 Protecting our Infrastructure of Pipelines and Enhancing Safety 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 before the date of enactment of this Act that has not been published by the date required in such Act in the Federal Register.

(b) **REQUIREMENT.**—Not later than 5 days after the date of enactment of this Act, and every 30 days thereafter until an outstanding regulation is published in the Federal Register, the Secretary of Transportation shall provide an update on the status of each outstanding regulation by—

(1) publishing on a publicly available website of the Department of Transportation information regarding the status of each outstanding regulation; and

(2) submitting notification to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

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

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

(A) the date that such outstanding regulation was submitted to the Office of the Secretary for review; and

(B) the staff allocations within the Office of the Secretary with respect to each such outstanding regulation and any resource constraints affecting the review;

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

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

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

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

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

(3) with respect to an outstanding regulation that has been transmitted to neither the Office of Management and Budget nor the Office of the Secretary—

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

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

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

(D) any resource constraints affecting the rulemaking process for such outstanding regulation; and

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

(4) with respect to an outstanding regulation that has been transmitted to the Office of Management and Budget—

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

(B) a statement of whether the outstanding regulation remains under review by the Office of Management and Budget or has been transmitted for

further review by the Office of the Secretary or the Administrator of the Pipeline and Hazardous Materials Safety Administration.

SEC. 29. COMPONENT VERIFICATION.

(a) IN GENERAL.—

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

- (A)(i) in paragraph (1), by striking “and” at the end; and
- (ii) in paragraph (2), by striking the period at the end and inserting “; and”;
- (B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively (and by adjusting the margins accordingly);
- (C) by striking “The Secretary shall” and inserting the following:

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

(D) by adding at the end the following:

“(C) for facilities identified under subparagraphs (A) and (B), shall include, for all pipes and related components for which the regulations of the Pipeline and Hazardous Materials Safety Administration require compliance with a standard incorporated by reference for such pipe or related component, documentation of verification that such pipe or related component meets such standard.

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

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

“(B) the operator, so long as such operator does not pay, or receive payment from, a manufacturer, distributor, or supplier of a pipe or related component described in paragraph (1)(C) for such verification; or

“(C) a United States manufacturer of a pipe or related component described in paragraph (1)(C) that is accredited by the International Organization for Standardization.

“(3) DEFINITIONS.—In this subsection:

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

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

“(i) does not have a commercial relationship with the manufacturer or supplier of a pipe or related component; and

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

(2) APPLICABILITY.—The amendments made by this subsection shall only apply to pipes and components that are—

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

(B) purchased on or after the date of enactment of this Act.

(b) REVIEW OF COMPLIANCE OF FLANGES AND FITTINGS.—

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

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

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

(B) a review of the existing oversight authority of the Secretary of Transportation over manufacturers and distributors of such flanges and fittings and any lack of oversight authority that could lead to incidents or accidents;

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

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

(E) a review of the safety benefits of requiring pipeline incident reports to include the identification of the manufacturer of the flanges and fittings involved in those incidents; and

(F) an identification and recommendation of any additional authorities or responsibilities for the Secretary of Transportation, or additional standards, necessary to improve the safety and integrity of flanges and fittings through manufacturing and distribution.

(3) REPORT.—Not later than 210 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Secretary of Transportation a report containing the results of the review completed under paragraph (1) and any recommendations for legislation or changes to existing regulations.

(4) PUBLIC COMMENT PROCESS.—

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

(B) REPORT.—Not later than 180 days after the end of the public comment period described in subparagraph (A), the Secretary shall publish in the Federal Register a report responding to the public comments submitted.

(C) CONTENTS OF REPORT.—In the report described in subparagraph (B), the Secretary shall indicate any anticipated actions the Secretary will take with respect to flanges and fittings of a pipeline facility based on the comments submitted under this paragraph and the report under paragraph (3).

SEC. 30. CODIFICATION OF FINAL RULE.

The amendments to the Code of Federal Regulations made pursuant to the final rule of the Environmental Protection Agency, titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources” and published in the Federal Register on June 3, 2016 (81 Fed. Reg. 35824), shall have the same force and effect of law as if such amendments had been enacted by an Act of Congress, except that the Administrator of the Environmental Protection Agency may revise such regulations, as provided for under the Clean Air Act, if such revision would result in a reduction in gas release.

SEC. 31. THREATENING SAFE OPERATIONS OF PIPELINE INFRASTRUCTURE.

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

“(e) PENALTY FOR THREATENING THE SAFE OPERATIONS OF PIPELINE INFRASTRUCTURE.—

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

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

SEC. 32. PENALTY FOR CAUSING A DEFECT IN PIPELINE INFRASTRUCTURE UNDER CONSTRUCTION.

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

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

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

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

SEC. 33. USE OF A FIREARM TO DAMAGE PIPELINE INFRASTRUCTURE UNDER CONSTRUCTION.

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

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

“(1) IN GENERAL.—A person knowingly and willfully using a firearm to puncture or damage a pipe, pump, or valve intended to be used in any pipeline facil-

ity described in subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both.

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

SEC. 34. PIPELINE SAFETY VOLUNTARY INFORMATION-SHARING SYSTEM.

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

“§ 60146. Voluntary information-sharing system

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Subject to the availability of funds, the Secretary may establish a confidential and nonpunitive voluntary information-sharing system (referred to in this section as the ‘System’) to encourage collaborative efforts to improve inspection information feedback and information sharing, with the purpose of improving natural gas transmission and hazardous liquid pipeline safety.

“(2) COMPONENTS.—The System—

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

“(B) may include other information relating to reducing pipeline incidents, such as—

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

“(ii) process improvements;

“(iii) technology deployments; and

“(iv) other voluntary information-sharing systems.

“(3) REQUIREMENT.—The System shall protect proprietary information while encouraging the exchange of data, including in-line inspection and dig verification data, among operators, tool vendors, and the representatives of the Secretary to facilitate the development of—

“(A) advanced pipeline-inspection technologies; and

“(B) enhanced risk analysis.

“(4) CONSULTATION.—If appropriate, the Secretary may involve other public and private stakeholders in establishing and maintaining the System.

“(b) DATA MANAGER.—In carrying out this section, the Secretary may engage a partner agency or nongovernmental entity to receive, store, manage, and provide for the use of—

“(1) system data; and

“(2) information submitted to the System.

“(c) LIMITATION ON DISCLOSURE.—

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

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

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

“(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary in consultation with the information owner, may disclose deidentified material or any part of any record comprised of facts otherwise available to the public if, in the sole discretion of the Secretary, the Secretary determines that disclosure would be consistent with the confidentiality needed for the System and improve pipeline safety.

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

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

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

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

“(f) LIMITATIONS ON EXCLUSION.—The exclusions described in subsections (d) and (e) shall not apply to—

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

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

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

“(4) data or information obtained by the Secretary independently of the System.

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

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

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

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

“(h) CONFIDENTIALITY.—No person, including any System governing board member, program manager, third-party data manager, issue analysis team member, nor any Federal, State, local or tribal agency, having or obtaining access to any data or information submitted to, stored, managed, analyzed or produced by the System, shall release or communicate that information to any person outside the System, with the sole exception being the publication of reports by the System based on analysis of de-identified information and safety related findings that the System governing board in its sole discretion determines to publish or authorize the Administration to publish.

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

“(j) SUSTAINABLE FUNDING.—The Secretary shall explore sustainable funding sources for the System, including public-private partnerships.

“(k) EFFECT.—Nothing in this section affects any Federal or State pipeline safety law.

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

“(m) SAVINGS CLAUSE.—Notwithstanding the protections provided under this section, no pipeline operator may use the submission of information to the System as protection against enforcement actions or corrective orders that are based on information or evidence obtained outside of the System.”.

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

“60146. Voluntary information-sharing system.”.

PURPOSE OF LEGISLATION

The purpose of H.R. 5120, as amended, is to amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Pipeline and Hazardous Materials Safety Administration (PHMSA) was created under the Norman Y. Mineta Research and Special Programs Improvement Act of 2004 (P.L. 108–426). Prior to enactment of the 2004 Act, the Department of Transportation’s (DOT) Research and Special Programs Administration handled pipeline and hazardous materials safety. Today, PHMSA’s pipeline safety program oversees the safety, reliability, and environmentally-sound operation of the nation’s 2.6 million miles of gas and hazardous liquid pipeline transportation system.

The last reauthorization of PHMSA’s pipeline safety programs was the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016 (P.L. 114–183), which was enacted on June 22, 2016 and expired on September 30, 2019. Some mandates from the PIPES Act of 2016 and the previous authorization bill, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (2011 Act) (P.L. 112–90), remain incomplete.

For example, Sections 4 and 8 of P.L. 112–90, which require pipeline operators to install automatic and remote-controlled shut-

off valves, or equivalent technology, and leak detection systems on pipeline facilities, have not been implemented by PHMSA. Incomplete mandates from P.L. 114–183 include: Sections 4 and 5, requiring GAO to report on integrity management programs once PHMSA has completed certain outstanding mandates from P.L. 112–90; Section 12, requiring the Secretary to issue minimum safety standards for underground natural gas storage facilities; Section 18, requiring oil spill response plans to consider the impact of a discharge into or on navigable waters and adjoining shorelines, and to include plans for responding to such discharge; and Section 19, designating the Great Lakes, coastal beaches, and marine coastal waters as high-consequence areas.

H.R. 5120, the SAFER Pipelines Act, as amended, provides resources needed to finalize those outstanding mandates and improve the agency’s ability to promulgate other important safety standards by increasing the number of subject matter experts who support PHMSA’s rulemaking efforts and making the rulemaking process more expedient by eliminating duplicative cost-benefit analysis requirements for proposed standards. The bill also brings transparency to the rulemaking process by providing the public and Congress regular reports detailing why Congressional mandates remain incomplete. Further, the bill better supports first responders by reauthorizing emergency response grants and requiring pipeline operators to work with State, local, and Tribal emergency response entities to ensure they have sufficient access to local pipeline information in order to better prepare for response events. Additionally, H.R. 5120, as amended, requires the Secretary to review the National Pipeline Mapping System to determine if other information should be included to improve preparation and response efforts of emergency responders.

Importantly, H.R. 5120, as amended, recognizes, for the first time, PHMSA’s crucial role in addressing the industry’s wasteful contribution to climate change. Methane leaks from natural gas pipelines not only create dangerous conditions for workers and communities, but also contribute to and accelerate climate change. Emissions from the oil and gas sector, as a whole, represent an estimated one-third of our country’s methane emissions, a primary component of natural gas that is a potent greenhouse gas and contributor to climate change. Methane, which powerfully traps heat and can warm the atmosphere at 25 times the rate of carbon dioxide, is emitted throughout the pipeline system—including, for instance, the 19.8 kilotons of methane that was released from blowdowns of gas gathering and boosting pipelines, the 184.5 kilotons released during venting of transmission pipelines, and the 4.4 kilotons released from blowdowns of distribution lines in 2017. Recent research also indicates that we may be severely underestimating the levels of methane leaking throughout this sector.

To responsibly address this sector’s contributions to climate change, this bill calls for regulations requiring that gas pipeline operators: (1) use the best available technology to capture gas released during routine operations and maintenance; (2) immediately repair large leaks of gas; and (3) require operators to install and use advanced leak detection technology. The 2016 Final Rule from the Environmental Protection Agency (EPA) that set limits on methane pollution from the oil and gas sector is also reinstated.

This bill also responds to recommendations from the National Transportation Safety Board (NTSB) following its investigation into several devastating pipeline incidents, such as the 2010 Pacific Gas and Electric natural gas transmission pipeline rupture and fire in San Bruno, CA; the 2010 Enbridge hazardous liquid pipeline rupture and release in Marshall, MI; and the 2018 Columbia Gas over-pressurization of its natural gas distribution system in Merrimack Valley, MA; among a series of other serious incidents. These include provisions calling for new regulations that: require all transmission pipelines located in high-consequence areas to have automatic or remote-controlled shut-off valves; require pipeline cracks to be repaired when the pipelines are located in high-consequence areas; and require information about distribution systems that could lead to a point of failure to be included in the National Pipeline Mapping System. In addition, the bill addresses a major safety gap in existing safety regulations by mandating a final rule to regulate gas gathering lines, including in rural areas. Historically, gathering lines were built in rural areas, had smaller diameters, and operated at lower pressures than transmission pipelines. But today, with a significant growth in gas production occurring around the country, industry is installing new gathering systems in higher populated areas and building gathering lines with larger diameters and higher pressures. Although PHMSA only regulates and collects safety data on 18,380 miles of gas gathering lines out of an estimated 450,000 miles, media reports have highlighted dozens of injuries and fatalities resulting from incidents on unregulated gathering lines over the last 13 years, including in rural areas.

The SAFER Act improves safety not just by calling for new important safety standards, but also by improving the ability to hold operators accountable for unsafe and unlawful practices. It does so by increasing the maximum civil penalties for pipeline operators that violate Federal pipeline safety statutes or regulations, and by removing the civil penalty cap for a related series of violations. The bill also addresses a long-time priority of the Department of Transportation Inspector General by modifying the current criminal standard so that pipeline operators who operate their pipelines recklessly are eligible for criminal referral.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 5120:

The Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on April 4, 2019, entitled, “Pipeline Safety: Reviewing the Status of Mandates and Examining Additional Safety Needs.” The hearing reviewed the status of safety rulemakings that Congress had mandated in previous pipeline safety program authorization bills and examined the safety and environmental impacts of the Nation’s gas and hazardous liquid pipelines and facilities and how to respond to gaps or needs that exist. Witnesses included: PHMSA Administrator Skip Elliot; NTSB Board Member Jennifer Homendy; Pipeline Safety Trust Executive Director Carl Weimer; Association of Oil Pipe Lines President and CEO Andrew Black; International Association of Fire Chiefs President and Chairman Dan Eggleston; Accufacts, Inc. President Richard

Kuprewicz; American Petroleum Institute Vice President Robin Rorick; and Environmental Defense Fund Senior Director Elgie Holstein.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 5120 was introduced in the House on November 15, 2019, by Mr. DeFazio and Mr. Pallone and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 5120 was referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

The Chair discharged the Subcommittee on Railroads, Pipelines, and Hazardous Materials from further consideration of H.R. 5120 on November 20, 2019.

The Committee met in open session to consider H.R. 5120 on November 20, 2019, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by a record vote of 32 yeas and 26 nays (Roll Call Vote NO. 9), with a quorum present.

During consideration, the following amendments were offered:

An amendment offered by Mr. Garamendi (#1); was NOT AGREED TO by voice vote.

Add at the end a new section entitled “Sec. _____. Suspension of Certain Compensation and Travel.”

An amendment offered by Mr. Garamendi (#2); was WITHDRAWN by unanimous consent.

Add at the end a new section entitled “Sec. _____. National Standard for Maximum Crude Oil Volatility.”

An amendment offered by Mrs. Fletcher (#3); was AGREED TO by voice vote.

Strike section 23 of the bill and insert a new section entitled “Sec. 23. Advancement of New Pipeline Safety Technologies and Approaches.”

An amendment offered by Mrs. Fletcher (#4); was AGREED TO by voice vote.

Page 11, strike lines 12 through 20 and insert a new subsection entitled “(A) Transmission Pipeline Facilities Regulation.”

An amendment offered by Mrs. Fletcher (#5); was WITHDRAWN by unanimous consent.

Add at the end a new section entitled “Sec. _____. Liquefied Natural Gas Facilities Standards Update and Technical Expertise.”

An amendment offered by Mr. Bost (#6); was AGREED TO by voice vote.

Add at the end a new section entitled “Sec. 31. Threatening Safe Operations of Pipeline Infrastructure.”

An amendment offered by Mr. Bost (#7); was AGREED TO by voice vote.

Add at the end a new section entitled “Sec. 31. Penalty for Causing a Defect in Pipeline Infrastructure Under Construction.”

An amendment offered by Mr. Bost (#8); was AGREED TO by voice vote.

Add at the end a new section entitled “Sec. 31. Use of a Firearm to Damage Pipeline Infrastructure Under Construction.”

An amendment offered by Mr. Crawford (#9); was WITHDRAWN by unanimous consent.

Add at the end a new section entitled "Sec. _____. Pipeline Operating Status."

An amendment offered by Mr. Pence (#10) was NOT AGREED TO by a record vote of 25 yeas and 31 nays (Roll Call Vote No. 3).

Page 5, strike line 20 and all that follows through page 6, line 4 (and redesignate accordingly).

An amendment offered by Mr. Pence (#11); was NOT AGREED TO by voice vote.

To strike section 12 of the bill.

An amendment offered by Mr. Pence (#12); was NOT AGREED TO by voice vote.

To strike section 11 of the bill.

An amendment offered by Mr. Stauber (#13); was NOT AGREED TO by a record vote of 26 yeas and 33 nays. (Roll Call Vote No. 4).

Add at the end a new section entitled "Sec. 31. Limitation on Applicability."

An amendment offered by Mr. Davis of Illinois (#14); was AGREED TO by voice vote.

Add at the end of the bill a new section entitled "Sec. _____. Pipeline Safety Voluntary Information-sharing System."

An amendment offered by Mr. Davis of Illinois (#15); was ruled non-germane.

Add at the end of the bill a new section entitled "Sec. 31. Prohibiting Use of Federal Funds for Payments in Support of Congressional Campaigns."

An Amendment in the Nature of a Substitute offered by Mr. Crawford (#16); was NOT AGREED TO by a record vote of 27 yeas and 32 nays (Roll Call Vote No 5).

An amendment offered by Mr. Woodall (#17); was WITHDRAWN by unanimous consent.

Add at the end of the bill a new section entitled "Sec. _____. Standardization of Welding Procedures."

An amendment offered by Mr. Graves of Louisiana (#18); WITHDRAWN by unanimous consent.

Add at the end of the bill a new section entitled "Sec. 31. Section 401 Certification Reform."

An amendment offered by Mr. Perry (#19); was NOT AGREED TO by a record vote of 26 yeas and 32 nays with 1 voting "Present" (Roll Call Vote No. 6).

To strike section 10 of the bill.

An amendment offered by Mr. Balderson (#20); was WITHDRAWN by unanimous consent.

Add at the end a new section entitled "Sec. _____. Advancement of New Pipeline Safety Technologies and Approaches.

An amendment offered by Mr. Perry (#21); was NOT AGREED TO by a record vote of 25 yeas and 34 nays (Roll Call Vote No. 7).

