

116TH CONGRESS
1ST SESSION

H. R. 5120

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2019

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

A BILL

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

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

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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. Pipeline safety testing.
- 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.

3 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

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

- 9 (1) \$24,215,000 for fiscal year 2020.
- 10 (2) \$24,941,450 for fiscal year 2021.
- 11 (3) \$26,460,000 for fiscal year 2022.

1 (4) \$27,254,000 for fiscal year 2023.

2 (b) GAS AND HAZARDOUS LIQUID.—Section
3 60125(a) of title 49, United States Code, is amended—

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

6 “(A) \$160,800,000 for fiscal year 2020, of
7 which \$10,000,000 shall be expended for car-
8 rying out such section 12 and \$60,000,000
9 shall be expended for making grants;

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

14 “(C) \$170,600,000 for fiscal year 2022, of
15 which \$10,000,000 shall be expended for car-
16 rying out such section 12 and \$63,650,000
17 shall be expended for making grants; and

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

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

24 “(A) \$25,000,000 for fiscal year 2020, of
25 which \$5,000,000 shall be expended for car-

1 rying out such section 12 and \$9,000,000 shall
 2 be expended for making grants;

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

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

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

15 (3) in paragraph (3), by striking “\$8,000,000
 16 for each of fiscal years 2017 through 2019” and in-
 17 serting “\$9,000,000 for each of fiscal years 2020
 18 through 2023”.

19 (c) EMERGENCY RESPONSE GRANTS.—Section
 20 60125(b)(2) of title 49, United States Code, is amended
 21 by striking “\$10,000,000 for each of fiscal years 2012
 22 through 2015” and inserting “\$12,000,000 for each of fis-
 23 cal years 2020 through 2023”.

24 (d) PIPELINE SAFETY INFORMATION GRANTS TO
 25 COMMUNITIES.—Section 60130(c) of title 49, United

1 States Code, is amended by striking “section 2(b) of the
 2 PIPES Act of 2016, the Secretary shall expend
 3 \$1,500,000 for each of fiscal years 2016 through 2019
 4 to carry out this section. Such amounts shall not be de-
 5 rived from user fees collected under section 60301” and
 6 inserting “section 2(a) of the SAFER Pipelines Act of
 7 2019, the Secretary shall expend \$2,000,000 for each of
 8 fiscal years 2020 through 2023 to carry out this section”.

9 (e) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
 10 tion 60134(i) of title 49, United States Code, is amended
 11 by striking “\$1,500,000 for each of fiscal years 2012
 12 through 2015” and inserting “\$2,000,000 for each of fis-
 13 cal years 2020 through 2023”.

14 (f) ONE-CALL NOTIFICATION PROGRAMS.—Section
 15 6107 of title 49, United States Code, is amended by strik-
 16 ing “\$1,058,000 for each of fiscal years 2016 through
 17 2019” and inserting “\$2,000,000 for each of fiscal years
 18 2020 through 2023”.

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

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

22 (1) in paragraph (2)—

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

1 (B) by redesignating subparagraphs (F)
2 and (G) as subparagraphs (C) and (D), respec-
3 tively; and

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

5 (b) SAFETY-RELATED CONDITION REPORTING.—

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

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

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

13 “(3)(A) Notice of the condition of an intrastate
14 or interstate pipeline facility shall be given concu-
15 rently to appropriate State authorities.

16 “(B) The Secretary shall require that, upon re-
17 ceipt of a report on a safety-related condition sub-
18 mitted under this section, a State agency shall pro-
19 vide the report, upon request, to any relevant State
20 emergency response commission, tribal emergency
21 response commission, tribal emergency planning
22 committee, local emergency planning committee,
23 local government, or public agency responsible for
24 emergency response, including any updates to the re-
25 port received by the State agency.”.

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

4 “(4) Regulations prescribed by the Secretary
5 under this section may not exempt a condition from
6 being subject to reporting requirements if the ex-
7 emption of such condition would reduce or eliminate
8 the value of the reports as leading indicators of safe-
9 ty or environmental hazards.”.

