

(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an action of an employee of an employer who, acting without direction from the employer (or such employer's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

(e) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

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

(2) PREDISPENSE ARBITRATION AGREEMENTS.—No provision of a predispute arbitration agreement shall be valid or enforceable if the provision requires arbitration of a dispute arising under subsection (a)(1).

(Added Pub. L. 107-355, § 6(a), Dec. 17, 2002, 116 Stat. 2989; amended Pub. L. 116-260, div. R, title I, § 116, Dec. 27, 2020, 134 Stat. 2233.)

#### AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-260, §116(1), substituted “current or former employee with” for “employee with” in introductory provisions.

Subsec. (b)(3)(D). Pub. L. 116-260, §116(2), added subpar. (D).

Subsec. (e). Pub. L. 116-260, §116(3), added subsec. (e).

### § 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, Indian Tribes, 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. Except as provided in subsection (c)(2), 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 com-

munities, and other interested parties is encouraged.

(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) FUNDING.—

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

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

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

#### (d) DEFINITIONS.—In this section:

(1) TECHNICAL ASSISTANCE.—The term “technical assistance” means engineering, research, and other scientific analysis of pipeline safety issues, including the promotion of public participation on technical pipeline safety issues in proceedings related to this chapter.

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

(A) is a public safety advocate;

(B) has pipeline safety expertise;

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

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

(Added Pub. L. 107-355, §9(a), Dec. 17, 2002, 116 Stat. 2994; amended Pub. L. 109-468, §5, Dec. 29, 2006, 120 Stat. 3490; Pub. L. 112-90, §32(e), Jan. 3, 2012, 125 Stat. 1923; Pub. L. 113-188, title XV, §1501(c), Nov. 26, 2014, 128 Stat. 2024; Pub. L. 114-183, §§2(d), 20(a), June 22, 2016, 130 Stat. 516, 527; Pub. L. 116-260, div. R, title I, §101(e), Dec. 27, 2020, 134 Stat. 2213.)

#### Editorial Notes

#### REFERENCES IN TEXT

Public Law 93-153, referred to in subsec. (a)(1), is Pub. L. 93-153, Nov. 16, 1973, 87 Stat. 576. Title II of the Act, known as the Trans-Alaska Pipeline Authorization Act, is classified generally to chapter 34 (§1651 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1651 of Title 43 and Tables.

Section 2(b) of the PIPES Act of 2016, referred to in subsec. (c)(1), is section 2(b) of Pub. L. 114-183, June 22, 2016, 130 Stat. 515, which is not classified to the Code.

#### AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-260, §101(e)(1)(A), substituted “to local communities, Indian Tribes, and groups of individuals (not including for-profit enti-

ties)" for "to local communities and groups of individuals (not including for-profit entities)" in first sentence and "Except as provided in subsection (c)(2), the amount" for "The amount" in third sentence.

Subsec. (a)(4). Pub. L. 116-260, §101(e)(1)(B), struck out par. (4). Text read as follows: "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."

Subsec. (c). Pub. L. 116-260, §101(e)(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: "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."

Subsec. (d). Pub. L. 116-260, §101(e)(3), added subsec. (d).

2016—Subsec. (a)(4). Pub. L. 114-183, §20(a), inserted "on technical pipeline safety issues" after "public participation".

Subsec. (c). Pub. L. 114-183, §2(d), substituted "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." for "There is authorized to be appropriated to the Secretary of Transportation for carrying out this section \$1,500,000 for each of fiscal years 2012 through 2015."

2014—Subsecs. (c), (d). Pub. L. 113-188 redesignated subsec. (d) as (c) and struck out former subsec. (c) which required annual reports on grants made under this section.

2012—Subsec. (a)(1). Pub. L. 112-90, §32(e)(1), substituted "\$100,000" for "\$50,000".

Subsec. (b). Pub. L. 112-90, §32(e)(2), inserted "to grant recipients and their contractors" after "this section" and "for direct advocacy for or against a pipeline construction or expansion project," after "for lobbying".

Subsec. (d). Pub. L. 112-90, §32(e)(3), substituted "\$1,500,000 for each of fiscal years 2012 through 2015" for "\$1,000,000 for each of the fiscal years 2003 through 2010".

2006—Subsec. (a)(1). Pub. L. 109-468, §5(1), substituted "No grants may be awarded under section 60114(g) until the Secretary has established competitive" for "The Secretary shall establish competitive".

Subsec. (a)(2) to (4). Pub. L. 109-468, §5(2), (3), added pars. (2) and (3) and redesignated former par. (2) as (4).

Subsec. (d). Pub. L. 109-468, §5(4), substituted "2010" for "2006".

### **§ 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.