To strike section 19 of the bill.

An amendment offered by Mr. Perry (#22); was ruled non-germane.

To strike section 30 of the bill.

An amendment offered by Mr. Perry (#23); was NOT AGREED TO by a record vote of 26 yeas and 33 nays (Roll Call Vote No. 8).

Page 7, after line 9, insert a new subsection entitled "(c) Updating Standards."

An amendment offered by Mr. Mitchell (#24); was AGREED TO by voice vote.

To insert at the end of Section 11 the following: (3) Penalties collected pursuant to amendments made by this section shall be transferred to the Highway Account of the Highway Trust Fund.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

A motion by Ms. Norton to table the motion to appeal the ruling of the Chair on the point of order against amendment #15 was AGREED TO by a record vote of 28 yeas and 24 nays (Roll Call Vote No. 2). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE NO.2

On agreeing to table the motion to appeal the ruling of the Chair.
Agreed to: 28 yeas and 24 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair.	X		Mr. Graves of MO, Ranking Member.		X
Ms. Norton	X		Mr. Young		
Ms. Johnson of TX	X		Mr. Crawford		X
Mr. Larsen of WA	X		Mr. Gibbs		
Mrs. Napolitano	X		Mr. Webster of FL		X
Mr. Lipinski	X		Mr. Massie		X
Mr. Cohen			Mr. Meadows		X
Mr. Sires	X		Mr. Perry		X
Mr. Garamendi			Mr. Rodney Davis of IL		X
Mr. Johnson of GA	X		Mr. Woodall		X
Mr. Carson of IN			Mr. Katko		X
Ms. Titus	X		Mr. Babin		X
Mr. Sean Patrick Maloney of NY ...			Mr. Graves of LA		X
Mr. Huffman	X		Mr. Rouzer		X
Ms. Brownley of CA	X		Mr. Bost		X
Ms. Wilson of FL			Mr. Weber of TX		X
Mr. Payne	X		Mr. LaMalfa		
Mr. Lowenthal	X		Mr. Westerman		
Mr. DeSaulnier			Mr. Smucker		X
Ms. Plaskett			Mr. Mitchell		X
Mr. Lynch	X		Mr. Mast		X
Mr. Carbajal	X		Mr. Gallagher		
Mr. Brown of MD	X		Mr. Palmer		X
Mr. Espaillat			Mr. Fitzpatrick		
Mr. Malinowski	X		Miss González-Colón of PR		X
Mr. Stanton	X		Mr. Balderson		X
Ms. Mucarsel-Powell	X		Mr. Spano		X
Mrs. Fletcher	X		Mr. Stauber		X
Mr. Allred	X		Mrs. Miller		X
Ms. Davids of KS	X		Mr. Pence		X
Ms. Finkenauer	X				
Mr. García of IL	X				
Mr. Delgado	X				
Mr. Pappas	X				
Ms. Craig	X				
Mr. Rouda	X				
Mr. Lamb					
			Vote Total:	28	24

An amendment offered by Mr. Pence (#10); page 5, strike line 20 and all that follows through page 6, line 4 (and redesignate accordingly). was NOT AGREED TO by a record vote of 25 yeas and 31 nays (Roll Call Vote No. 3). The vote was as follows:

An amendment offered by Mr. Stauber (#13); to add at the end a new section entitled "Sec. 31. Limitation on Applicability."; was NOT AGREED TO by a record vote of 26 yeas and 33 nays. (Roll Call Vote No. 4). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE NO. 4

On agreeing to amendment #13 offered by Mr. Stauber.
Not Agreed to: 27 yeas and 33 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair.		X	Mr. Graves of MO, Ranking Member.	X	
Ms. Norton	X		Mr. Young		
Ms. Johnson of TX	X		Mr. Crawford	X	
Mr. Larsen of WA	X		Mr. Gibbs	X	
Mrs. Napolitano	X		Mr. Webster of FL	X	
Mr. Lipinski	X		Mr. Massie	X	
Mr. Cohen	X		Mr. Meadows	X	
Mr. Sires	X		Mr. Perry	X	
Mr. Garamendi	X		Mr. Rodney Davis of IL	X	
Mr. Johnson of GA	X		Mr. Woodall	X	
Mr. Carson of IN			Mr. Katko	X	
Ms. Titus	X		Mr. Babin	X	
Mr. Sean Patrick Maloney of NY ...			Mr. Graves of LA		
Mr. Huffman			Mr. Rouzer	X	
Ms. Brownley of CA	X		Mr. Bost	X	
Ms. Wilson of FL	X		Mr. Weber of TX	X	
Mr. Payne	X		Mr. LaMalfa	X	
Mr. Lowenthal	X		Mr. Westerman	X	
Mr. DeSaulnier	X		Mr. Smucker	X	
Ms. Plaskett	X		Mr. Mitchell	X	
Mr. Lynch	X		Mr. Mast	X	
Mr. Carbajal	X		Mr. Gallagher		
Mr. Brown of MD	X		Mr. Palmer	X	
Mr. Espaillat	X		Mr. Fitzpatrick		
Mr. Malinowski	X		Miss González-Colón of PR	X	
Mr. Stanton	X		Mr. Balderson	X	
Ms. Mucarsel-Powell	X		Mr. Spano	X	
Mrs. Fletcher	X		Mr. Stauber	X	
Mr. Allred	X		Mrs. Miller	X	
Ms. Davids of KS	X		Mr. Pence	X	
Ms. Finkenauer	X				
Mr. Garcia of IL	X				
Mr. Delgado	X				
Mr. Pappas	X				
Ms. Craig	X				
Mr. Rouda	X				
Mr. Lamb	X				
Vote Total:				27	32

An Amendment in the Nature of a Substitute offered by Mr. Crawford (#16); was NOT AGREED TO by a record vote of 27 yeas and 32 nays (Roll Call Vote No 5). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE NO. 5

On agreeing to an Amendment in the Nature of a Substitute #16 offered by
Mr. Crawford.

Not Agreed to: 27 yeas and 33 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair.		X	Mr. Graves of MO, Ranking Member.	X	
Ms. Norton		X	Mr. Young		
Ms. Johnson of TX		X	Mr. Crawford	X	
Mr. Larsen of WA		X	Mr. Gibbs	X	
Mrs. Napolitano		X	Mr. Webster of FL	X	
Mr. Lipinski		X	Mr. Massie	X	
Mr. Cohen		X	Mr. Meadows	X	
Mr. Sires		X	Mr. Perry	X	
Mr. Garamendi		X	Mr. Rodney Davis of IL	X	
Mr. Johnson of GA		X	Mr. Woodall	X	
Mr. Carson of IN			Mr. Katko	X	
Ms. Titus		X	Mr. Babin	X	
Mr. Sean Patrick Maloney of NY ...			Mr. Graves of LA		
Mr. Huffman			Mr. Rouzer	X	
Ms. Brownley of CA		X	Mr. Bost	X	
Ms. Wilson of FL		X	Mr. Weber of TX	X	
Mr. Payne		X	Mr. LaMalfa	X	
Mr. Lowenthal		X	Mr. Westerman	X	
Mr. DeSaulnier		X	Mr. Smucker	X	
Ms. Plaskett		X	Mr. Mitchell	X	
Mr. Lynch		X	Mr. Mast	X	
Mr. Carbajal		X	Mr. Gallagher		
Mr. Brown of MD		X	Mr. Palmer	X	
Mr. Espaillat		X	Mr. Fitzpatrick		
Mr. Malinowski		X	Miss González-Colón of PR	X	
Mr. Stanton		X	Mr. Balderson	X	
Ms. Mucarsel-Powell		X	Mr. Spano	X	
Mrs. Fletcher	X		Mr. Stauber	X	
Mr. Allred		X	Mrs. Miller	X	
Ms. Davids of KS		X	Mr. Pence	X	
Ms. Finkenauer		X			
Mr. García of IL		X			
Mr. Delgado		X			
Mr. Pappas		X			
Ms. Craig		X			
Mr. Rouda		X			
Mr. Lamb		X			
Vote Total:				27	32

An amendment offered by Mr. Perry (#19); to strike section 10 of the bill.; was NOT AGREED TO by a record vote of 26 yeas and 32 nays with 1 voting "Present" (Roll Call Vote No. 6). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE NO. 6

On agreeing to amendment #19 offered by Mr. Perry
Not agreed to: 26 yeas and 32 nays with 1 voting present.

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. DeFazio, Chair.		X		Mr. Graves of MO, Ranking Member.	X		
Ms. Norton		X		Mr. Young			
Ms. Johnson of TX		X		Mr. Crawford	X		
Mr. Larsen of WA		X		Mr. Gibbs	X		
Mrs. Napolitano		X		Mr. Webster of FL	X		
Mr. Lipinski		X		Mr. Massie	X		
Mr. Cohen		X		Mr. Meadows	X		
Mr. Sires		X		Mr. Perry	X		
Mr. Garamendi		X		Mr. Davis of IL	X		
Mr. Johnson of GA		X		Mr. Woodall	X		
Mr. Carson of IN				Mr. Katko	X		
Ms. Titus		X		Mr. Babin	X		
Mr. Sean Patrick Maloney of NY.				Mr. Graves of LA			
Mr. Huffman				Mr. Rouzer	X		
Ms. Brownley of CA		X		Mr. Bost	X		
Ms. Wilson of FL		X		Mr. Weber of TX	X		
Mr. Payne		X		Mr. LaMalfa	X		
Mr. Lowenthal		X		Mr. Westerman	X		
Mr. DeSaulnier		X		Mr. Smucker	X		
Ms. Plaskett			X	Mr. Mitchell	X		
Mr. Lynch		X		Mr. Mast	X		
Mr. Carbajal		X		Mr. Gallagher			
Mr. Brown of MD		X		Mr. Palmer	X		
Mr. Espaillat		X		Mr. Fitzpatrick			
Mr. Malinowski		X		Miss González-Colón of PR.	X		
Mr. Stanton		X		Mr. Balderson	X		
Ms. Mucarsel-Powell		X		Mr. Spano	X		
Mrs. Fletcher		X		Mr. Stauber	X		
Mr. Allred		X		Mrs. Miller	X		
Ms. Davids of KS		X		Mr. Pence	X		
Ms. Finkenauer		X					
Mr. García of IL		X					
Mr. Delgado		X					
Mr. Pappas		X					
Ms. Craig		X					
Mr. Rouda		X					
Mr. Lamb							
Vote Total:					26	21	1

An amendment offered by Mr. Perry (#21); to strike section 19 of the bill; was NOT AGREED TO by a record vote of 25 yeas and 34 nays (Roll Call Vote No. 7). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE No.7

On agreeing to amendment #21 offered by Mr. Perry.
Not Agreed to: 25 yeas and 34 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair.		X	Mr. Graves of MO, Ranking Member.	X	
Ms. Norton	X		Mr. Young		
Ms. Johnson of TX	X		Mr. Crawford	X	
Mr. Larsen of WA	X		Mr. Gibbs	X	
Mrs. Napolitano	X		Mr. Webster of FL	X	
Mr. Lipinski	X		Mr. Massie	X	
Mr. Cohen	X		Mr. Meadows	X	
Mr. Sires	X		Mr. Perry	X	
Mr. Garamendi	X		Mr. Rodney Davis of IL	X	
Mr. Johnson of GA	X		Mr. Woodall	X	
Mr. Carson of IN			Mr. Katko		X
Ms. Titus	X		Mr. Babin	X	
Mr. Sean Patrick Maloney of NY ...			Mr. Graves of LA		
Mr. Huffman			Mr. Rouzer	X	
Ms. Brownley of CA	X		Mr. Bost	X	
Ms. Wilson of FL	X		Mr. Weber of TX	X	
Mr. Payne	X		Mr. LaMalfa	X	
Mr. Lowenthal	X		Mr. Westerman	X	
Mr. DeSaulnier	X		Mr. Smucker	X	
Ms. Plaskett	X		Mr. Mitchell	X	
Mr. Lynch	X		Mr. Mast	X	
Mr. Carbajal	X		Mr. Gallagher		
Mr. Brown of MD	X		Mr. Palmer	X	
Mr. Espaillat	X		Mr. Fitzpatrick		
Mr. Malinowski	X		Miss González-Colón of PR	X	
Mr. Stanton	X		Mr. Balderson	X	
Ms. Mucarsel-Powell	X		Mr. Spano	X	
Mrs. Fletcher	X		Mr. Stauber	X	
Mr. Allred	X		Mrs. Miller	X	
Ms. Davids of KS	X		Mr. Pence	X	
Ms. Finkenauer	X				
Mr. García of IL	X				
Mr. Delgado	X				
Mr. Pappas	X				
Ms. Craig	X				
Mr. Rouda	X				
Mr. Lamb	X				
			Vote Total:	25	34

An amendment offered by Mr. Perry (#23); Page 7, after line 9, insert a new subsection entitled "(c) Updating Standards."; was NOT AGREED TO by a record vote of 26 yeas and 33 nays (Roll Call Vote No. 8). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE NO. 8

On agreeing to amendment #23 offered by Mr. Perry.
Not Agreed to: 26 yeas and 33 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair.		X	Mr. Graves of MO, Ranking Member.	X	
Ms. Norton		X	Mr. Young		
Ms. Johnson of TX		X	Mr. Crawford	X	
Mr. Larsen of WA		X	Mr. Gibbs	X	
Mrs. Napolitano		X	Mr. Webster of FL	X	
Mr. Lipinski		X	Mr. Massie	X	
Mr. Cohen		X	Mr. Meadows	X	
Mr. Sires		X	Mr. Perry	X	
Mr. Garamendi		X	Mr. Rodney Davis of IL	X	
Mr. Johnson of GA		X	Mr. Woodall	X	
Mr. Carson of IN			Mr. Katko	X	
Ms. Titus		X	Mr. Babin	X	
Mr. Sean Patrick Maloney of NY ...			Mr. Graves of LA		
Mr. Huffman			Mr. Rouzer	X	
Ms. Brownley of CA		X	Mr. Bost	X	
Ms. Wilson of FL		X	Mr. Weber of TX	X	
Mr. Payne		X	Mr. LaMalfa	X	
Mr. Lowenthal		X	Mr. Westerman	X	
Mr. DeSaulnier		X	Mr. Smucker	X	
Ms. Plaskett		X	Mr. Mitchell	X	
Mr. Lynch		X	Mr. Mast	X	
Mr. Carbajal		X	Mr. Gallagher		
Mr. Brown of MD		X	Mr. Palmer	X	
Mr. Espaillat		X	Mr. Fitzpatrick		
Mr. Malinowski		X	Miss González-Colón of PR	X	
Mr. Stanton		X	Mr. Balderson	X	
Ms. Mucarsel-Powell		X	Mr. Spano	X	
Mrs. Fletcher		X	Mr. Stauber	X	
Mr. Allred		X	Mrs. Miller	X	
Ms. Davids of KS		X	Mr. Pence	X	
Ms. Finkenauer		X			
Mr. García of IL		X			
Mr. Delgado		X			
Mr. Pappas		X			
Ms. Craig		X			
Mr. Rouda		X			
Mr. Lamb					
			Vote Total:	26	33

The Committee ordered H.R. 5120 to be reported to the House of Representatives, with a favorable recommendation, as amended, by a record vote of 32 yeas and 26 nays (Roll Call Vote No. 9). The vote was as follows:

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to ensure the safe transportation and storage of gas and hazardous liquids by pipelines. This legislation supports PHMSA in completing outstanding mandates from the PIPES Act of 2016 and the 2011 Act, while further enhancing safety by requiring the Secretary to issue regulations requiring the use of automatic or remote-controlled shut-off valves, requiring operators to address cracks in their pipeline system, updating appropriate methods of inspection for individual pipeline segments, provide for better pipeline mapping information, and regulation of gas gathering lines. H.R. 5120, as amended, also achieves better accountability for pipeline operators by increasing civil penalties, ensuring those who act recklessly in violation of safety laws are held accountable, and ensuring members of Congress have access to oil spill response plans. Further, this bill addresses environmental impacts from unintentional and intentional gas releases from pipelines, by requiring operators to repair gas leaks in their system, use of best available technologies to capture gas released during operations and maintenance activities, and use of advanced leak detection technologies.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 5120, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that Section 23 of H.R. 5120, as amended, preempts State pipeline safety regulations within a narrow interstate testing program administered by PHMSA. Section 23 establishes a safety-enhancing program to allow for testing of innovative technologies and operational practices for eventually developing safer pipeline operations. This program is prohibited from being located in high consequence areas, highly populated areas, and unusually sensitive areas, and is limited in duration to four years. Unless a State submits to the Secretary a notice requesting exemption from any testing program under consideration within 10 days after the Secretary permits a testing program from moving forward, the State shall not be permitted to enforce any state law or regulation that is inconsistent with the testing program.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title; Table of contents

This section designates the title of this bill as the “Safe, Accountable, Fair, and Environmentally Responsible Pipelines Act of 2019” or the “SAFER Pipelines Act of 2019”.

Sec. 2. Authorization of appropriations

This section authorizes funding for the Pipeline and Hazardous Material Safety Administration’s (PHMSA) operational expenses, gas and hazardous liquid safety programs, research and development, state pipeline safety grants, emergency response grants, pipeline safety information grants to communities, the State Damage Prevention Program, and One-Call Notification Program for fiscal years 2020 through 2023.

Sec. 3. Purpose and general authority

This section removes the statutory cost-benefit analysis and risk assessment determination requirements related to PHMSA rule-making activities. These requirements are unnecessary, as both Executive Order 12866 and OMB Circular A–4 already require agencies to undergo economic analyses. This duplicative language—which applies to no DOT modal agency other than PHMSA—has led to grouping of regulations under consideration at the Agency, which has led to long delays in the rulemaking process.

To enhance first responders’ preparation and response efforts, this section provides emergency responders, including tribal emergency responders, explicit access to safety-related condition reports submitted to the appropriate State authority about pipeline systems that are located in, or could impact, their jurisdictions.

This section also requires the Secretary to issue regulations requiring operators of all transmission pipeline facilities to install and use automatic or remote-controlled shut-off valves on gas and hazardous liquid pipeline facilities located in high consequence areas. Additionally, the Secretary may issue such regulations requiring installation of valves outside of high consequence areas.

Finally, this section requires the Secretary to issue regulations requiring operators of gas and hazardous liquid pipeline facilities located in high consequence areas to repair cracks in such facilities. Additionally, the Secretary may issue regulations requiring operators to address and repair pipeline cracks located outside of a high consequence areas.