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

13 “(1) HIGH CONSEQUENCE AREAS.—

14 “(A) IN GENERAL.—Not later than 2 years
15 after the date of enactment of the SAFER
16 Pipelines Act of 2019, the Secretary shall issue
17 regulations to require operators of transmission
18 pipeline facilities to install and use automatic or
19 remote-controlled shut-off valves for such pipe-
20 line facilities that are located in high con-
21 sequence areas (as defined in part 192 or 195
22 of title 49, Code of Federal Regulations, as ap-
23 plicable).

24 “(B) OTHER AREAS.—The Secretary may
25 issue regulations to require operators of trans-

1 mission pipeline facilities to install and use
2 automatic or remote-controlled shut-off valves
3 for such pipeline facilities that are not located
4 in areas described in subparagraph (A).”.

5 (d) CRACK MANAGEMENT.—Section 60102 of title
6 49, United States Code, is amended by adding at the end
7 the following:

8 “(q) CRACK MANAGEMENT.—

9 “(1) IN GENERAL.—

10 “(A) HIGH CONSEQUENCE AREAS.—Not
11 later than 2 years after the date of enactment
12 of this subsection, the Secretary shall issue reg-
13 ulations to require operators of gas pipeline fa-
14 cilities and hazardous liquid pipeline facilities
15 that are located in high consequence areas (as
16 defined in part 192 or 195 of title 49, Code of
17 Federal Regulations, as applicable) to address
18 and repair cracks in such facilities.

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

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

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

6 “(B) acceptable methods for performing an
7 engineering assessment on a pipeline, including
8 the assessment of cracks coinciding with corro-
9 sion;

10 “(C) criteria for determining whether the
11 excavation of a pipeline segment is required due
12 to a probable crack, and deadlines for com-
13 pleting any excavation so required;

14 “(D) pressure restriction limits for pipe-
15 lines for which a determination is made to exca-
16 vate such pipeline pursuant to the requirements
17 of subparagraph (C); and

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

1 **SEC. 4. STATE PIPELINE SAFETY PROGRAM CERTIFI-**
2 **CATIONS.**

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

5 (1) by inserting “In carrying out this sub-
6 section, the Secretary may request that a State au-
7 thority provide records of any inspection of a pipe-
8 line facility made by the State authority or any in-
9 vestigation described in subsection (c)(1)(B).” after
10 “with the certification.”; and

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

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

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

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

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

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

1 “(f) PIPELINE CONSTRUCTION PROJECT DATA COL-
 2 LECTION.—The Secretary may require the owner or oper-
 3 ator of a pipeline facility to provide to the Secretary infor-
 4 mation the Secretary determines appropriate regarding
 5 construction of the pipeline facility, including relating to
 6 any shutdown of such construction.”.

7 **SEC. 7. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
 8 **PROGRAMS.**

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

11 “(12) USE OF DIRECT ASSESSMENTS.—

12 “(A) TRANSMISSION PIPELINE FACILITIES
 13 REGULATION.—Not later than 2 years after the
 14 date of enactment of this paragraph, the Sec-
 15 retary shall issue regulations for appropriate
 16 methods of assessment of transmission pipeline
 17 facilities under paragraph (3) that prioritize
 18 methods that provide a greater level of safety
 19 than direct assessment, including the use of in-
 20 ternal inspection devices or pressure testing.

21 “(B) DISTRIBUTION PIPELINES STUDY.—

22 Not later than 2 years after the date of enact-
 23 ment of this paragraph, the Secretary shall sub-
 24 mit to the Committees on Energy and Com-
 25 merce 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—

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

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

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

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

17 “(A) review its existing public education
18 program for effectiveness, and modify the pro-
19 gram as necessary; and

20 “(B) submit to the Secretary for review a
21 detailed description of its public education pro-
22 gram, including any modifications made to the
23 program under subparagraph (A).

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

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

6 “(B) develop material for use in the pro-
7 grams.