Sec. 4. State pipeline safety program certifications

This section requires that a State authority provide records of pipeline inspections or investigations to the Secretary upon request in order to ensure compliance with a state’s safety program certification. It also gives authority to the Secretary to participate in state inspections or investigations of intrastate pipeline facilities or intrastate pipeline transportation.

Sec. 5. State pipeline safety grants

This section allows the Secretary to use state pipeline safety grant funds to pay the costs incurred by a State in rendering aid to another State to respond to a national disaster or major pipeline incident.

Sec. 6. Inspection and maintenance

This section allows the Secretary to require the owner or operator of a pipeline facility to provide information regarding construction of a pipeline facility, including shutdown of such construction.

Sec. 7. Risk analysis and integrity management programs

This section directs the Secretary to issue regulations for appropriate methods of assessing safety problems of transmission pipeline facilities that prioritize inspection methods that provide for the greatest level of safety in that segment.

This section also directs the Secretary to study whether pipeline inspection methods, other than direct assessment, would provide a greater level of safety for distribution pipelines. Within two years the Secretary shall submit their findings to the House Committees on Transportation and Infrastructure and Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation.

Sec. 8. Community right-to-know and emergency preparedness

This section requires each owner and operator of a gas or hazardous liquid pipeline facility to carry out a continuing program to educate the public on pipeline safety. Not later than one year after enactment, each such owner or operator shall review its public education program for effectiveness and modify it as necessary and submit to the Secretary for review a detailed description of its program including any such modifications made to it. The Secretary may issue standards for public education programs and develop materials for use in the programs.

In addition, not later than one year after enactment, an operator of a gas or hazardous liquid pipeline facility shall establish a relationship with State, local, and tribal entities responsible for pipeline emergency response or planning in the area. Within two years of enactment, the Secretary shall conduct an evaluation and determine whether such State, local, and tribal entities have sufficient access to pipeline emergency response information. If the Secretary determines they do not have sufficient access, the Secretary shall issue regulations within three years of enactment, specifying relevant emergency response information and requiring each operator to make such information available to such applicable entities.

Sec. 9. Cost recovery for design reviews

This section permits the Secretary to collect fees to pay the costs incurred by the Secretary related to conducting facility design safety reviews of a gas or hazardous liquid facility, or a liquefied natural gas facility, that has design and construction costs totaling at least \$250,000,000. This is a decrease from \$2,500,000,000.

Sec. 10. Actions by private persons

This section permits private persons to bring a civil action in an appropriate U.S. district court to compel the Secretary to perform a nondiscretionary duty under chapter 601 of title 49 U.S.C. that the Secretary has failed to perform.

Sec. 11. Civil penalties

This section increases civil penalties for operators that violate Federal pipeline safety statutes or regulations to \$20,000,000 per violation, and it removes the cap for a related series of violations.

Sec. 12. Criminal penalties

This section changes the criminal penalty standard from “knowingly and willfully” to “knowingly or recklessly.”

Sec. 13. Emergency response grants

This section authorizes local and tribal governments and non-profit organizations providing pipeline emergency response training to be eligible for Emergency Response Grants. State and county governments remain eligible.

Sec. 14. Verification of pipeline qualification programs

With regard to operator qualification programs that each operator of a pipeline facility must develop and adopt to ensure individuals who perform covered tasks are qualified, this section expands the definition of covered task to include a construction task that is performed on the pipeline facility.

Sec. 15. National Pipeline Mapping System

This section expands the National Pipeline Mapping System to apply to operators of regulated gathering lines and distribution lines and requires such operators to provide geospatial data and primary operator contact information to the Secretary no later than one year after a pipeline facility becomes covered by the National Pipeline Mapping System requirements. Not later than one year after a distribution line becomes covered by the National Pipeline Mapping System requirements, operators of such line shall provide to the Secretary specified information that could lead to a point of failure, including technology or features that ensure safety. Not later than one year after enactment, the Secretary shall issue such regulations as are necessary to specify this additional information required of distribution line operators.

Additionally, the bill requires the Secretary to assess whether additional information in the National Pipeline Mapping System would improve the preparation and response efforts of emergency responders who have access to the System within two years of enactment. If the Secretary determines additional information would benefit emergency preparedness efforts, the Secretary shall issue regulations identifying such additional information that is necessary and require such information be provided to the System.

Sec. 16. Congressional access to oil spill response plans

This section requires the Secretary to provide a Member of Congress, upon the Member’s request, a copy of an oil spill response plan. The Secretary may not redact the contents of such plan but

may note, as the Secretary determines appropriate, proprietary information and security-sensitive information.

Sec. 17. Leak detection technology

This section directs the Secretary to issue, within one year of enactment, regulations requiring each operator of a gas pipeline facility to install and use advanced leak detection technology on all gas pipelines it operates. Such advanced leak detection technology shall have a high accuracy of identifying leak location, be capable of measuring methane concentrations in parts per billion, and be capable of correlating methane concentration measurements to data produced by geographic information systems technology.

Sec. 18. Gas pipeline repair criteria

This section directs the Secretary to issue, within one year of enactment, regulations requiring each operator of a gas pipeline facility to immediately repair a leak in a gas pipeline facility it operates that results in a large loss event of 300,000 cubic feet or more of gas, and report information to the Secretary regarding such large loss event, including the location of such large loss event, the total estimated volume of gas released during such event, the cause of the failure, and the time from the detection of a gas leak to the completion of the repair of such leak.

Sec. 19. Methane release mitigation

This section requires the Secretary to issue, within one year of enactment, regulations requiring each operator of a gas pipeline facility to use the best available technology to capture gas released when performing routine operations or maintenance—including venting, blowdowns, and other pressure relief activities—on a pipeline facility. In issuing such regulations, the Secretary shall establish requirements for the capture of gas released from such activities and establish procedures for emergency situations that result in a release of gas.

Sec. 20. Unusually sensitive areas

This section amends areas to be included as unusually sensitive areas to environmental damage to include: “coastal waters”, as defined in section 4101 of the Shore Protection Act of 1988; and “coastal beaches”, which is defined as the land between high and low water marks of coastal waters. The Secretary is required to complete section 19(b) of the PIPES Act of 2016 within 90 days of enactment.

Sec. 21. User fees for underground natural gas storage facilities

This section provides PHMSA the ability to collect fees for underground natural gas storage facility reviews in amounts that are sufficient to pay for the cost of activities described under 49 U.S.C. Section 60302(c) except that the total amount collected for a fiscal year may not be more than 105 percent of the total amount of appropriations made for the fiscal year activities to be financed by fees.

Sec. 22. Seismicity

This section requires the Secretary, in consultation with the Federal Energy Regulatory Commission, to enter into agreement with the National Academy of Sciences within 90 days of enactment to evaluate the current Federal requirements for pipeline facility design, siting, construction, operation and maintenance, and integrity management that relate to seismicity and certain other geologic conditions, including landslides and water erosion, that may pose safety risks. The study shall also identify any discrepancies or deficiencies in such Federal requirements. The National Academy of Sciences shall submit such report and recommendations to the Secretary, House Committees on Transportation and Infrastructure and Energy and Commerce, and the Senate Committee on Commerce, Science, and Transportation.

Sec. 23. Advancement of new pipeline safety technologies and approaches

This section permits the Secretary to establish and carry out limited testing programs through 2026 to evaluate innovative technologies and operational practices that would enhance the operational safety of natural gas and hazardous liquid pipeline facilities. Testing programs shall be mileage limited, must not occur on pipelines located in high population areas, high consequence areas, or unusually sensitive areas, and are limited to four years. As a condition of approval, the Secretary shall require the safety measures in the testing program be designed to achieve a level of safety that is greater than, or equivalent to, the level of safety currently required in regulation. If the testing program meets this threshold, the Secretary may issue a waiver, for up to four years, to a safety regulation that would otherwise prevent the use of the safety technology from being tested.

Before issuing any waiver to safety regulations, the Secretary shall review and consider the safety and incident record and safety management system of the applicant, previous testing and outcomes, and the operators plan to eliminate or mitigate any environmental risks in the testing phase. Up to five owners or operators may carry out a testing program under a single application and the Secretary shall revoke an owner or operator's permission to participate in a testing program if revocation is warranted for public safety reasons, if the operator has an accident or incident, or if the participant fails to comply with the terms and conditions of the program; or if the Secretary determines the continued participation would be unsafe.

The Secretary shall publish in the Federal Register a notice of each testing program and provide an opportunity for public comment for not less than 60 days. This sections grants States the opportunity to be exempt from a testing program upon request, up to 10 days after the date on which the Secretary issues an order to allow the testing program. After such time, a State must not enforce any laws or regulations that are deemed by the Secretary to be inconsistent with the safety technology or operational practice that is being tested. Testing program participants must report to the Secretary detailed findings and summaries of data collected, and the Secretary must make yearly interim reports publicly avail-

able on the website of the Department of Transportation for any ongoing program summarizing the progress of such program.

At the conclusion of each testing program, the Secretary shall make a report publicly available on the website of the Department of Transportation that contains the Secretary's findings and conclusions of the program and any recommendations. If such report indicates it is practicable to establish technically, operationally, and economically feasible standards for the use of a technology and corresponding operation practice that enhances safety beyond the current standards, then the Secretary may promulgate a rulemaking.

Sec. 24. Workforce

This section increases the number of full-time employees (compared to the number of positions on the date of enactment) by eight full-time subject matter experts that shall be tasked with finalizing outstanding rulemakings and fulfilling mandates for PHMSA's Office of Pipeline Safety. Additionally, this section directs the Secretary to hire an additional three full-time attorneys with environmental expertise in PHMSA's Office of Chief Counsel. The Secretary must also ensure that the number of positions for pipeline inspection and enforcement personnel in the Office of Pipeline Safety does not fall below 222; 233; 245; 258; and 272 for fiscal years 2020 through 2024, respectively. In addition, the Secretary is directed to request authority from the Office of Personnel Management to use incentives to recruit and retain a qualified workforce in PHMSA's Office of Pipeline Safety.

Sec. 25. Hiring report

This section requires that, not later than 180 days after the date of enactment and annually thereafter, PHMSA submit to Congress a report on its efforts to hire women, minorities, and veterans as inspectors since January 1, 2012.

Sec. 26. Plan to combine state damage prevention and one-call notification programs

This section directs the Secretary to submit, not later than one year after the date of enactment, to the House Committees on Transportation and Infrastructure and Energy and Commerce and the Senate Committee on Commerce, Science, and Technology, a plan to combine the activities carried out by the Secretary under the State Damage Prevention program and the One-Call Notification program. This section is not intended to reduce overall funding opportunities for States implementing these programs.

Sec. 27. Gas gathering lines

This section directs the Secretary to issue, not later than 90 days after enactment, final regulations on gas gathering lines based on the notice of proposed rulemaking published on April 8, 2016, titled "Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines." The final regulations must cover all gas gathering lines in class 4, class 3, and class 2 locations, as well as gas gathering lines with a diameter of at least 8 inches that are located in a class 1 location.

Sec. 28. Regulatory updates

This section requires the Secretary to provide comprehensive reporting on the status of outstanding mandates, defined as all congressional mandates enacted previously and under this Act, for which final rules have not been published in the Federal Register by the date required in such Act.

Sec. 29. Component verification

This section requires operators of pipeline facilities to include documentation verifying that their pipes or related components meet compliance standards within their inventory. Verification shall be done by a third party, the operator, or a U.S. manufacturer accredited by the International Organization for Standardization.

The Comptroller General is directed to, not later than 180 days after enactment, complete a review of the compliance of flanges and fittings of a pipeline facility with Federal requirements. Such a review shall include existing standards and Secretarial oversight authority that applies to manufacturing, operations and maintenance of fittings and flanges, and an analysis of compliance with existing regulations and recommendations for additional authorities or regulations that would to improve safety. The Comptroller General shall, not later than 210 days after enactment, submit the report to the applicable congressional committees. Additionally, the Secretary shall provide a period of not fewer than 60 days for public comment, after which the Secretary shall publish in the Federal Register a report responding to those comments and indication of any anticipated changes.

Sec. 30. Codification of final rule

This section reinstates the “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources” that was published by the Environmental Protection Agency in the Federal Register on June 3, 2016 (81 Fed. Reg. 35824). The rule sets limitations on methane pollution for certain new, modified, and reconstructed equipment, processes, and activities across the natural gas and hazardous liquid source category.

Sec. 31. Threatening safe operations of pipeline infrastructure

This section clarifies that it is a Federal crime for any person to knowingly and willfully engage in the unauthorized turning or manipulation of a valve of any interstate pipeline facility. Nothing in this subsection abridges the exercise of rights guaranteed under the First Amendment.

Sec. 32. Penalty for causing a defect in pipeline infrastructure under construction

This section clarifies that it is a Federal crime for any person to knowingly and willfully cause a defect in a pipe, pump, or valve intended to be used in any interstate pipeline facility that would affect the integrity or safe operation of any such facility. Such a defect includes dents, or any other damage or defects sustained to the pipeline facility prior to, during, or after installation. Nothing in this subsection abridges the exercise of rights guaranteed under the First Amendment.

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

This section clarifies that it is a Federal crime for a person to knowingly and willfully use a firearm to puncture or damage a pipe, pump, or valve intended to be used in any interstate pipeline facility. Nothing in this subsection abridges the exercise of rights guaranteed under the First Amendment.

Sec. 34. Pipeline safety voluntary information-sharing system

This section allows the Secretary to establish a confidential and nonpunitive voluntary information-sharing system to encourage collaboration to improve inspection information feedback and information sharing, with the purpose of improving natural gas transmission and hazardous liquid pipeline safety. This system is intended to protect proprietary information, while encouraging the exchange of data and information to facilitate enhanced risk analysis. The section also sets limitations on disclosure and exclusion from evidence standards and states that no operator may use the submission of information to the System as protection against enforcement actions or corrective orders that are based on information or evidence obtained outside the system.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

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SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

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CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

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§ 6107. Funding

Of the amounts made available under section 60125(a)(1), the Secretary shall expend ~~[\$1,058,000 for each of fiscal years 2016 through 2019]~~ *\$2,000,000 for each of fiscal years 2020 through 2023* to carry out section 6106.

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SUBTITLE VIII—PIPELINES

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CHAPTER 601—SAFETY

Sec.

60101. Definitions.

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[60116. Public education programs.]

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

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60142. *Leak detection technology.*

60143. *Gas pipeline repair criteria.*

60144. *Methane release mitigation.*

60145. *Pipeline safety enhancement programs.*

60146. *Voluntary information-sharing system.*

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§ 60102. Purpose and general authority

(a) **PURPOSE AND MINIMUM SAFETY STANDARDS.—**

(1) **PURPOSE.**—The purpose of this chapter is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.

(2) **MINIMUM SAFETY STANDARDS.**—The Secretary shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities. The standards—

(A) apply to any or all of the owners or operators of pipeline facilities;

(B) may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and

(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.

(3) **QUALIFICATIONS OF PIPELINE OPERATORS.**—The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.

(b) **PRACTICABILITY AND SAFETY NEEDS STANDARDS.—**

(1) **IN GENERAL.**—A standard prescribed under subsection (a) shall be—

(A) practicable; and

(B) designed to meet the need for—

(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

(ii) protecting the environment.

(2) **FACTORS FOR CONSIDERATION.**—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

(A) relevant available—

(i) gas pipeline safety information;

(ii) hazardous liquid pipeline safety information; and

(iii) environmental information;
 (B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

[(C) the reasonableness of the standard;

[(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

[(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;]

[(F)] (C) comments and information received from the public; and

[(G)] (D) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

[(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

[(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

[(B) identify the costs and benefits associated with the proposed standard;

[(C) include—

[(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

[(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

[(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

[(4) REVIEW.—

[(A) IN GENERAL.—The Secretary shall—

[(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

[(ii) make that risk assessment information available to the general public.

[(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

[(i) an evaluation of the merit of the data and methods used; and

[(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

[(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

[(i) shall review the report;

[(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

[(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

[(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

[(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

[(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

[(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

[(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

[(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

[(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

[(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.]

(c) PUBLIC SAFETY PROGRAM REQUIREMENTS.—(1) The Secretary shall include in the standards prescribed under subsection (a) of this section a requirement that an operator of a gas pipeline facility participate in a public safety program that—

(A) notifies an operator of proposed demolition, excavation, tunneling, or construction near or affecting the facility;

(B) requires an operator to identify a pipeline facility that may be affected by the proposed demolition, excavation, tunneling, or construction, to prevent damaging the facility; and

(C) the Secretary decides will protect a facility adequately against a hazard caused by demolition, excavation, tunneling, or construction.

(2) To the extent a public safety program referred to in paragraph (1) of this subsection is not available, the Secretary shall prescribe standards requiring an operator to take action the Secretary prescribes to provide services comparable to services that would be available under a public safety program.

(3) The Secretary may include in the standards prescribed under subsection (a) of this section a requirement that an operator of a hazardous liquid pipeline facility participate in a public safety program meeting the requirements of paragraph (1) of this subsection or maintain and carry out a damage prevention program that provides services comparable to services that would be available under a public safety program.

(4) PROMOTING PUBLIC AWARENESS.—

(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.

(d) FACILITY OPERATION INFORMATION STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain, to the extent practicable, information related to operating the facility as required by the standards prescribed under this chapter and, when requested, to make the information available to the Secretary and an appropriate State official as determined by the Secretary. The information shall include—

(1) the business name, address, and telephone number, including an operations emergency telephone number, of the operator;

(2) accurate maps and a supplementary geographic description, including an identification of areas described in regula-

tions prescribed under section 60109 of this title, that show the location in the State of—

- (A) major gas pipeline facilities of the operator, including transmission lines and significant distribution lines; and
 - (B) major hazardous liquid pipeline facilities of the operator;
- (3) a description of—
- (A) the characteristics of the operator’s pipelines in the State; and
 - (B) products transported through the operator’s pipelines in the State;
- (4) the manual that governs operating and maintaining pipeline facilities in the State;
- (5) an emergency response plan describing the operator’s procedures for responding to and containing releases, including—
- (A) identifying specific action the operator will take on discovering a release;
 - (B) liaison procedures with State and local authorities for emergency response; and
 - (C) communication and alert procedures for immediately notifying State and local officials at the time of a release; and
- (6) other information the Secretary considers useful to inform a State of the presence of pipeline facilities and operations in the State.

(e) PIPE INVENTORY STANDARDS.—**【The Secretary shall】**

(1) *IN GENERAL.*—*The Secretary shall* prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain for the Secretary, to the extent practicable, an inventory with appropriate information about the types of pipe used for the transportation of gas or hazardous liquid, as appropriate, in the operator’s system and additional information, including the material’s history and the leak history of the pipe. The inventory—

【(1)】 (A) for a gas pipeline facility, shall include an identification of each facility passing through an area described in regulations prescribed under section 60109 of this title but shall exclude equipment used with the compression of gas; **【and】**

【(2)】 (B) for a hazardous liquid pipeline facility, shall include an identification of each facility and gathering line passing through an area described in regulations prescribed under section 60109 of this title, whether the facility or gathering line otherwise is subject to this chapter, but shall exclude equipment associated only with the pipeline pumps or storage facilities**【.】**; *and*

(C) *for facilities identified under subparagraphs (A) and (B), shall include, for all pipes and related components for which the regulations of the Pipeline and Hazardous Materials Safety Administration require compliance with a standard incorporated by reference for such pipe or related component, documentation of verification that such pipe or related component meets such standard.*

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

- (A) *an independent third party on behalf of the operator;*
- (B) *the operator, so long as such operator does not pay, or receive payment from, a manufacturer, distributor, or supplier of a pipe or related component described in paragraph (1)(C) for such verification; or*
- (C) *a United States manufacturer of a pipe or related component described in paragraph (1)(C) that is accredited by the International Organization for Standardization.*

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

- (A) **VERIFICATION.**—*The term “verification” means sufficient testing and auditing to confirm that a standard has been met in the production of a pipe or related component.*
- (B) **INDEPENDENT THIRD PARTY.**—*The term “independent third party” means an entity that—*
 - (i) *does not have a commercial relationship with the manufacturer or supplier of a pipe or related component; and*
 - (ii) *is accredited by the International Organization for Standardization.*

(f) **STANDARDS AS ACCOMMODATING “SMART PIGS”.**—

(1) **MINIMUM SAFETY STANDARDS.**—*The Secretary shall prescribe minimum safety standards requiring that—*

- (A) *the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and*
- (B) *when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as “smart pigs”). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.*

(2) **PERIODIC INSPECTIONS.**—*Not later than October 24, 1995, the Secretary shall prescribe, if necessary, additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109 of this title. The standards shall include any circumstances under which an inspection shall be conducted with an instrumented internal inspection device and, if the device is not required, use of an inspection method that is at least as effective as using the device in providing for the safety of the pipeline.*

(g) **EFFECTIVE DATES.**—*A standard prescribed under this section and section 60110 of this title is effective on the 30th day after the Secretary prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.*

(h) SAFETY CONDITION REPORTS.—(1) The Secretary shall prescribe regulations requiring each operator of a pipeline facility (except a master meter) to submit to the Secretary a written report on any—

(A) condition that is a hazard to life, property, or the environment; and

(B) safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility.

(2) The Secretary must receive the report not later than 5 working days after a representative of a person to which this section applies first establishes that the condition exists. **[Notice of the condition shall be given concurrently to appropriate State authorities.]**

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

(B) *The Secretary shall require that, upon receipt of a report on a safety-related condition submitted under this section, a State agency shall provide the report, upon request, to any relevant State emergency response commission, tribal emergency response commission, tribal emergency planning committee, local emergency planning committee, local government, or public agency responsible for emergency response, including any updates to the report received by the State agency.*

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

(i) CARBON DIOXIDE REGULATION.—

(1) TRANSPORTATION IN LIQUID STATE.—The Secretary shall regulate carbon dioxide transported by a hazardous liquid pipeline facility. The Secretary shall prescribe standards related to hazardous liquid to ensure the safe transportation of carbon dioxide by such a facility.

(2) TRANSPORTATION IN GASEOUS STATE.—

(A) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

(B) CONSIDERATIONS.—In establishing the standards, the Secretary shall consider whether applying the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this paragraph, for the transportation of carbon dioxide in a liquid state to the transportation of carbon dioxide in a gaseous state would ensure safety.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the Secretary to regulate piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation, or treatment of carbon dioxide or the preparation of carbon dioxide for transportation by pipeline at production, refining, or manufacturing facilities.

(j) EMERGENCY FLOW RESTRICTING DEVICES.—(1) Not later than October 24, 1994, the Secretary shall survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems,

and equipment used to detect and locate hazardous liquid pipeline ruptures and minimize product releases from hazardous liquid pipeline facilities.

(2) Not later than 2 years after the survey and assessment are completed, the Secretary shall prescribe standards on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device or other procedure, system, or equipment described in paragraph (1) of this subsection on the facility.

(k) **LOW-STRESS HAZARDOUS LIQUID PIPELINES.**—

(1) **MINIMUM STANDARDS.**—Not later than December 31, 2007, the Secretary shall issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines, except as provided in paragraph (3). The implementation of the applicable standards and regulatory requirements may be phased in. The regulations issued under this paragraph shall not apply to gathering lines.

(2) **GENERAL PROHIBITION AGAINST LOW INTERNAL STRESS EXCEPTION.**—Except as provided in paragraph (3), the Secretary may not provide an exception to the requirements of this chapter for a hazardous liquid pipeline because the pipeline operates at low internal stress.

(3) **LIMITED EXCEPTIONS.**—The Secretary shall provide or continue in force exceptions to this subsection for low-stress hazardous liquid pipelines that—

(A) are subject to safety regulations of the United States Coast Guard; or

(B) serve refining, manufacturing, or truck, rail, or vessel terminal facilities if the pipeline is less than 1 mile long (measured outside the facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation,

until regulations issued under paragraph (1) become effective. After such regulations become effective, the Secretary may retain or remove those exceptions as appropriate.

(4) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this subsection shall be construed to prohibit or otherwise affect the applicability of any other statutory or regulatory exemption to any hazardous liquid pipeline.

(5) **DEFINITION.**—For purposes of this subsection, the term “low-stress hazardous liquid pipeline” means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

(6) **EFFECTIVE DATE.**—The requirements of this subsection shall not take effect as to low-stress hazardous liquid pipeline operators before the effective date of the rules promulgated by the Secretary under this subsection.

(l) **UPDATING STANDARDS.**—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.

(m) **INSPECTIONS BY DIRECT ASSESSMENT.**—Not later than 1 year after the date of the enactment of this subsection, the Secretary

shall issue regulations prescribing standards for inspection of a pipeline facility by direct assessment.

(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.—

【(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and after considering the factors specified in subsection (b)(2), the Secretary, if appropriate, shall require by regulation the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.】

(1) HIGH CONSEQUENCE AREAS.—

(A) IN GENERAL.—*Not later than 2 years after the date of enactment of the SAFER Pipelines Act of 2019, the Secretary shall issue regulations to require operators of transmission pipeline facilities to install and use automatic or remote-controlled shut-off valves for such pipeline facilities that are located in high consequence areas (as defined in part 192 or 195 of title 49, Code of Federal Regulations, as applicable).*

(B) OTHER AREAS.—*The Secretary may issue regulations to require operators of transmission pipeline facilities to install and use automatic or remote-controlled shut-off valves for such pipeline facilities that are not located in areas described in subparagraph (A).*

(2) HIGH-CONSEQUENCE AREA STUDY.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the ability of transmission pipeline facility operators to respond to a hazardous liquid or gas release from a pipeline segment located in a high-consequence area.

(B) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider the swiftness of leak detection and pipeline shutdown capabilities, the location of the nearest response personnel, and the costs, risks, and benefits of installing automatic and remote-controlled shut-off valves.

(C) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term “transportation-related oil flow line” means a pipeline transporting oil off of the grounds of the well where it originated and across areas not owned by the pro-

ducer, regardless of the extent to which the oil has been processed, if at all.

(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities or through oil production flow lines located on the grounds of wells.

(p) LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.—Beginning 3 years after the date of enactment of this subsection, the Secretary may not issue a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.

(q) CRACK MANAGEMENT.—

(1) IN GENERAL.—

(A) HIGH CONSEQUENCE AREAS.—*Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of gas pipeline facilities and hazardous liquid pipeline facilities that are located in high consequence areas (as defined in part 192 or 195 of title 49, Code of Federal Regulations, as applicable) to address and repair cracks in such facilities.*

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

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

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

(B) *acceptable methods for performing an engineering assessment on a pipeline, including the assessment of cracks coinciding with corrosion;*

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

(D) *pressure restriction limits for pipelines for which a determination is made to excavate such pipeline pursuant to the requirements of subparagraph (C); and*

(E) *acceptable methods for determining crack growth for any cracks not required to be repaired under the regulations, including growth caused by fatigue, corrosion fatigue, or stress corrosion cracking, as applicable.*

* * * * *

§ 60105. State pipeline safety program certifications

(a) GENERAL REQUIREMENTS AND SUBMISSION.—Except as provided in this section and sections 60114 and 60121 of this title, the Secretary of Transportation may not prescribe or enforce safety standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a State authority (including a municipality if the standards and practices apply to intrastate gas

pipeline transportation) that submits to the Secretary annually a certification for the facilities and transportation that complies with subsections (b) and (c) of this section.

(b) CONTENTS.—Each certification submitted under subsection (a) of this section shall state that the State authority—

(1) has regulatory jurisdiction over the standards and practices to which the certification applies;

(2) has adopted, by the date of certification, each applicable standard prescribed under this chapter or, if a standard under this chapter was prescribed not later than 120 days before certification, is taking steps to adopt that standard;

(3) is enforcing each adopted standard through ways that include inspections conducted by State employees meeting the qualifications the Secretary prescribes under section 60107(d)(1)(C) of this title;

(4) is encouraging and promoting the establishment of a program designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies that subjects persons who violate the applicable requirements of that program to civil penalties and other enforcement actions that are substantially the same as are provided under this chapter, and addresses the elements in section 60134(b);

(5) may require record maintenance, reporting, and inspection substantially the same as provided under section 60117 of this title;

(6) may require that plans for inspection and maintenance under section 60108 (a) and (b) of this title be filed for approval; and

(7) may enforce safety standards of the authority under a law of the State by injunctive relief and civil penalties substantially the same as provided under sections 60120 and 60122(a)(1) and (b)–(f) of this title.

(c) REPORTS.—(1) Each certification submitted under subsection (a) of this section shall include a report that contains—

(A) the name and address of each person to whom the certification applies that is subject to the safety jurisdiction of the State authority;

(B) each accident or incident reported during the prior 12 months by that person involving a fatality, personal injury requiring hospitalization, or property damage or loss of more than an amount the Secretary establishes (even if the person sustaining the fatality, personal injury, or property damage or loss is not subject to the safety jurisdiction of the authority), any other accident the authority considers significant, and a summary of the investigation by the authority of the cause and circumstances surrounding the accident or incident;

(C) the record maintenance, reporting, and inspection practices conducted by the authority to enforce compliance with safety standards prescribed under this chapter to which the certification applies, including the number of inspections of pipeline facilities the authority made during the prior 12 months; and

(D) any other information the Secretary requires.

(2) The report included in the first certification submitted under subsection (a) of this section is only required to state information available at the time of certification.

(d) APPLICATION.—A certification in effect under this section does not apply to safety standards prescribed under this chapter after the date of certification. This chapter applies to each applicable safety standard prescribed after the date of certification until the State authority adopts the standard and submits the appropriate certification to the Secretary under subsection (a) of this section.

(e) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the certification. *In carrying out this subsection, the Secretary may request that a State authority provide records of any inspection of a pipeline facility made by the State authority or any investigation described in subsection (c)(1)(B).* A State authority shall cooperate with the Secretary under this subsection, *including, upon request by the Secretary, by authorizing the Secretary to participate in such an inspection or investigation.*

(f) REJECTIONS OF CERTIFICATION.—If after receiving a certification the Secretary decides the State authority is not enforcing satisfactorily compliance with applicable safety standards prescribed under this chapter, the Secretary may reject the certification, assert United States Government jurisdiction, or take other appropriate action to achieve adequate enforcement. The Secretary shall give the authority notice and an opportunity for a hearing before taking final action under this subsection. When notice is given, the burden of proof is on the authority to demonstrate that it is enforcing satisfactorily compliance with the prescribed standards.

* * * * *

§ 60107. State pipeline safety grants

(a) GENERAL AUTHORITY.—If a State authority files an application not later than September 30 of a calendar year, the Secretary of Transportation shall pay not more than 80 percent of the cost of the personnel, equipment, and activities the authority reasonably requires during the next calendar year—

(1) to carry out a safety program under a certification under section 60105 of this title or an agreement under section 60106 of this title; or

(2) to act as an agent of the Secretary on interstate gas pipeline facilities or interstate hazardous liquid pipeline facilities.

(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program, except when the Secretary waives this requirement.

(c) APPORTIONMENT AND METHOD OF PAYMENT.—The Secretary shall apportion the amount appropriated to carry out this section among the States. A payment may be made under this section in installments, in advance, or on a reimbursable basis.

(d) ADDITIONAL AUTHORITY AND CONSIDERATIONS.—(1) The Secretary may prescribe—

(A) the form of, and way of filing, an application under this section;

(B) reporting and fiscal procedures the Secretary considers necessary to ensure the proper accounting of money of the Government; and

(C) qualifications for a State to meet to receive a payment under this section, including qualifications for State employees who perform inspection activities under section 60105 or 60106 of this title.

(2) The qualifications prescribed under paragraph (1)(C) of this subsection may—

(A) consider the experience and training of the employee;

(B) order training or other requirements; and

(C) provide for approval of qualifications on a conditional basis until specified requirements are met.

(e) REPURPOSING OF FUNDS.—If a State program's certification is rejected under section 60105(f) or such program is otherwise suspended or interrupted, the Secretary may use any undistributed, deobligated, or recovered funds authorized under this section to carry out pipeline safety activities for that State within the period of availability for such funds.

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

§ 60108. Inspection and maintenance

(a) PLANS.—(1) Each person owning or operating a gas pipeline facility or hazardous liquid pipeline facility shall carry out a current written plan (including any changes) for inspection and maintenance of each facility used in the transportation and owned or operated by the person. A copy of the plan shall be kept at any office of the person the Secretary of Transportation considers appropriate. The Secretary also may require a person owning or operating a pipeline facility subject to this chapter to file a plan for inspection and maintenance for approval.

(2) If the Secretary or a State authority responsible for enforcing standards prescribed under this chapter decides that a plan required under paragraph (1) of this subsection is inadequate for safe operation, the Secretary or authority shall require the person to revise the plan. Revision may be required only after giving notice and an opportunity for a hearing. A plan required under paragraph (1) must be practicable and designed to meet the need for pipeline safety and must include terms designed to enhance the ability to discover safety-related conditions described in section 60102(h)(1) of this title. In deciding on the adequacy of a plan, the Secretary or authority shall consider—

(A) relevant available pipeline safety information;

(B) the appropriateness of the plan for the particular kind of pipeline transportation or facility;

(C) the reasonableness of the plan; and

(D) the extent to which the plan will contribute to public safety and the protection of the environment.

(3) A plan required under this subsection shall be made available to the Secretary or State authority on request under section 60117 of this title.

(b) INSPECTION AND TESTING.—(1) The Secretary shall inspect and require appropriate testing of a pipeline facility subject to this chapter that is not covered by a certification under section 60105 of this title or an agreement under section 60106 of this title. The Secretary shall decide on the frequency and type of inspection and testing under this subsection on a case-by-case basis after considering the following:

(A) the location of the pipeline facility.

(B) the type, size, age, manufacturer, method of construction, and condition of the pipeline facility.

(C) the nature and volume of material transported through the pipeline facility.

(D) the pressure at which that material is transported.

(E) climatic, geologic, and seismic characteristics (including soil characteristics) and conditions of the area in which the pipeline facility is located.

(F) existing and projected population and demographic characteristics of the area in which the pipeline facility is located.

(G) for a hazardous liquid pipeline facility, the proximity of the area in which the facility is located to an area that is unusually sensitive to environmental damage.

(H) the frequency of leaks.

(I) other factors the Secretary decides are relevant to the safety of pipeline facilities.

(2) To the extent and in amounts provided in advance in an appropriation law, the Secretary shall decide on the frequency of inspection under paragraph (1) of this subsection. The Secretary may reduce the frequency of an inspection of a master meter system.

(3) Testing under this subsection shall use the most appropriate technology practicable.

(c) PIPELINE FACILITIES OFFSHORE AND IN OTHER WATERS.—(1) In this subsection—

(A) “abandoned” means permanently removed from service.

(B) “pipeline facility” includes an underwater abandoned pipeline facility.

(C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.

(2)(A) Not later than May 16, 1993, on the basis of experience with the inspections under section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and, where appropriate, periodic inspection program of—

(i) all offshore pipeline facilities; and

(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.

(B) In prescribing standards to carry out subparagraph (A) of this paragraph—

(i) the Secretary shall identify what is a hazard to navigation with respect to an underwater abandoned pipeline facility; and

(ii) for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(3)(A) The Secretary shall establish by regulation a program requiring an operator of a pipeline facility described in paragraph (2) of this subsection to report a potential or existing navigational hazard involving that pipeline facility to the Secretary through the appropriate Coast Guard office.

(B) The operator of a pipeline facility described in paragraph (2) of this subsection that discovers any part of the pipeline facility that is a hazard to navigation shall mark the location of the hazardous part with a Coast-Guard-approved marine buoy or marker and immediately shall notify the Secretary as provided by the Secretary under subparagraph (A) of this paragraph. A marine buoy or marker used under this subparagraph is deemed a pipeline sign or right-of-way marker under section 60123(c) of this title.

(4)(A) The Secretary shall establish a standard that each pipeline facility described in paragraph (2) of this subsection that is a hazard to navigation is buried not later than 6 months after the date the condition of the facility is reported to the Secretary. The Secretary may extend that 6-month period for a reasonable period to ensure compliance with this paragraph.

(B) In prescribing standards for subparagraph (A) of this paragraph for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(5)(A) Not later than October 24, 1994, the Secretary shall establish standards on what is an exposed offshore pipeline facility and what is a hazard to navigation under this subsection.