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

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

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

17 “(B) the appropriate local emergency plan-
18 ning entity in each emergency planning district
19 in which the pipeline facility is located; and

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

23 “(2) COMMUNITIES WITHOUT LOCAL OR TRIBAL
24 EMERGENCY PLANNING OR RESPONSE ENTITIES.—

25 In a community for which a local or Tribal entity

1 described in paragraph (1) does not exist, the oper-
2 ator of a gas or hazardous liquid pipeline facility
3 shall liaise, to the extent practicable, with the local
4 fire, police, and other emergency response entities.

5 “(3) AVAILABILITY OF INFORMATION.—

6 “(A) EVALUATION.—Not later than 2
7 years after the date of enactment of the
8 SAFER Pipelines Act of 2019, and based on
9 the consultation required under subparagraph
10 (C), the Secretary shall conduct an evaluation
11 and determine whether State, local, and Tribal
12 entities described in paragraphs (1) and (2)
13 have sufficient access to pipeline emergency re-
14 sponse information.

15 “(B) REGULATION.—If the Secretary de-
16 termines under subparagraph (A) that State,
17 local, and Tribal entities described in para-
18 graphs (1) and (2) do not have sufficient access
19 to pipeline emergency response information, the
20 Secretary shall issue regulations not later than
21 3 years after the date of enactment of the
22 SAFER Pipelines Act of 2019 specifying rel-
23 evant emergency response information and re-
24 quiring each operator of a gas or hazardous liq-
25 uid pipeline facility to make such information

1 available to the applicable State, local, and
 2 Tribal entities described in paragraphs (1) and
 3 (2).

4 “(C) CONSULTATION.—In conducting the
 5 evaluation under subparagraph (A), the Sec-
 6 retary shall consult with national organizations
 7 representing State, local, and Tribal entities de-
 8 scribed in paragraphs (1) and (2) and the tech-
 9 nical safety standards committees described in
 10 section 60115.”.

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

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

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

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

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

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

22 “(e) MANDAMUS.—A person may bring a civil action
 23 in an appropriate district court of the United States to
 24 compel the Secretary to perform a nondiscretionary duty

1 under this chapter that the Secretary has failed to per-
2 form.”.

3 **SEC. 11. CIVIL PENALTIES.**

4 Section 60122(a) of title 49, United States Code, is
5 amended—

6 (1) in paragraph (1)—

7 (A) by striking “\$200,000” and inserting
8 “\$20,000,000”; and

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

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

14 **SEC. 12. CRIMINAL PENALTIES.**

15 Section 60123(a) of title 49, United States Code, is
16 amended by striking “knowingly and willfully” and insert-
17 ing “knowingly or recklessly”.

18 **SEC. 13. EMERGENCY RESPONSE GRANTS.**

19 Section 60125(b)(1) of title 49, United States Code,
20 is amended by striking “and local governments in high
21 consequence areas, as defined by the Secretary,” and in-
22 serting “local, and Tribal governments, and nonprofit or-
23 ganizations providing pipeline emergency response train-
24 ing,”.

1 **SEC. 14. VERIFICATION OF PIPELINE QUALIFICATION PRO-**
 2 **GRAMS.**

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

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

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

9 (3) by adding at the end the following para-
 10 graph:

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

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

15 (a) INFORMATION TO BE PROVIDED.—Section
 16 60132(a) of title 49, United States Code, is amended—

17 (1) by striking “Not later than 6 months after
 18 the date of enactment of this section, the” and in-
 19 serting “The”; and

20 (2) by striking “(except distribution lines and
 21 gathering lines)” and inserting “, including a dis-
 22 tribution line or a gathering line (but not including
 23 any gathering lines that are not regulated under
 24 part 192 or part 195 of title 49, Code of Federal
 25 Regulations),”.