(B) Not later than 6 months after the Secretary establishes standards under subparagraph (A) of this paragraph, or October 24, 1995, whichever occurs first, the operator of each offshore pipeline facility not described in section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, shall inspect the facility and report to the Secretary on any part of the facility that is exposed or is a hazard to navigation. This subparagraph applies only to a facility that is between the high water mark and the point at which the subsurface is under 15 feet of water, as measured from mean low water. An inspection that occurred after October 3, 1989, may be used for compliance with this subparagraph if the inspection conforms to the requirements of this subparagraph.

(C) The Secretary may extend the time period specified in subparagraph (B) of this paragraph for not more than 6 months if the operator of a facility satisfies the Secretary that the operator has

made a good faith effort, with reasonable diligence, but has been unable to comply by the end of that period.

(6)(A) The operator of a pipeline facility abandoned after October 24, 1992, shall report the abandonment to the Secretary in a way that specifies whether the facility has been abandoned properly according to applicable United States Government and State requirements.

(B) Not later than October 24, 1995, the operator of a pipeline facility abandoned before October 24, 1992, shall report to the Secretary reasonably available information related to the facility, including information that a third party possesses. The information shall include the location, size, date, and method of abandonment, whether the facility has been abandoned properly under applicable law, and other relevant information the Secretary may require. Not later than April 24, 1994, the Secretary shall specify how the information shall be reported. The Secretary shall ensure that the Government maintains the information in a way accessible to appropriate Government agencies and State authorities.

(C) The Secretary shall request that a State authority having information on a collision between a vessel and an underwater pipeline facility report the information to the Secretary in a timely way and make a reasonable effort to specify the location, date, and severity of the collision. Chapter 35 of title 44 does not apply to this subparagraph.

(7) The Secretary may not exempt from this chapter an offshore hazardous liquid pipeline facility only because the pipeline facility transfers hazardous liquid in an underwater pipeline between a vessel and an onshore facility.

(8) If, after reviewing existing Federal and State regulations for hazardous liquid gathering lines located offshore in the United States, including within the inlets of the Gulf of Mexico, the Secretary determines it is appropriate, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering lines. The regulations issued under this paragraph shall not apply to production pipelines or flow lines.

(d) REPLACING CAST IRON GAS PIPELINES.—(1) The Secretary shall publish a notice on the availability of industry guidelines, developed by the Gas Piping Technology Committee, for replacing cast iron pipelines. Not later than 2 years after the guidelines become available, the Secretary shall conduct a survey of gas pipeline operators with cast iron pipe in their systems to establish—

(A) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron;

(B) the elements of the plan, including the anticipated rate of replacement; and

(C) the progress that has been made.

(2) Chapter 35 of title 44 does not apply to the conduct of the survey.

(3) This subsection does not prevent the Secretary from developing Government guidelines or standards for cast iron gas pipelines as the Secretary considers appropriate.

(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines.

(e) IN GENERAL.—After the completion of a Pipeline and Hazardous Materials Safety Administration pipeline safety inspection, the Administrator of such Administration, or the State authority certified under section 60105 of title 49, United States Code, to conduct such inspection, shall—

(1) within 30 days, conduct a post-inspection briefing with the owner or operator of the gas or hazardous liquid pipeline facility inspected outlining any concerns; and

(2) within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection.

(f) PIPELINE CONSTRUCTION PROJECT DATA COLLECTION.—*The Secretary may require the owner or operator of a pipeline facility to provide to the Secretary information the Secretary determines appropriate regarding construction of the pipeline facility, including relating to any shutdown of such construction.*

§ 60109. High-density population areas and environmentally sensitive areas

(a) IDENTIFICATION REQUIREMENTS.—Not later than October 24, 1994, the Secretary of Transportation shall prescribe standards that—

(1) establish criteria for identifying—

(A) by operators of gas pipeline facilities, each gas pipeline facility (except a natural gas distribution line) located in a high-density population area; and

(B) by operators of hazardous liquid pipeline facilities and gathering lines—

(i) each hazardous liquid pipeline facility, whether otherwise subject to this chapter, that crosses waters where a substantial likelihood of commercial navigation exists or that is located in an area described in the criteria as a high-density population area; and

(ii) each hazardous liquid pipeline facility and gathering line, whether otherwise subject to this chapter, located in an area that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, describes as unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident; and

(2) provide that the identification be carried out through the inventory required under section 60102(e) of this title.

(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

(2) locations near pipeline rights-of-way that are part of the Great Lakes or have been identified as coastal beaches, [marine coastal waters] *coastal waters*, critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.

(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.—

(1) REQUIREMENT.—Each operator of a gas pipeline facility shall conduct an analysis of the risks to each facility of the operator located in an area identified pursuant to subsection (a)(1) and defined in chapter 192 of title 49, Code of Federal Regulations, including any subsequent modifications, and shall adopt and implement a written integrity management program for such facility to reduce the risks.

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall issue regulations prescribing standards to direct an operator's conduct of a risk analysis and adoption and implementation of an integrity management program under this subsection. The regulations shall require an operator to conduct a risk analysis and adopt an integrity management program within a time period prescribed by the Secretary, ending not later than 24 months after such date of enactment. Not later than 18 months after such date of enactment, each operator of a gas pipeline facility shall begin a baseline integrity assessment described in paragraph (3).

(B) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may satisfy the requirements of this paragraph through the issuance of regulations under this paragraph or under other authority of law.

(3) MINIMUM REQUIREMENTS OF INTEGRITY MANAGEMENT PROGRAMS.—An integrity management program required under paragraph (1) shall include, at a minimum, the following requirements:

(A) A baseline integrity assessment of each of the operator's facilities in areas identified pursuant to subsection (a)(1) and defined in chapter 192 of title 49, Code of Federal Regulations, including any subsequent modifications, by internal inspection device, pressure testing, direct assessment, or an alternative method that the Secretary determines would provide an equal or greater level of safety. The operator shall complete such assessment not later than 10 years after the date of enactment of this subsection. At least 50 percent of such facilities shall be assessed not later than 5 years after such date of enactment. The operator shall prioritize such facilities for assessment based on all risk factors, including any previously discovered defects or anomalies and any history of leaks, repairs, or failures. The operator shall ensure that assessments of facilities with the highest risks are given priority for completion and that such assessments will be completed not later than 5 years after such date of enactment.

(B) Subject to paragraph (5), periodic reassessments of the facility, at a minimum of once every 7 calendar years,

using methods described in subparagraph (A). The Secretary may extend such deadline for an additional 6 months if the operator submits written notice to the Secretary with sufficient justification of the need for the extension.

(C) Clearly defined criteria for evaluating the results of assessments conducted under subparagraphs (A) and (B) and for taking actions based on such results.

(D) A method for conducting an analysis on a continuing basis that integrates all available information about the integrity of the facility and the consequences of releases from the facility.

(E) A description of actions to be taken by the operator to promptly address any integrity issue raised by an evaluation conducted under subparagraph (C) or the analysis conducted under subparagraph (D).

(F) A description of measures to prevent and mitigate the consequences of releases from the facility.

(G) A method for monitoring cathodic protection systems throughout the pipeline system of the operator to the extent not addressed by other regulations.

(H) If the Secretary raises a safety concern relating to the facility, a description of the actions to be taken by the operator to address the safety concern, including issues raised with the Secretary by States and local authorities under an agreement entered into under section 60106.

(4) TREATMENT OF BASELINE INTEGRITY ASSESSMENTS.—In the case of a baseline integrity assessment conducted by an operator in the period beginning on the date of enactment of this subsection and ending on the date of issuance of regulations under this subsection, the Secretary shall accept the assessment as complete, and shall not require the operator to repeat any portion of the assessment, if the Secretary determines that the assessment was conducted in accordance with the requirements of this subsection.

(5) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement for reassessment of a facility under paragraph (3)(B) for reasons that may include the need to maintain local product supply or the lack of internal inspection devices if the Secretary determines that such waiver is not inconsistent with pipeline safety.

(6) STANDARDS.—The standards prescribed by the Secretary under paragraph (2) shall address each of the following factors:

(A) The minimum requirements described in paragraph (3).

(B) The type or frequency of inspections or testing of pipeline facilities, in addition to the minimum requirements of paragraph (3)(B).

(C) The manner in which the inspections or testing are conducted.

(D) The criteria used in analyzing results of the inspections or testing.

(E) The types of information sources that must be integrated in assessing the integrity of a pipeline facility as well as the manner of integration.

(F) The nature and timing of actions selected to address the integrity of a pipeline facility.

(G) Such other factors as the Secretary determines appropriate to ensure that the integrity of a pipeline facility is addressed and that appropriate mitigative measures are adopted to protect areas identified under subsection (a)(1).

In prescribing those standards, the Secretary shall ensure that all inspections required are conducted in a manner that minimizes environmental and safety risks, and shall take into account the applicable level of protection established by national consensus standards organizations.

(7) ADDITIONAL OPTIONAL STANDARDS.—The Secretary may also prescribe standards requiring an operator of a pipeline facility to include in an integrity management program under this subsection—

(A) changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the operator's risk analysis; and

(B) the use of emergency flow restricting devices.

(8) LACK OF REGULATIONS.—In the absence of regulations addressing the elements of an integrity management program described in this subsection, the operator of a pipeline facility shall conduct a risk analysis and adopt and implement an integrity management program described in this subsection not later than 24 months after the date of enactment of this subsection and shall complete the baseline integrity assessment described in this subsection not later than 10 years after such date of enactment. At least 50 percent of such facilities shall be assessed not later than 5 years after such date of enactment. The operator shall prioritize such facilities for assessment based on all risk factors, including any previously discovered defects or anomalies and any history of leaks, repairs, or failures. The operator shall ensure that assessments of facilities with the highest risks are given priority for completion and that such assessments will be completed not later than 5 years after such date of enactment.

(9) REVIEW OF INTEGRITY MANAGEMENT PROGRAMS.—

(A) REVIEW OF PROGRAMS.—

(i) IN GENERAL.—The Secretary shall review a risk analysis and integrity management program under paragraph (1) and record the results of that review for use in the next review of an operator's program.

(ii) CONTEXT OF REVIEW.—The Secretary may conduct a review under clause (i) as an element of the Secretary's inspection of an operator.

(iii) INADEQUATE PROGRAMS.—If the Secretary determines that a risk analysis or integrity management program does not comply with the requirements of this subsection or regulations issued as described in paragraph (2), has not been adequately implemented, or is inadequate for the safe operation of a pipeline fa-

cility, the Secretary may conduct proceedings under this chapter.

(B) AMENDMENTS TO PROGRAMS.—In order to facilitate reviews under this paragraph, an operator of a pipeline facility shall notify the Secretary of any amendment made to the operator's integrity management program not later than 30 days after the date of adoption of the amendment. The Secretary shall review any such amendment in accordance with this paragraph.

(C) TRANSMITTAL OF PROGRAMS TO STATE AUTHORITIES.—The Secretary shall provide a copy of each risk analysis and integrity management program reviewed by the Secretary under this paragraph to any appropriate State authority with which the Secretary has entered into an agreement under section 60106.

(10) STATE REVIEW OF INTEGRITY MANAGEMENT PLANS.—A State authority that enters into an agreement pursuant to section 60106, permitting the State authority to review the risk analysis and integrity management program pursuant to paragraph (9), may provide the Secretary with a written assessment of the risk analysis and integrity management program, make recommendations, as appropriate, to address safety concerns not adequately addressed by the operator's risk analysis or integrity management program, and submit documentation explaining the State-proposed revisions. The Secretary shall consider carefully the State's proposals and work in consultation with the States and operators to address safety concerns.

(11) APPLICATION OF STANDARDS.—Section 60104(b) shall not apply to this section.

(12) USE OF DIRECT ASSESSMENTS.—

(A) TRANSMISSION PIPELINE FACILITIES REGULATION.—*Not later than 2 years after the date of enactment of this paragraph, the Secretary shall issue regulations for appropriate methods of assessment of transmission pipeline facilities under paragraph (3) that prioritize the use of other inspection methods before, in tandem with, or in lieu of, the use of direct assessment, including internal inspection devices or pressure testing, to provide a greater level of safety.*

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

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

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

(II) are feasible; and

(ii) any recommendations based on such study.

(d) EVALUATION OF INTEGRITY MANAGEMENT REGULATIONS.—Not later than 4 years after the date of enactment of this subsection,

the Comptroller General shall complete an assessment and evaluation of the effects on public safety and the environment of the requirements for the implementation of integrity management programs contained in the standards prescribed as described in subsection (c)(2).

(e) DISTRIBUTION INTEGRITY MANAGEMENT PROGRAMS.—

(1) MINIMUM STANDARDS.—Not later than December 31, 2007, the Secretary shall prescribe minimum standards for integrity management programs for distribution pipelines.

(2) ADDITIONAL AUTHORITY OF SECRETARY.—In carrying out this subsection, the Secretary may require operators of distribution pipelines to continually identify and assess risks on their distribution lines, to remediate conditions that present a potential threat to line integrity, and to monitor program effectiveness.

(3) EXCESS FLOW VALVES.—

(A) IN GENERAL.—The minimum standards shall include a requirement for an operator of a natural gas distribution system to install an excess flow valve on each single family residence service line connected to such system if—

(i) the service line is installed or entirely replaced after June 1, 2008;

(ii) the service line operates continuously throughout the year at a pressure not less than 10 pounds per square inch gauge;

(iii) the service line is not connected to a gas stream with respect to which the operator has had prior experience with contaminants the presence of which could interfere with the operation of an excess flow valve;

(iv) the installation of an excess flow valve on the service line is not likely to cause loss of service to the residence or interfere with necessary operation or maintenance activities, such as purging liquids from the service line; and

(v) an excess flow valve meeting performance standards developed under section 60110(e) of title 49, United States Code, is commercially available to the operator, as determined by the Secretary.

(B) DISTRIBUTION BRANCH SERVICES, MULTIFAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, and after issuing a final report on the evaluation of the National Transportation Safety Board's recommendation on excess flow valves in applications other than service lines serving one single family residence, the Secretary, if appropriate, shall by regulation require the use of excess flow valves, or equivalent technology, where economically, technically, and operationally feasible on new or entirely replaced distribution branch services, multifamily facilities, and small commercial facilities.

(C) REPORTS.—Operators of natural gas distribution systems shall report annually to the Secretary on the number of excess flow valves installed on their systems under subparagraph (A).

(4) **APPLICABILITY.**—The Secretary shall determine which distribution pipelines will be subject to the minimum standards.

(5) **DEVELOPMENT AND IMPLEMENTATION.**—Each operator of a distribution pipeline that the Secretary determines is subject to the minimum standards prescribed by the Secretary under this subsection shall develop and implement an integrity management program in accordance with those standards.

(6) **SAVINGS CLAUSE.**—Subject to section 60104(c), a State authority having a current certification under section 60105 may adopt or continue in force additional integrity management requirements, including additional requirements for installation of excess flow valves, for gas distribution pipelines within the boundaries of that State.

(f) **CERTIFICATION OF PIPELINE INTEGRITY MANAGEMENT PROGRAM PERFORMANCE.**—The Secretary shall establish procedures requiring certification of annual and semiannual pipeline integrity management program performance reports by a senior executive officer of the company operating a pipeline subject to this chapter. The procedures shall require a signed statement, which may be effected electronically in accordance with the provisions of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.), certifying that—

(1) the signing officer has reviewed the report; and

(2) to the best of such officer's knowledge and belief, the report is true and complete.

(g) **HAZARDOUS LIQUID PIPELINE FACILITIES.**—

(1) **INTEGRITY ASSESSMENTS.**—Notwithstanding any pipeline integrity management program or integrity assessment schedule otherwise required by the Secretary, each operator of a pipeline facility to which this subsection applies shall ensure that pipeline integrity assessments—

(A) using internal inspection technology appropriate for the integrity threat are completed not less often than once every 12 months; and

(B) using pipeline route surveys, depth of cover surveys, pressure tests, external corrosion direct assessment, or other technology that the operator demonstrates can further the understanding of the condition of the pipeline facility are completed on a schedule based on the risk that the pipeline facility poses to the high consequence area in which the pipeline facility is located.

(2) **APPLICATION.**—This subsection shall apply to any underwater hazardous liquid pipeline facility located in a high consequence area—

(A) that is not an offshore pipeline facility; and

(B) any portion of which is located at depths greater than 150 feet under the surface of the water.

(3) **HIGH CONSEQUENCE AREA DEFINED.**—For purposes of this subsection, the term “high consequence area” has the meaning given that term in section 195.450 of title 49, Code of Federal Regulations.

(4) **INSPECTION AND ENFORCEMENT.**—The Secretary shall conduct inspections under section 60117(c) to determine whether

each operator of a pipeline facility to which this subsection applies is complying with this section.

* * * * *

§ 60116. Public education programs

[(a) **IN GENERAL.**—Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.]

[(b) **MODIFICATION OF EXISTING PROGRAMS.**—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency, and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.]

[(c) **STANDARDS.**—The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.]

§ 60116. Community right-to-know and emergency preparedness

(a) **PUBLIC EDUCATION PROGRAMS.**—

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

(A) the use of a one-call notification system prior to excavation and other damage prevention activities;

(B) the possible hazards associated with unintended releases from the pipeline facility; and

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

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

(A) review its existing public education program for effectiveness, and modify the program as necessary; and

(B) submit to the Secretary for review a detailed description of its public education program, including any modifications made to the program under subparagraph (A).

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

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

(B) develop material for use in the programs.

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

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

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

(B) the appropriate local emergency planning entity in each emergency planning district in which the pipeline facility is located; and

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

(2) **COMMUNITIES WITHOUT LOCAL OR TRIBAL EMERGENCY PLANNING OR RESPONSE ENTITIES.**—In a community for which a local or Tribal entity described in paragraph (1) does not exist, the operator of a gas or hazardous liquid pipeline facility shall liaise, to the extent practicable, with the local fire, police, and other emergency response entities.

(3) **AVAILABILITY OF INFORMATION.**—

(A) **EVALUATION.**—Not later than 2 years after the date of enactment of the SAFER Pipelines Act of 2019, and based on the consultation required under subparagraph (C), the Secretary shall conduct an evaluation and determine whether State, local, and Tribal entities described in paragraphs (1) and (2) have sufficient access to pipeline emergency response information.

(B) **REGULATION.**—If the Secretary determines under subparagraph (A) that State, local, and Tribal entities described in paragraphs (1) and (2) do not have sufficient access to pipeline emergency response information, the Secretary shall issue regulations not later than 3 years after the date of enactment of the SAFER Pipelines Act of 2019 specifying relevant emergency response information and requiring each operator of a gas or hazardous liquid pipeline facility to make such information available to the applicable State, local, and Tribal entities described in paragraphs (1) and (2).

(C) **CONSULTATION.**—In conducting the evaluation under subparagraph (A), the Secretary shall consult with national organizations representing State, local, and Tribal entities described in paragraphs (1) and (2) and the technical safety standards committees described in section 60115.

§ 60117. Administrative

(a) **GENERAL AUTHORITY.**—To carry out this chapter, the Secretary of Transportation may conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of records,

take depositions, and conduct research, testing, development, demonstration, and training activities and promotional activities relating to prevention of damage to pipeline facilities. The Secretary may not charge a tuition-type fee for training State or local government personnel in the enforcement of regulations prescribed under this chapter.

(b) RECORDS, REPORTS, AND INFORMATION.—To enable the Secretary to decide whether a person owning or operating a pipeline facility is complying with this chapter and standards prescribed or orders issued under this chapter, the person shall—

(1) maintain records, make reports, and provide information the Secretary requires; and

(2) make the records, reports, and information available when the Secretary requests.

The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.

(c) ENTRY AND INSPECTION.—An officer, employee, or agent of the Department of Transportation designated by the Secretary, on display of proper credentials to the individual in charge, may enter premises to inspect the records and property of a person at a reasonable time and in a reasonable way to decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter.

(d) CONFIDENTIALITY OF INFORMATION.—Information related to a confidential matter referred to in section 1905 of title 18 that is obtained by the Secretary or an officer, employee, or agent in carrying out this section may be disclosed only to another officer or employee concerned with carrying out this chapter or in a proceeding under this chapter.

(e) USE OF ACCIDENT REPORTS.—(1) Each accident report made by an officer, employee, or agent of the Department may be used in a judicial proceeding resulting from the accident. The officer, employee, or agent may be required to testify in the proceeding about the facts developed in investigating the accident. The report shall be made available to the public in a way that does not identify an individual.

(2) Each report related to research and demonstration projects and related activities is public information.

(f) TESTING FACILITIES INVOLVED IN ACCIDENTS.—The Secretary may require testing of a part of a pipeline facility subject to this chapter that has been involved in or affected by an accident only after—

(1) notifying the appropriate State official in the State in which the facility is located; and

(2) attempting to negotiate a mutually acceptable plan for testing with the owner of the facility and, when the Secretary considers appropriate, the National Transportation Safety Board.

(g) PROVIDING SAFETY INFORMATION.—On request, the Secretary shall provide the Federal Energy Regulatory Commission or appropriate State authority with information the Secretary has on the safety of material, operations, devices, or processes related to pipeline transportation or operating a pipeline facility.

(h) COOPERATION.—The Secretary may—

(1) advise, assist, and cooperate with other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons in planning and developing safety standards and ways to inspect and test to decide whether those standards have been complied with;

(2) consult with and make recommendations to other departments, agencies, and instrumentalities of the Government, State and local governments, and public and private agencies and persons to develop and encourage activities, including the enactment of legislation, that will assist in carrying out this chapter and improve State and local pipeline safety programs; and

(3) participate in a proceeding involving safety requirements related to a liquefied natural gas facility before the Commission or a State authority.

(i) PROMOTING COORDINATION.—(1) After consulting with appropriate State officials, the Secretary shall establish procedures to promote more effective coordination between departments, agencies, and instrumentalities of the Government and State authorities with regulatory authority over pipeline facilities about responses to a pipeline accident.

(2) In consultation with the Occupational Safety and Health Administration, the Secretary shall establish procedures to notify the Administration of any pipeline accident in which an excavator that has caused damage to a pipeline may have violated a regulation of the Administration.

(j) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping.

(l) SAFETY ORDERS.—

(1) IN GENERAL.—Not later than December 31, 2007, the Secretary shall issue regulations providing that, after notice and opportunity for a hearing, if the Secretary determines that a pipeline facility has a condition that poses a pipeline integrity risk to public safety, property, or the environment, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, or other appropriate action, to remedy that condition.

(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary, if relevant and pursuant to the regulations issued under paragraph (1), shall consider—

(A) the considerations specified in paragraphs (1) through (6) of section 60112(b);

(B) the likelihood that the condition will impair the serviceability of a pipeline;

- (C) the likelihood that the condition will worsen over time; and
- (D) the likelihood that the condition is present or could develop on other areas of the pipeline.
- (m) RESTORATION OF OPERATIONS.—
- (1) IN GENERAL.—The Secretary may advise, assist, and cooperate with the heads of other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons to facilitate the restoration of pipeline operations that have been or are anticipated to become disrupted by manmade or natural disasters.
- (2) SAVINGS CLAUSE.—Nothing in this section alters or amends the authorities and responsibilities of any department, agency, or instrumentality of the United States Government, other than the Department of Transportation.
- (n) COST RECOVERY FOR DESIGN REVIEWS.—
- (1) IN GENERAL.—
- (A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline facility or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this paragraph, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this paragraph. The Secretary may not collect design safety review fees under this paragraph and section 60301 for the same design safety review.
- (B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—
- (i) has design and construction costs totaling at least **[\$2,500,000,000]** *\$250,000,000*, as periodically adjusted by the Secretary to take into account increases in the Consumer Price Index for all-urban consumers published by the Department of Labor, based on—
- (I) the cost estimate provided to the Federal Energy Regulatory Commission in an application for a certificate of public convenience and necessity for a gas pipeline facility or an application for authorization for a liquefied natural gas pipeline facility; or
- (II) a good faith estimate developed by the person proposing a hazardous liquid pipeline facility and submitted to the Secretary; or
- (ii) uses new or novel technologies or design, as determined by the Secretary.
- (2) NOTIFICATION.—For any new pipeline facility construction project in which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the com-

mencement of construction. To the maximum extent practicable, not later than 90 days after receiving such design specifications, construction plans and procedures, and related materials, the Secretary shall provide written comments, feedback, and guidance on the project.

(3) PIPELINE SAFETY DESIGN REVIEW FUND.—

(A) ESTABLISHMENT.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

(B) DEPOSITS.—The Secretary shall deposit funds paid under this subsection into the Fund.

(C) USE.—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection may be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).

(o) EMERGENCY ORDER AUTHORITY.—

(1) IN GENERAL.—If the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, constitutes or is causing an imminent hazard, the Secretary may issue an emergency order described in paragraph (3) imposing emergency restrictions, prohibitions, and safety measures on owners and operators of gas or hazardous liquid pipeline facilities without prior notice or an opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Before issuing an emergency order under paragraph (1), the Secretary shall consider, as appropriate, the following factors:

(i) The impact of the emergency order on public health and safety.

(ii) The impact, if any, of the emergency order on the national or regional economy or national security.

(iii) The impact of the emergency order on the ability of owners and operators of pipeline facilities to maintain reliability and continuity of service to customers.

(B) CONSULTATION.—In considering the factors under subparagraph (A), the Secretary shall consult, as the Secretary determines appropriate, with appropriate Federal agencies, State agencies, and other entities knowledgeable in pipeline safety or operations.

(3) WRITTEN ORDER.—An emergency order issued by the Secretary pursuant to paragraph (1) with respect to an imminent hazard shall contain a written description of—

(A) the violation, condition, or practice that constitutes or is causing the imminent hazard;

(B) the entities subject to the order;

(C) the restrictions, prohibitions, or safety measures imposed;

(D) the standards and procedures for obtaining relief from the order;

(E) how the order is tailored to abate the imminent hazard and the reasons the authorities under section 60112 and 60117(*l*) are insufficient to do so; and

(F) how the considerations were taken into account pursuant to paragraph (2).

(4) OPPORTUNITY FOR REVIEW.—Upon receipt of a petition for review from an entity subject to, and aggrieved by, an emergency order issued under this subsection, the Secretary shall provide an opportunity for a review of the order under section 554 of title 5 to determine whether the order should remain in effect, be modified, or be terminated.

(5) EXPIRATION OF EFFECTIVENESS ORDER.—If a petition for review of an emergency order is filed under paragraph (4) and an agency decision with respect to the petition is not issued on or before the last day of the 30-day period beginning on the date on which the petition is filed, the order shall cease to be effective on such day, unless the Secretary determines in writing on or before the last day of such period that the imminent hazard still exists.

(6) JUDICIAL REVIEW OF ORDERS.—

(A) IN GENERAL.—After completion of the review process described in paragraph (4), or the issuance of a written determination by the Secretary pursuant to paragraph (5), an entity subject to, and aggrieved by, an emergency order issued under this subsection may seek judicial review of the order in a district court of the United States and shall be given expedited consideration.

(B) LIMITATION.—The filing of a petition for review under subparagraph (A) shall not stay or modify the force and effect of the agency’s final decision under paragraph (4), or the written determination under paragraph (5), unless stayed or modified by the Secretary.

(7) REGULATIONS.—

(A) TEMPORARY REGULATIONS.—Not later than 60 days after the date of enactment of the PIPES Act of 2016, the Secretary shall issue such temporary regulations as are necessary to carry out this subsection. The temporary regulations shall expire on the date of issuance of the final regulations required under subparagraph (B).

(B) FINAL REGULATIONS.—Not later than 270 days after such date of enactment, the Secretary shall issue such regulations as are necessary to carry out this subsection. Such regulations shall ensure that the review process described in paragraph (4) contains the same procedures as subsections (d) and (g) of section 109.19 of title 49, Code of Federal Regulations, and is otherwise consistent with the review process developed under such section, to the greatest extent practicable and not inconsistent with this section.

(8) IMMINENT HAZARD DEFINED.—In this subsection, the term “imminent hazard” means the existence of a condition relating to a gas or hazardous liquid pipeline facility that presents a substantial likelihood that death, serious illness, severe per-

sonal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of such death, illness, injury, or endangerment.

(9) LIMITATION AND SAVINGS CLAUSE.—An emergency order issued under this subsection may not be construed to—

(A) alter, amend, or limit the Secretary's obligations under, or the applicability of, section 553 of title 5; or

(B) provide the authority to amend the Code of Federal Regulations.

* * * * *

§ 60121. Actions by private persons

(a) GENERAL AUTHORITY.—(1) A person may bring a civil action in an appropriate district court of the United States for an injunction against another person (including the United States Government and other governmental authorities to the extent permitted under the 11th amendment to the Constitution) for a violation of this chapter or a regulation prescribed or order issued under this chapter. However, the person—

(A) may bring the action only after 60 days after the person has given notice of the violation to the Secretary of Transportation or to the appropriate State authority (when the violation is alleged to have occurred in a State certified under section 60105 of this title) and to the person alleged to have committed the violation;

(B) may not bring the action if the Secretary or authority has begun and diligently is pursuing an administrative proceeding for the violation; and

(C) may not bring the action if the Attorney General of the United States, or the chief law enforcement officer of a State, has begun and diligently is pursuing a judicial proceeding for the violation.

(2) The Secretary shall prescribe the way in which notice is given under this subsection.

(3) The Secretary, with the approval of the Attorney General, or the Attorney General may intervene in an action under paragraph (1) of this subsection.

(b) COSTS AND FEES.—The court may award costs, reasonable expert witness fees, and a reasonable attorney's fee to a prevailing plaintiff in a civil action under this section. The court may award costs to a prevailing defendant when the action is unreasonable, frivolous, or meritless. In this subsection, a reasonable attorney's fee is a fee—

(1) based on the actual time spent and the reasonable expenses of the attorney for legal services provided to a person under this section; and

(2) computed at the rate prevailing for providing similar services for actions brought in the court awarding the fee.

(c) STATE VIOLATIONS AS VIOLATIONS OF THIS CHAPTER.—In this section, a violation of a safety standard or practice of a State is deemed to be a violation of this chapter or a regulation prescribed or order issued under this chapter only to the extent the standard or practice is not more stringent than a comparable minimum safety standard prescribed under this chapter.

(d) **ADDITIONAL REMEDIES.**—A remedy under this section is in addition to any other remedies provided by law. This section does not restrict a right to relief that a person or a class of persons may have under another law or at common law.

(e) **MANDAMUS.**—*A person may bring a civil action in an appropriate district court of the United States to compel the Secretary to perform a nondiscretionary duty under this chapter that the Secretary has failed to perform.*

§ 60122. Civil penalties

(a) **GENERAL PENALTIES.**—(1) A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has violated section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than ~~【\$200,000】~~ \$20,000,000 for each violation. A separate violation occurs for each day the violation continues. ~~【The maximum civil penalty under this paragraph for a related series of violations is \$2,000,000.】~~

(2) A person violating a standard or order under section 60103 or 60111 of this title is liable to the Government for a civil penalty of not more than ~~【\$50,000】~~ \$20,000,000 for each violation. A penalty under this paragraph may be imposed in addition to penalties imposed under paragraph (1) of this subsection.

(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than \$1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.

(b) **PENALTY CONSIDERATIONS.**—In determining the amount of a civil penalty under this section—

(1) the Secretary shall consider—

(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

(B) with respect to the violator, the degree of culpability, any history of prior violations, and any effect on ability to continue doing business; and

(C) good faith in attempting to comply; and

(2) the Secretary may consider—

(A) the economic benefit gained from the violation without any reduction because of subsequent damages; and

(B) other matters that justice requires.

(c) **COLLECTION AND COMPROMISE.**—(1) The Secretary may request the Attorney General to bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed under this section.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section before referral to the Attorney General.

(d) **SETOFF.**—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(e) **DEPOSIT IN TREASURY.**—Amounts collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(f) **PROHIBITION ON MULTIPLE PENALTIES FOR SAME ACT.**—Separate penalties for violating a regulation prescribed under this chap-

ter and for violating an order under section 60112 or 60118(b) of this title may not be imposed under this chapter if both violations are based on the same act.

§ 60123. Criminal penalties

(a) GENERAL PENALTY.—A person [knowingly and willfully] *knowingly or recklessly* violating section 60114(b), 60118(a), or 60128 of this title or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) PENALTY FOR DAMAGING OR DESTROYING FACILITY.—A person knowingly and willfully damaging or destroying an interstate gas pipeline facility, an interstate hazardous liquid pipeline facility, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, or attempting or conspiring to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(c) PENALTY FOR DAMAGING OR DESTROYING SIGN.—A person knowingly and willfully defacing, damaging, removing, or destroying a pipeline sign or right-of-way marker required by a law or regulation of the United States shall be fined under title 18, imprisoned for not more than one year, or both.

(d) PENALTY FOR NOT USING ONE-CALL NOTIFICATION SYSTEM OR NOT HEEDING LOCATION INFORMATION OR MARKINGS.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) knowingly and willfully engages in an excavation activity—

(A) without first using an available one-call notification system to establish the location of underground facilities in the excavation area; or

(B) without paying attention to appropriate location information or markings the operator of a pipeline facility establishes; and

(2) subsequently damages—

(A) a pipeline facility that results in death, serious bodily harm, or actual damage to property of more than \$50,000;

(B) a pipeline facility, and knows or has reason to know of the damage, but does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or

(C) a hazardous liquid pipeline facility that results in the release of more than 50 barrels of product.

Penalties under this subsection may be reduced in the case of a violation that is promptly reported by the violator.

(e) PENALTY FOR THREATENING THE SAFE OPERATIONS OF PIPELINE INFRASTRUCTURE.—

(1) IN GENERAL.—A person knowingly and willfully engaging in the unauthorized turning or manipulation of a valve of any pipeline facility described in subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both.

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

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

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

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

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

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

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

* * * * *

§ 60125. Authorization of appropriations

(a) *GAS AND HAZARDOUS LIQUID.—*

(1) *IN GENERAL.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), there is authorized to be appropriated to the Department of Transportation from fees collected under section 60301—*

[(A) \$124,500,000 for fiscal year 2016, of which \$9,000,000 shall be expended for carrying out such section 12 and \$39,385,000 shall be expended for making grants;

[(B) \$128,000,000 for fiscal year 2017 of which \$9,000,000 shall be expended for carrying out such section 12 and \$41,885,000 shall be expended for making grants;

[(C) \$131,000,000 for fiscal year 2018, of which \$9,000,000 shall be expended for carrying out such section 12 and \$44,885,000 shall be expended for making grants; and

[(D) \$134,000,000 for fiscal year 2019, of which \$9,000,000 shall be expended for carrying out such section 12 and \$47,885,000 shall be expended for making grants.]

(A) \$160,800,000 for fiscal year 2020, of which \$10,000,000 shall be expended for carrying out such section 12 and \$60,000,000 shall be expended for making grants;

(B) \$165,624,000 for fiscal year 2021 of which \$10,000,000 shall be expended for carrying out such section 12 and \$61,800,000 shall be expended for making grants;

(C) \$170,600,000 for fiscal year 2022, of which \$10,000,000 shall be expended for carrying out such section

12 and \$63,650,000 shall be expended for making grants; and

(D) \$175,700,000 for fiscal year 2023, of which \$10,000,000 shall be expended for carrying out such section 12 and \$65,560,000 shall be expended for making grants.

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

[(A) \$22,123,000 for fiscal year 2016, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants;

[(B) \$22,123,000 for fiscal year 2017, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants;

[(C) \$23,000,000 for fiscal year 2018, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants; and

[(D) \$23,000,000 for fiscal year 2019, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants.]

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

(B) \$25,000,000 for fiscal year 2021, of which \$5,000,000 shall be expended for carrying out such section 12 and \$9,000,000 shall be expended for making grants;

(C) \$26,000,000 for fiscal year 2022, of which \$5,000,000 shall be expended for carrying out such section 12 and \$9,000,000 shall be expended for making grants; and

(D) \$26,000,000 for fiscal year 2023, of which \$5,000,000 shall be expended for carrying out such section 12 and \$9,000,000 shall be expended for making grants.

(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—To carry out section 60141, there is authorized to be appropriated to the Department of Transportation from fees collected under section 60302 [\$8,000,000 for each of fiscal years 2017 through 2019] \$9,000,000 for each of fiscal years 2020 through 2023.

(b) EMERGENCY RESPONSE GRANTS.—

(1) IN GENERAL.—The Secretary may establish a program for making grants to State, county, [and local governments in high consequence areas, as defined by the Secretary,] local, and Tribal governments, and nonprofit organizations providing pipeline emergency response training, for emergency response management, training, and technical assistance. To the extent that such grants are used to train emergency responders, such training shall ensure that emergency responders have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving gas or hazardous liquid pipelines, in accordance with existing regulations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated **[\$10,000,000 for each of fiscal years 2012 through 2015]** *\$12,000,000 for each of fiscal years 2020 through 2023* to carry out this subsection.