1 (b) REQUIREMENTS FOR PROVISION OF INFORMA-
2 TION.—Section 60132 of title 49, United States Code, is
3 amended—

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

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

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

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

17 “(h) ADDITIONAL INFORMATION ON DISTRIBUTION
18 LINES.—Not later than 2 years after a distribution line
19 becomes covered by subsection (a), the operator of such
20 distribution line shall provide to the Secretary, in addition
21 to the information required under paragraphs (1) through
22 (4) of subsection (a), information on the distribution sys-
23 tems that could lead to a point of failure, including—

24 “(1) sensing lines;

25 “(2) regulator stations;

1 “(3) automatic or remote-controlled shut-off
2 valves; and

3 “(4) any other distribution pipeline technology
4 or feature that the Secretary determines is appro-
5 priate to ensure safety.

6 “(i) UPDATE TO SYSTEM.—

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

9 “(A) the Secretary shall determine whether
10 the inclusion of additional information in the
11 National Pipeline Mapping System would im-
12 prove the preparation and response efforts of
13 emergency responders with access to the Sys-
14 tem; and

15 “(B) if the Secretary determines under
16 subparagraph (A) that inclusion of additional
17 information in the National Pipeline Mapping
18 System would improve the preparation and re-
19 sponse efforts of emergency responders with ac-
20 cess to the System, the Secretary shall issue
21 regulations—

22 “(i) identifying such additional infor-
23 mation as the Secretary determines would
24 improve emergency preparedness and re-
25 sponse efforts; and

1 “(ii) requiring each person providing
2 information under subsection (a) to pro-
3 vide such additional information.

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

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

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

12 “(C) If applicable, a summary of any in-
13 tegrity management program activities related
14 to the pipeline facility.”.

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

21 **SEC. 16. CONGRESSIONAL ACCESS TO OIL SPILL RESPONSE**
22 **PLANS.**

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

25 (1) in paragraph (1) by striking “and”;

1 (2) in paragraph (2)(D) by striking the period
2 and inserting “; and”; and

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

4 “(3) provide to a Member of Congress, upon re-
5 quest from such Member, a copy of any such plan,
6 the contents of which the Secretary may not redact
7 but may note, as the Secretary determines appro-
8 priate—

9 “(A) proprietary information; and

10 “(B) security-sensitive information, includ-
11 ing information described in section 1520.5(a)
12 of title 49, Code of Federal Regulations.”.

13 **SEC. 17. LEAK DETECTION TECHNOLOGY.**

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

17 **“§ 60142. Leak detection technology**

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

23 “(b) REQUIREMENTS.—The advanced leak detection
24 technology required under subsection (a) shall, at a min-
25 imum—

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

3 “(2) be capable of measuring methane con-
4 centrations in parts per billion; and

5 “(3) be capable of correlating methane con-
6 centration measurements to data produced by geo-
7 graphic information systems technology.”.

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

“60142. Leak detection technology.”.

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

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

15 **“§ 60143. Gas pipeline repair criteria**

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

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

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

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

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

3 “(C) the cause of the failure; and

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

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

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

“60143. Gas pipeline repair criteria.”.

13 **SEC. 19. METHANE RELEASE MITIGATION.**

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

17 **“§ 60144. Methane release mitigation**

18 “(a) METHANE CAPTURE FROM ROUTINE OPER-
19 ATIONS OR MAINTENANCE.—Not later than 1 year after
20 the date of enactment of this section, the Secretary shall
21 issue regulations requiring each operator of a gas pipeline
22 facility to use the best available technology to capture gas
23 released when performing routine operations or mainte-
24 nance on the pipeline facility.

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

3 “(1) requirements for the capture of gas re-
4 leased from routine operations, including venting to
5 relieve pressure;

6 “(2) requirements for the capture of gas re-
7 leased from maintenance operations, including
8 blowdowns; and

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

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

“60144. Methane release mitigation.”.

14 **SEC. 20. UNUSUALLY SENSITIVE AREAS.**

15 (a) COASTAL WATERS; COASTAL BEACHES.—Section
16 19 of the PIPES Act of 2016 (49 U.S.C. 60109 note)
17 is amended—

18 (1) in subsection (b) by striking “marine coast-
19 al waters” and inserting “coastal waters”; and

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

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

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

1 “(2) COASTAL WATERS.—The term ‘coastal
2 waters’ has the meaning given such term in section
3 4101 of the Shore Protection Act of 1988 (33
4 U.S.C. 2601).”.