(c) CREDITING APPROPRIATIONS FOR EXPENDITURES FOR TRAINING.—The Secretary may credit to an appropriation authorized under subsection (a) amounts received from sources other than the Government for reimbursement for expenses incurred by the Secretary in providing training.

* * * * *

§ 60130. Pipeline safety information grants to communities

(a) GRANT AUTHORITY.—

(1) IN GENERAL.—The Secretary of Transportation may make grants for technical assistance to local communities and groups of individuals (not including for-profit entities) relating to the safety of pipeline facilities in local communities, other than facilities regulated under Public Law 93–153 (43 U.S.C. 1651 et seq.). No grants may be awarded under section 60114(g) until the Secretary has established competitive procedures for awarding grants under this section and criteria for selecting grant recipients. The amount of any grant under this section may not exceed \$100,000 for a single grant recipient. The Secretary shall establish appropriate procedures to ensure the proper use of funds provided under this section.

(2) DEMONSTRATION GRANTS.—At least the first 3 grants awarded under this section shall be demonstration grants for the purpose of demonstrating and evaluating the utility of grants under this section. Each such demonstration grant shall not exceed \$25,000.

(3) DISSEMINATION OF TECHNICAL FINDINGS.—Each recipient of a grant under this section shall ensure that—

(A) the technical findings made possible by the grants are made available to the relevant operators; and

(B) open communication between the grant recipients, local operators, local communities, and other interested parties is encouraged.

(4) TECHNICAL ASSISTANCE DEFINED.—In this subsection, the term “technical assistance” means engineering and other scientific analysis of pipeline safety issues, including the promotion of public participation on technical pipeline safety issues in official proceedings conducted under this chapter.

(b) PROHIBITED USES.—Funds provided under this section to grant recipients and their contractors may not be used for lobbying, for direct advocacy for or against a pipeline construction or expansion project, or in direct support of litigation.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available under **[section 2(b) of the PIPES Act of 2016, the Secretary shall expend \$1,500,000 for each of fiscal years 2016 through 2019 to carry out this section. Such amounts shall not be derived from user fees collected under section 60301]** *section 2(a) of the SAFER Pipelines Act of 2019, the Secretary shall expend \$2,000,000 for each of fiscal years 2020 through 2023 to carry out this section.*

§ 60131. Verification of pipeline qualification programs

(a) IN GENERAL.—Subject to the requirements of this section, the Secretary of Transportation shall require the operator of a pipeline facility to develop and adopt a qualification program to ensure that the individuals who perform covered tasks are qualified to conduct such tasks.

(b) STANDARDS AND CRITERIA.—

(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall ensure that the Department of Transportation has in place standards and criteria for qualification programs referred to in subsection (a).

(2) CONTENTS.—The standards and criteria shall include the following:

(A) The establishment of methods for evaluating the acceptability of the qualifications of individuals described in subsection (a).

(B) A requirement that pipeline operators develop and implement written plans and procedures to qualify individuals described in subsection (a) to a level found acceptable using the methods established under subparagraph (A) and evaluate the abilities of individuals described in subsection (a) according to such methods.

(C) A requirement that the plans and procedures adopted by a pipeline operator under subparagraph (B) be reviewed and verified under subsection (e).

(c) DEVELOPMENT OF QUALIFICATION PROGRAMS BY PIPELINE OPERATORS.—The Secretary shall require each pipeline operator to develop and adopt, not later than 2 years after the date of enactment of this section, a qualification program that complies with the standards and criteria described in subsection (b).

(d) ELEMENTS OF QUALIFICATION PROGRAMS.—A qualification program adopted by an operator under subsection (a) shall include, at a minimum, the following elements:

(1) A method for examining or testing the qualifications of individuals described in subsection (a). The method may include written examination, oral examination, observation during on-the-job performance, on-the-job training, simulations, and other forms of assessment. The method may not be limited to observation of on-the-job performance, except with respect to tasks for which the Secretary has determined that such observation is the best method of examining or testing qualifications. The Secretary shall ensure that the results of any such observations are documented in writing.

(2) A requirement that the operator complete the qualification of all individuals described in subsection (a) not later than 18 months after the date of adoption of the qualification program.

(3) A periodic requalification component that provides for examination or testing of individuals in accordance with paragraph (1).

(4) A program to provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.

(e) REVIEW AND VERIFICATION OF PROGRAMS.—

(1) IN GENERAL.—The Secretary shall review the qualification program of each pipeline operator and verify its compliance with the standards and criteria described in subsection (b) and that it includes the elements described in subsection (d). The Secretary shall record the results of that review for use in the next review of an operator’s program.

(2) DEADLINE FOR COMPLETION.—Reviews and verifications under this subsection shall be completed not later than 3 years after the date of the enactment of this section.

(3) INADEQUATE PROGRAMS.—If the Secretary decides that a qualification program is inadequate for the safe operation of a pipeline facility, the Secretary shall act as under section 60108(a)(2) to require the operator to revise the qualification program.

(4) PROGRAM MODIFICATIONS.—If the operator of a pipeline facility significantly modifies a program that has been verified under this subsection, the operator shall notify the Secretary of the modifications. The Secretary shall review and verify such modifications in accordance with paragraph (1).

(5) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement of this section if the waiver or modification is not inconsistent with pipeline safety.

(6) INACTION BY THE SECRETARY.—Notwithstanding any failure of the Secretary to prescribe standards and criteria as described in subsection (b), an operator of a pipeline facility shall develop and adopt a qualification program that complies with the requirement of subsection (b)(2)(B) and includes the elements described in subsection (d) not later than 2 years after the date of enactment of this section.

(f) INTRASTATE PIPELINE FACILITIES.—In the case of an intrastate pipeline facility operator, the duties and powers of the Secretary under this section with respect to the qualification program of the operator shall be vested in the appropriate State regulatory agency, consistent with this chapter.

(g) COVERED TASK DEFINED.—In this section, the term “covered task”—

(1) with respect to a gas pipeline facility, has the meaning such term has under section 192.801 of title 49, Code of Federal Regulations, including any subsequent modifications[; and];

(2) with respect to a hazardous liquid pipeline facility, has the meaning such term has under section 195.501 of such title, including any subsequent modifications[.]; and

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

(h) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall transmit to Congress a report on the status and results to date of the personnel qualification regulations issued under this chapter.

§ 60132. National pipeline mapping system

(a) INFORMATION TO BE PROVIDED.—[Not later than 6 months after the date of enactment of this section, the] *The* operator of a pipeline facility [(except distribution lines and gathering lines)],

including a distribution line or a gathering line (but not including any gathering lines that are not regulated under part 192 or part 195 of title 49, Code of Federal Regulations), shall provide to the Secretary of Transportation the following information with respect to the facility:

(1) Geospatial data appropriate for use in the National Pipeline Mapping System or data in a format that can be readily converted to geospatial data.

(2) The name and address of the person with primary operational control to be identified as its operator for purposes of this chapter.

(3) A means for a member of the public to contact the operator for additional information about the pipeline facilities it operates.

(4) Any other geospatial or technical data, including design and material specifications, that the Secretary determines are necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.

(b) **UPDATES.**—A person providing information [under subsection (a)] *under this section for inclusion in the National Pipeline Mapping System* shall provide to the Secretary updates of the information to reflect changes in the pipeline facility owned or operated by the person and as otherwise required by the Secretary.

(c) **TECHNICAL ASSISTANCE TO IMPROVE LOCAL RESPONSE CAPABILITIES.**—The Secretary may provide technical assistance to State and local officials to improve local response capabilities for pipeline emergencies by adapting information available through the National Pipeline Mapping System to software used by emergency response personnel responding to pipeline emergencies.

(d) **MAP OF HIGH-CONSEQUENCE AREAS.**—The Secretary shall—

(1) maintain, as part of the National Pipeline Mapping System, a map of designated high-consequence areas (as described in section 60109(a)) in which pipelines are required to meet integrity management program regulations, excluding any proprietary or sensitive security information; and

(2) update the map biennially.

(e) **PROGRAM TO PROMOTE AWARENESS OF NATIONAL PIPELINE MAPPING SYSTEM.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local emergency responders and other interested parties. The program shall include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.

(f) **PUBLIC DISCLOSURE LIMITED.**—The Secretary may not disclose information collected pursuant [to subsection (a)] *to this section for inclusion in the National Pipeline Mapping System* except to the extent permitted by section 552 of title 5.

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

(h) *ADDITIONAL INFORMATION ON DISTRIBUTION LINES.*—Not later than 2 years after a distribution line becomes covered by subsection (a), the operator of such distribution line shall provide to the Secretary, in addition to the information required under paragraphs (1) through (4) of subsection (a), information on the distribution systems that could lead to a point of failure, including—

- (1) sensing lines;
- (2) regulator stations;
- (3) automatic or remote-controlled shut-off valves; and
- (4) any other distribution pipeline technology or feature that the Secretary determines is appropriate to ensure safety.

(i) *UPDATE TO SYSTEM.*—

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

(A) the Secretary shall determine whether the inclusion of additional information in the National Pipeline Mapping System would improve the preparation and response efforts of emergency responders with access to the System; and

(B) if the Secretary determines under subparagraph (A) that inclusion of additional information in the National Pipeline Mapping System would improve the preparation and response efforts of emergency responders with access to the System, the Secretary shall issue regulations—

(i) identifying such additional information as the Secretary determines would improve emergency preparedness and response efforts; and

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

(2) *CONSIDERATIONS.*—In carrying out paragraph (1), the Secretary shall consider inclusion, to the extent practicable, of the following information:

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

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

(C) If applicable, a summary of any integrity management program activities related to the pipeline facility.

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§ 60134. State damage prevention programs

(a) *IN GENERAL.*—The Secretary may make a grant to a State authority (including a municipality with respect to intrastate gas pipeline transportation) to assist in improving the overall quality and effectiveness of a damage prevention program of the State authority under subsection (e) if the State authority—

(1) has in effect an annual certification under section 60105 or an agreement under section 60106;

(2)(A) has in effect an effective damage prevention program that meets the requirements of subsection (b); or

(B) demonstrates that it has made substantial progress toward establishing such a program, and that such program will meet the requirements of subsection (b); and

(3) does not provide any exemptions to municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.

(b) DAMAGE PREVENTION PROGRAM ELEMENTS.—An effective damage prevention program includes the following elements:

(1) Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.

(2) A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.

(3) A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.

(4) Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one-call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.

(5) A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.

(6) A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.

(7) Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.

(8) A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.

(9) A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

(c) FACTORS TO CONSIDER.—In making grants under this section, the Secretary shall take into consideration the commitment of each State to ensuring the effectiveness of its damage prevention program, including legislative and regulatory actions taken by the State.

(d) APPLICATION.—If a State authority files an application for a grant under this section not later than September 30 of a calendar year and demonstrates that the Governor (or chief executive) of the State has designated it as the appropriate State authority to receive the grant, the Secretary shall review the State's damage prevention program to determine its effectiveness.

(e) USE OF FUNDS.—A grant under this section to a State authority may only be used to pay the cost of the personnel, equipment, and activities that the State authority reasonably requires for the

calendar year covered by the grant to develop or carry out its damage prevention program in accordance with subsection (b).

(f) NONAPPLICABILITY OF LIMITATION.—A grant made under this section is not subject to the section 60107(a) limitation on the maximum percentage of funds to be paid by the Secretary.

(g) LIMITATION ON USE OF FUNDS.—Funds provided to carry out this section may not be used for lobbying or in direct support of litigation.

(h) DAMAGE PREVENTION PROCESS DEFINED.—In this section, the term “damage prevention process” means a process that incorporates the principles described in sections 60114(b), 60114(d), and 60114(e).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section ~~【\$1,500,000 for each of fiscal years 2012 through 2015】~~ *\$2,000,000 for each of fiscal years 2020 through 2023*. Such funds shall remain available until expended.

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§ 60138. Response plans

(a) IN GENERAL.—The Secretary of Transportation shall—

(1) maintain on file a copy of the most recent response plan (as defined in part 194 of title 49, Code of Federal Regulations) prepared by an owner or operator of a pipeline facility; ~~【and】~~

(2) provide upon written request to a person a copy of the plan, which may exclude, as the Secretary determines appropriate—

(A) proprietary information;

(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations;

(C) specific response resources and tactical resource deployment plans; and

(D) the specific amount and location of worst case discharges (as defined in part 194 of title 49, Code of Federal Regulations), including the process by which an owner or operator determines the worst case discharge~~【.】~~; and

(3) *provide to a Member of Congress, upon request from such Member, a copy of any such plan, the contents of which the Secretary may not redact but may note, as the Secretary determines appropriate—*

(A) proprietary information; and

(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.

(b) RELATIONSHIP TO FOIA.—Nothing in this section may be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.

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§ 60142. Leak detection technology

(a) LEAK DETECTION TECHNOLOGY.—*Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring each operator of a gas pipeline facility to install*

and use advanced leak detection technology on all gas pipelines it operates.

(b) **REQUIREMENTS.**—The advanced leak detection technology required under subsection (a) shall, at a minimum—

- (1) have a high accuracy of identifying leak location;
- (2) be capable of measuring methane concentrations in parts per billion; and
- (3) be capable of correlating methane concentration measurements to data produced by geographic information systems technology.

§ 60143. Gas pipeline repair criteria

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

- (1) immediately repair a leak in a gas pipeline facility it operates that results in a large loss event; and
- (2) report information to the Secretary with respect to such large loss event, including—
 - (A) the location of such large loss event;
 - (B) the total estimated volume of gas released during such event;
 - (C) the cause of the failure; and
 - (D) the time from the detection of a gas leak to the completion of the repair of such leak.

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

§ 60144. Methane release mitigation

(a) **METHANE CAPTURE FROM ROUTINE OPERATIONS OR MAINTENANCE.**—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring each operator of a gas pipeline facility to use the best available technology to capture gas released when performing routine operations or maintenance on the pipeline facility.

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

- (1) requirements for the capture of gas released from routine operations, including venting to relieve pressure;
- (2) requirements for the capture of gas released from maintenance operations, including blowdowns; and
- (3) procedures for emergency situations that result in a release of gas.

§ 60145. Pipeline safety enhancement programs

(a) **IN GENERAL.**—The Secretary may establish and carry out limited safety-enhancing testing programs during the period of fiscal years 2020 through 2026 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.**—Such testing programs may not exceed—
 - (A) 5 percent of the total miles of hazardous liquid pipelines in the United States; and

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

(2) *INDIVIDUAL OPERATOR MILEAGE LIMITATION.*—The Secretary shall limit the mileage an individual operator can test under each program established under subsection (a) to the lesser of—

(A) 50 percent of the total pipeline mileage in the operator's system; or

(B) 1,000 miles.

(3) *HIGH POPULATION AREAS; HIGH CONSEQUENCE AREAS.*—Any program established under subsection (a) shall not be located in a high population area (as defined in section 195.450 of title 49, Code of Federal Regulations) or a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations).

(4) *UNUSUALLY SENSITIVE AREAS.*—Any program established under subsection (a) shall not be located in an unusually sensitive area (as described in section 60109(b)).

(5) *HIGH CONSEQUENCE AREAS FOR HAZARDOUS 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 containing an examination of the benefits and costs of prohibiting testing in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations) for hazardous liquid pipelines.

(B) *CONTENTS OF REPORT.*—The report described in subparagraph (A) shall examine the safety benefits of allowing testing for hazardous liquid pipelines in high consequence areas and whether additional testing conditions are required to protect such areas while conducting the program established under subsection (a) in such areas.

(6) *RESTRICTION.*—

(A) *IN GENERAL.*—The Secretary shall not approve a program under this section until the report required under paragraph (5) is submitted to Congress.

(B) *EXCEPTION.*—The limitation in subparagraph (A) shall not apply if—

(i) the Secretary determines that there is a need for a program under this section; and

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

(c) *DURATION.*—The term of a testing program established under subsection (a) shall be not more than a period of 4 years beginning on the date of approval of the program.

(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, or equivalent to, 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 ex-

ceed 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.

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

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

(2) whether the owners or operators participating in the program have a safety management system in place and how the application for such program proposes to eliminate or mitigate any potential safety risks;

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

(4) a description of any previous testing and the outcome of such testing of the proposed safety technology through a research and development program carried out by—

(A) the Secretary;

(B) collaborative research development organizations; or

(C) other institutions;

(5) whether there have been other testing programs granted under subsection (a) similar to the proposed safety technology and the outcome of such programs; and

(6) whether the pipeline segments tested by the program could affect, or are outside of, a high consequence areas (as defined in sections 192.903 and 195.450 of title 49, Code of Federal Regulations) and unusually sensitive areas (as described in section 60109(b)).

(f) *MULTIPLE OPERATORS.*—

(1) *IN GENERAL.*—The Secretary may select up to 5 owners or operators to carry out a testing program under subsection (a) in a single application.

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

(A) meet the requirements of subsection (d)(1);

(B) test a similar technology, best practice, or related set of technologies and best practices; and

(C) provides appropriate testing conditions for the technologies or practices being used.

(3) *AUTHORITY TO REVOKE PARTICIPATION.*—If an owner or operator participating in a program established under subsection (a), the Secretary may revoke permission to participate in such program if—

(A) the owner or operator is involved in an accident or incident and the testing program is determined to be the cause or a contributing factor of such accident or incident; or

(B) the Secretary determines revocation of permission is warranted for public safety reasons.

(g) *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.*—To the extent practicable, the Secretary shall make a yearly interim report publicly available on the website of the Department of Transportation for any ongoing testing program established under subsection (a) summarizing the progress of such program.

(h) *AUTHORITY TO REVOKE PARTICIPATION.*—The Secretary shall immediately revoke participation in a testing program under subsection (a) if—

(1) the participant has an accident or incident involving a death, or personal injury necessitating in-patient hospitalization and the testing program is determined to be the cause or a contributing factor to such 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 participant would be unsafe.

(i) *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.

(j) *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 10 days after the date on which the Secretary issues an order providing an effective date for the testing program.

(3) *EXCEPTION.*—A State shall be eligible to withdraw from a testing program if an owner or operator conducting such testing program in such State has an incident involving a death, a personal injury necessitating in-patient hospitalization, or a reportable accident (within the meaning of sections 195.50 and 191.3 of title 49, Code of Federal Regulations), and the testing program is determined to be the cause or a contributing factor to such incident.

(4) *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.

(k) *PROGRAM REVIEW PROCESS AND PUBLIC NOTICE.*—

(1) *IN GENERAL.*—The Secretary shall publish in the Federal Register a notice of each testing program under subsection (a),

including the order to be considered, and provide an opportunity for public comment for not less than 60 days.

(2) **COMMUNICATION WITH STATES.**—

(A) **IN GENERAL.**—As part of carrying out the process described in paragraph (1), the Secretary shall individually notify, at the time described in paragraph (1), the relevant authorities in the States such testing programs would be conducted in.

(B) **NOTIFICATION CONTENTS.**—The notification described in subparagraph (A) shall include a specific list of the laws or regulations that the State would not be allowed to enforce pursuant to subsection (j)(4) should such testing program go into effect, and the ability of the State to request an exemption from the program.

(3) **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 respond to each comment submitted under that paragraph.

(l) **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.

(m) **STANDARDS.**—If a report under subsection (l) 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 Procedures 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.

§ 60146. Voluntary information-sharing system

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Subject to the availability of funds, the Secretary may establish a confidential and nonpunitive voluntary information-sharing system (referred to in this section as the “System”) to encourage collaborative efforts to improve inspection information feedback and information sharing, with the

purpose of improving natural gas transmission and hazardous liquid pipeline safety.

(2) *COMPONENTS.—The System—*

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

(B) *may include other information relating to reducing pipeline incidents, such as—*

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

(ii) *process improvements;*

(iii) *technology deployments; and*

(iv) *other voluntary information-sharing systems.*

(3) *REQUIREMENT.—The System shall protect proprietary information while encouraging the exchange of data, including in-line inspection and dig verification data, among operators, tool vendors, and the representatives of the Secretary to facilitate the development of—*

(A) *advanced pipeline-inspection technologies; and*

(B) *enhanced risk analysis.*

(4) *CONSULTATION.—If appropriate, the Secretary may involve other public and private stakeholders in establishing and maintaining the System.*

(b) *DATA MANAGER.—In carrying out this section, the Secretary may engage a partner agency or nongovernmental entity to receive, store, manage, and provide for the use of—*

(1) *system data; and*

(2) *information submitted to the System.*

(c) *LIMITATION ON DISCLOSURE.—*

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

(A) *supplied to the Secretary for purposes of the System;*

or

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

(2) *EXCEPTION.—Notwithstanding paragraph (1), the Secretary in consultation with the information owner, may disclose deidentified material or any part of any record comprised of facts otherwise available to the public if, in the sole discretion of the Secretary, the Secretary determines that disclosure would be consistent with the confidentiality needed for the System and improve pipeline safety.*

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

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

or

(2) to support any corrective action relating to a probable violation under this chapter (including any regulation promulgated or order issued under this chapter).

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

(f) *LIMITATIONS ON EXCLUSION.*—The exclusions described in subsections (d) and (e) shall not apply to—

(1) evidence of a knowing and willful violation;

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

(3) a safety-related condition under sections 191.7 or 195.55 of title 49, Code of Federal Regulations (or a successor regulation); or

(4) data or information obtained by the Secretary independently of the System.

(g) *GOVERNING BOARD.*—Not later than 180 days after the date of enactment of this section, the Administrator shall establish a governing board co-chaired by the Administrator and a representative of the pipeline industry to—

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

(2) develop governance documents and oversee their enforcement; and

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

(h) *CONFIDENTIALITY.*—No person, including any System governing board member, program manager, third-party data manager, issue analysis team member, nor any Federal, State, local or tribal agency, having or obtaining access to any data or information submitted to, stored, managed, analyzed or produced by the System, shall release or communicate that information to any person outside the System, with the sole exception being the publication of reports by the System based on analysis of de-identified information and safety related findings that the System governing board in its sole discretion determines to publish or authorize the Administration to publish.

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

(j) *SUSTAINABLE FUNDING.*—The Secretary shall explore sustainable funding sources for the System, including public-private partnerships.

(k) *EFFECT.*—Nothing in this section affects any Federal or State pipeline safety law.

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

(m) *SAVINGS CLAUSE.*—Notwithstanding the protections provided under this section, no pipeline operator may use the submission of information to the System as protection against enforcement actions or corrective orders that are based on information or evidence obtained outside of the System.

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CHAPTER 603—USER FEES

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§ 60302. User fees for underground natural gas storage facilities

(a) **IN GENERAL.**—A fee shall be imposed on an entity operating an underground natural gas storage facility subject to section 60141. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.

(b) **MEANS OF COLLECTION.**—The Secretary of Transportation shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(c) **USE OF FEES.**—

(1) **ACCOUNT.**—There is established an Underground Natural Gas Storage Facility Safety Account in the Pipeline Safety Fund established in the Treasury of the United States under section 60301.

(2) **USE OF FEES.**—A fee collected under this section—

(A) shall be deposited in the Underground Natural Gas Storage Facility Safety Account; **[and]**

(B) if the fee is related to an underground natural gas storage facility subject to section 60141, the amount of the fee may be used only for an activity related to underground natural gas storage facility safety**[.]; and**

(C) *may only be used to the extent provided in advance in an appropriations Act.*

[(3) LIMITATION.—No fee may be collected under this section, except to the extent that the expenditure of such fee to pay the costs of an activity related to underground natural gas storage facility safety for which such fee is imposed is provided in advance in an appropriations Act.]

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

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PIPES ACT OF 2016

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SEC. 19. UNUSUALLY SENSITIVE AREAS.

(a) **AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.**—Section 60109(b)(2) of title 49, United States Code, is amended by striking “have been identified as” and inserting “are part of the Great Lakes or have been identified as coastal beaches, marine coastal waters.”

(b) **UNUSUALLY SENSITIVE AREAS (USA) ECOLOGICAL RESOURCES.**—The Secretary of Transportation shall revise section 195.6(b) of title 49, Code of Federal Regulations, to explicitly state

that the Great Lakes, coastal beaches, and [marine coastal waters] *coastal waters* are USA ecological resources for purposes of determining whether a pipeline is in a high consequence area (as defined in section 195.450 of such title).

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

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

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

* * * * *

DISSENTING VIEWS

Committee Republicans oppose H.R. 5120, the *SAFER Pipelines Act*, as amended, by the Committee and ordered reported. As drafted and passed this bill fails to make reforms necessary to improve safety and bolster government, industry, and stakeholder collaboration instead opting for onerous new regulations and spurring policies that will do little to improve safety. The failure to craft a strong forward-thinking bill is particularly disheartening as authorization for pipeline safety programs lapsed on September 30, 2019.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) was created under the *Norman Y. Mineta Research and Special Programs Improvement Act of 2004* (P.L. 108–426). Today, PHMSA’s pipeline safety program oversees the operational safety of the nation’s 2.6 million miles of gas and hazardous liquid pipeline transportation system. This extensive pipeline system safely provides the energy used daily by American businesses, consumers, and manufacturers. In recent years, the U.S has become a net exporter of oil and natural gas and continues to produce and export energy products at record levels.¹ Pipelines are essential to supporting this economic growth and remain the safest method of transporting energy products.² PHMSA’s primary mission remains protecting people and the environment by advancing the safe transportation of energy and other hazardous materials.³ In prior reauthorization bills the Committee has achieved a bipartisan, bicameral consensus to help PHMSA deliver on their mission. However, due to the Majority’s decision to jettison this proven path forward, the authorization for pipeline safety programs lapsed on September 30, 2019.

H.R. 5120, the *SAFER Pipelines Act*, falls short in improving pipeline safety, fostering collaboration between government and stakeholders, harnessing innovation and technology, and reducing regulatory burdens. Instead, the *SAFER Pipelines Act* prioritizes the vast expansion of both regulations and the scope of what is regulated by PHMSA. Therefore, the Minority is unable to support this legislation and will detail specific provisions that are of particular concern.

¹See e.g., U.S. ENERGY INFORMATION ADMINISTRATION (EIA), U.S. PETROLEUM EXPORTS EXCEED IMPORTS IN SEPTEMBER, available at <https://www.eia.gov/todayinenergy/detail.php?id=42176>; EIA, UNITED STATES HAS BEEN A NET EXPORTER OF NATURAL GAS FOR MORE THAN 12 CONSECUTIVE MONTHS, May 2, 2019, available at <https://www.eia.gov/todayinenergy/detail.php?id=39312>; and Bradley Olson, *U.S. Becomes Net Exporter of Oil, Fuels for First Time in Decades*, WALL ST. J., Dec. 6, 2018, available at <https://www.wsj.com/articles/u-s-becomes-net-exporter-of-oil-fuels-for-first-time-in-decades-1544128404>.

²PHMSA, GENERAL PIPELINE FAQs, available at <https://www.phmsa.dot.gov/faqs/general-pipeline-faqs>.

³PHMSA, PHMSA’S MISSION STATEMENT, available at <https://www.phmsa.dot.gov/about-phmsa/phmsas-mission>.

Section 3 of H.R. 5120, as amended, removes from statute cost-benefit analysis requirements, which ensures potential regulations have a net benefit for safety. Cost-benefit analysis is standard practice for the majority of regulations issued by federal agencies, as it ensures the quality and effectiveness of federal rules and minimizes regulatory burden. While many federal regulations are covered by administrative guidance requiring such analysis, it was Congress that passed into law a requirement for cost-benefit analysis for regulations promulgated by PHMSA.⁴ As noted in the Senate's report on that legislation, this stemmed from a desire to develop innovative approaches to improve pipeline safety in a manner that more efficiently managed public and private resources.⁵ PHMSA promulgates complex regulations that affect public safety, our Nation's pipeline infrastructure, and consumers' access to affordable energy products. A robust and meaningful cost-benefit analysis ensures that the benefits of a proposed regulation are commensurate with its quantitative and qualitative costs and leads to better regulations.

Further, the clear and specific requirements for cost-benefit analysis lead to regulations that are more effective and legally sound, with a greater likelihood that PHMSA's rulemakings will survive legal challenges. Unlike regulations from other environmental, health, and safety agencies, no PHMSA regulation has ever been overturned based on the cost-benefit analysis requirement.⁶ Given the importance of cost-benefit analysis the Minority strongly opposes the bill's removal of this key statutory provision.

Section 11 of H.R. 5120 increases civil penalty amounts for a single violation from \$200,000 to \$20,000,000. This 100-times increase in civil penalties is excessive and the Minority is unable to support this provision. High civil penalties can encourage fear of disclosure in advance of the far more onerous litigation phase, limiting the sharing of lessons learned. In addition, the Majority gave no evidence or justification for such a dramatic increase. The civil penalty was last increased in 2011 and while it may need to be adjusted, such as for inflation, there is no justification for increasing the penalty cap per violation to an amount close to one-third of all violations collected by PHMSA in the last 17 years.⁷ Furthermore, civil penalty costs incurred by a pipeline operator go into the General Fund of the Treasury and are not applied in any way toward improving pipeline safety.

Additionally, section 10 of H.R. 5120 encourages Environmental Protection Agency (EPA)-style "sue and settle" mandamus actions. This issue previously has been litigated in a bipartisan, bicameral agreement. Mandamus actions are used by outside groups to impose new regulations, circumventing the public forum where pro-

⁴ S. R. Rep. No. 104-334, at 2 (1996), available at <https://www.congress.gov/congressional-report/104th-congress/senate-report/334/>.

⁵ *Id.*

⁶ *Pipeline Safety: Reviewing the Status of Mandates and Examining Additional Safety Needs: Hearing before the H. Comm. on Transportation and Infrastructure, Subcomm. on Railroads, Pipelines, and Hazardous Materials*, 116th Cong. (Apr. 2, 2019) (statement for the record of Donald F. Santa, President and CEO, Interstate Natural Gas Association of America) available at <https://www.ingaa.org/File.aspx?id=36381&v=a0cd0f15>.

⁷ PHMSA, DEPT. OF TRANSPORTATION, SUMMARY OF CASES INVOLVING CIVIL PENALTIES, available at https://primis.phmsa.dot.gov/comm/reports/enforce/CivilPenalty_opid_O.html?nocache=866#_TP_1_tab_3.

posed rules are debated openly. Between 2009 and 2012, the EPA was sued and settled 60 lawsuits, resulting in more than 100 new federal rules estimated to impose \$100 million in annual compliance costs.⁸ Imposing mandamus allows for shadow rulemaking and cost increases to the consumer, while doing nothing to improve safety.

Further, Section 30 of H.R. 5120 reinstates the EPA's 2016 final rule for new source performance standards for the oil and natural gas sectors. While the Minority understands the importance of sensible emissions reduction, this EPA rule is clearly outside PHMSA's authority in ensuring the operational safety of pipelines and should not be addressed through PHMSA reauthorization legislation.

While these examples represent only some of the policy concerns the Minority has with this bill, overall, the *SAFER Pipelines Act*, as amended, deflects focus from actual safety improvements and will result in pipeline operators adopting a "check-the-box" approach to safety, which will stifle innovation, information-sharing, and safety improvements.

The Minority recognizes various challenges in methane reductions; however, the approach taken by the Majority in H.R. 5120 simply goes too far. Pipelines are considered the safest mode of energy transportation, yet the excessive regulation proposed in H.R. 5120 potentially forces transportation of energy away from pipelines to other means that have a greater risk of causing harm to people and the environment. Over-regulation in this one area will not diminish the need for oil and gas and consumers will be forced to find alternative means. An example of this scenario played out in January 2018, when the city of Boston imported Russian liquefied natural gas (LNG) to meet the high energy demand that winter.⁹ Despite the abundance of American natural gas,¹⁰ which is known to be cleaner than Russian LNG, much needed energy infrastructure has been blocked by opposition from local officials, forcing consumers to look to other less favorable sources for energy.¹¹

Further, if the Majority was interested in reducing methane emissions, they would have considered the Minority proposals to update class location regulations. Up to 800 million standard cubic feet of natural gas releases could be avoided each year if operators were able to employ integrity assessment technologies to manage class location changes, instead of the current requirement to replace pipeline when a class change occurs.¹² By updating class lo-

⁸ U.S. CHAMBER OF COMMERCE, *SUE AND SETTLE: REGULATING BEHIND CLOSED DOORS*, 15 (2013), available at https://www.uschamber.com/sites/default/files/documents/files/SUEANDSET_EREPORF-Final.pdf.

⁹ Steven Mufson, *Tanker carrying liquefied natural gas from Russia's Arctic arrives in Boston*, *WASH. POST*, Jan. 28, 2018, available at https://www.washingtonpost.com/business/economy/tanker-carrying-liquefied-natural-gas-from-russias-arctic-arrives-in-boston/2018/01/28/08d3894c-0497-11-e8-8777-2a059f168dd2_story.html.

¹⁰ EIA, *UNITED STATES HAS BEEN A NET EXPORTER OF NATURAL GAS FOR MORE THAN 12 CONSECUTIVE MONTHS*, May 2, 2019, available at <https://www.eia.gov/todayinenergy/detail.php?id=39312>.

¹¹ Robert Bryce, *Out of Gas: New York's Blocked Pipelines Will Hurt Northeast Consumers*, *MANHATTAN INSTITUTE*, Jun. 25, 2019, available at <https://www.manhattan-institute.org/natural-gas-shortage-northeast>; see also Editorial, *Russian gas: Just say nyet*, *BOSTON GLOBE*, Jan. 30, 2018, available at <https://www.bostonglobe.com/opinion/editorials/2018/01/30/russian-gas-just-say-nyet/xBgrxEJMtTNwCaEn6i2PwM/story.html?pl=Article Inline Text Link>.

¹² Comments On Pipeline Safety: Class Location Change Requirements filed by American Gas Association, American Petroleum Institute, American Public Gas Association, Interstate Natural

cation change regulations, investment could be focused on new pipeline safety technologies for managing class changes, instead of directing those resources to replace pipe in good condition, as per current regulations. 800 million standard cubic feet is equivalent to the annual natural gas use of over 10,000 homes and the greenhouse gas emissions of over 80,000 cars.¹³

While the Minority opposes H.R. 5120, the *SAFER Pipelines Act*, as amended; the Minority seeks to reauthorize PHMSA's expired authorities and supports H.R. 5175, the *Pipeline Safety Improvement Act*, which was offered at markup as an Amendment in the Nature of a Substitute (ANS). The reauthorization proposal in the ANS reflects bipartisan policy provisions that would improve and modernize pipeline safety regulation.

For instance, Section 6 of H.R. 5175 prohibits actions that would jeopardize pipeline safety with catastrophic outcomes while protecting First Amendment rights to free speech and assembly. This important provision to strengthen pipeline infrastructure security was championed by Representative Mike Bost (R-IL).

Section 11 of H.R. 5175 is a provision requested by Rep. Troy Balderson (R-OH) that promotes the advancement of new pipeline safety technologies by establishing a limited safety-enhancing testing program for innovative technologies and operational approaches.

Section 12 of H.R. 5175 establishes a voluntary information sharing system that would create a confidential, non-punitive voluntary information sharing system for best practices, processes, technology developments and improve inspection information feedback.

Moreover, while the Minority disagrees with the overreaching environmental priorities in H.R. 5120, as amended, we believe there is room for common sense steps that can be taken to address gas releases that fall within the capabilities of PHMSA. Section 21 of H.R. 5175 does just this by requiring the Secretary to enter into an agreement with the National Academy of Sciences to conduct a study on technologies and measures to reduce the amount of gas released from natural gas distribution pipelines during venting and blow downs.

The measured approach taken in H.R. 5175, which was offered as an ANS at markup, garnered bipartisan support in Committee and demonstrates that there is a reasonable, bipartisan path forward to reauthorize this critical agency; however, it is not H.R. 5120, as amended, in its current form.

SAM GRAVES,
Ranking Member.



Gas Association Of America, Oct. 1, 2018, available at <https://www.regulations.gov/document?D=PHMSA-2017-0151-0018>, at 9.

¹³ *Pipeline Safety: Federal Oversight and Stakeholder Perspectives: Hearing before the S. Comm. on Commerce, Science, and Transportation, Subcomm. on Transportation and Safety, 116th Cong. (Apr. 10, 2019)* (testimony of Paul R. Amato, VP, Iroquois Pipeline Operating Company) available at <https://www.commerce.senate.gov/services/files/57203F57-EC80-4E33-9B90-5F57DCE42ECF>.