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

8 (c) UPDATES.—Not later than 90 days after the date
9 of enactment of this section, the Secretary of Transpor-
10 tation shall complete the revision required under section
11 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note),
12 as amended by this section.

13 **SEC. 21. USER FEES FOR UNDERGROUND NATURAL GAS**
14 **STORAGE FACILITIES.**

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

17 (1) in subsection (c)(2)—

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

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

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

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

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

2 and

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

4 “(d) LIMITATIONS.—Fees imposed under subsection
5 (a) shall be sufficient to pay for the costs of activities de-
6 scribed in subsection (c), except that the total amount col-
7 lected for a fiscal year may not be more than 105 percent
8 of the total amount of the appropriations made for the
9 fiscal year activities to be financed by fees.”.

10 **SEC. 22. SEISMICITY.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of enactment of this section, the Secretary of Trans-
13 portation, in consultation with the Federal Energy Regu-
14 latory Commission, shall enter into an agreement with the
15 National Academy of Sciences under which the National
16 Academy of Sciences shall prepare a report containing—

17 (1) the results of a study that—

18 (A) evaluates the current Federal require-
19 ments for pipeline facility design, siting, con-
20 struction, operation and maintenance, and in-
21 tegrity management, relating to seismicity, land
22 subsidence, landslides, slope instability, frost
23 heave, soil settlement, erosion, and other dy-
24 namic geologic conditions that may pose a safe-
25 ty risk;

1 (B) identifies any discrepancy in such re-
2 quirements that apply to operators of gas pipe-
3 line facilities and hazardous liquid pipeline fa-
4 cilities; and

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

7 (2) any recommendations of the National Acad-
8 emy of Sciences based on such results.

9 (b) REPORT TO CONGRESS.—Upon completion of the
10 report prepared pursuant to subsection (a), the National
11 Academy of Sciences shall submit to the Secretary of
12 Transportation, the Committee on Transportation and In-
13 frastructure of the House of Representatives, the Com-
14 mittee on Energy and Commerce of the House of Rep-
15 resentatives, and the Committee on Commerce, Science,
16 and Transportation of the Senate the report.

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

20 **SEC. 23. PIPELINE SAFETY TESTING.**

21 (a) EVALUATION.—Not later than 18 months after
22 the date of enactment of this Act, the Secretary of Trans-
23 portation shall submit to the Committee on Commerce,
24 Science, and Transportation of the Senate, the Committee
25 on Transportation and Infrastructure of the House of

1 Representatives, and the Committee on Energy and Com-
2 merce of the House of Representatives a report that evalu-
3 ates concepts for the development of a pipeline safety re-
4 search and testing facility under the Department of
5 Transportation.

6 (b) PURPOSE.—The purpose of the facility described
7 in subsection (a) shall be to support the Department of
8 Transportation and other governmental entities in product
9 evaluation, personnel training, and research and develop-
10 ment of technology and practices to improve the safety,
11 security, efficiency, and environmental impact of—

12 (1) transporting hazardous liquids and gas by
13 pipeline; and

14 (2) storing hazardous liquids or gas for trans-
15 portation.

16 (c) USE OF EXISTING FACILITIES.—In conducting
17 the evaluation pursuant to subsection (a), the Secretary
18 shall examine the opportunity to use existing facilities op-
19 erated by the Department of Transportation or other Fed-
20 eral agencies for research and testing.

21 (d) REPORT CONTENTS.—The report described in
22 subsection (a) shall include—

23 (1) the projected costs to establish such a facil-
24 ity;

1 (2) the projected annual costs to operate such
2 a facility;

3 (3) recommendations for sharing or recovering
4 any establishment and operational expenses from
5 private-sector, non-profit, or academic entities that
6 may use the facility;

7 (4) an evaluation of the feasibility of a partner-
8 ship with a private-sector, non-profit, or academic
9 entity to manage or operate the facility;

10 (5) data and information management protocols
11 for test results; and

12 (6) potential benefits and opportunities for en-
13 hancing the training and development of pipeline
14 safety personnel.

15 **SEC. 24. WORKFORCE.**

16 (a) STAFFING.—

17 (1) IN GENERAL.—The Secretary of Transpor-
18 tation shall increase the number of full-time equiva-
19 lent employees (as compared to the number of posi-
20 tions on the date of enactment of this Act) by—

21 (A) 8 full-time employees with subject mat-
22 ter expertise in pipeline safety, pipeline facili-
23 ties, and pipeline systems to finalize out-
24 standing rulemakings and fulfill mandates for
25 the Office of Pipeline Safety of the Pipeline and

1 Hazardous Materials Safety Administration;
2 and

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

7 (2) PIPELINE INSPECTION AND ENFORCEMENT
8 PERSONNEL.—The Secretary shall ensure that the
9 number of positions for pipeline inspection and en-
10 forcement personnel in the Office of Pipeline Safety
11 of the Pipeline and Hazardous Materials Safety Ad-
12 ministration does not fall below the following:

13 (A) 222 for fiscal year 2020.

14 (B) 233 for fiscal year 2021.

15 (C) 245 for fiscal year 2022.

16 (D) 258 for fiscal year 2023.

17 (E) 272 for fiscal year 2024.

18 (b) RECRUITMENT AND RETENTION AUTHORITIES.—
19 The Secretary shall request authority from the Office of
20 Personnel Management to use incentives, as necessary, to
21 recruit and retain a qualified workforce, including for in-
22 spection and enforcement personnel and subject matter ex-
23 perts dedicated to rulemaking activities in the Office of
24 Pipeline Safety of the Pipeline and Hazardous Materials
25 Safety Administration—

1 (1) special pay rates permitted under section
2 5305 of title 5, United States Code; and

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

6 **SEC. 25. HIRING REPORT.**

7 Not later than 180 days after the date of enactment
8 of this Act, and annually thereafter through calendar year
9 2023, the Administrator of the Pipeline and Hazardous
10 Materials Safety Administration shall submit to Congress
11 a report on the efforts of the Administration to hire
12 women, minorities, and veterans as inspectors since Janu-
13 ary 1, 2012.

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

16 Not later than 1 year after the date of enactment
17 of this Act, the Secretary of Transportation shall submit
18 to the Committees on Energy and Commerce and Trans-
19 portation and Infrastructure of the House of Representa-
20 tives and the Committee on Commerce, Science, and
21 Transportation of the Senate a plan to combine the activi-
22 ties carried out by the Secretary under sections 6106 and
23 60134 of title 49, United States Code.

1 **SEC. 27. GAS GATHERING LINES.**

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

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

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

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

18 **SEC. 28. REGULATORY UPDATES.**

19 (a) DEFINITION OF OUTSTANDING REGULATION.—
20 In this section, the term “outstanding regulation”
21 means—

22 (1) a final rule required to be issued under the
23 Pipeline Safety, Regulatory Certainty, and Job Cre-
24 ation Act of 2011 (Public Law 112–90; 125 Stat.
25 1904) that has not been published in the Federal
26 Register;

1 (2) a final rule required to be issued under the
2 Protecting our Infrastructure of Pipelines and En-
3 hancing Safety Act of 2016 (Public Law 114–183;
4 130 Stat. 514) that has not been published in the
5 Federal Register; and

6 (3) any other final rule regarding gas or haz-
7 ardous liquid pipeline facilities required to be issued
8 under this Act or an Act enacted before the date of
9 enactment of this Act that has not been published
10 by the date required in such Act in the Federal Reg-
11 ister.

12 (b) REQUIREMENT.—Not later than 5 days after the
13 date of enactment of this Act, and every 30 days there-
14 after until an outstanding regulation is published in the
15 Federal Register, the Secretary of Transportation shall
16 provide an update on the status of each outstanding regu-
17 lation by—

18 (1) publishing on a publicly available website of
19 the Department of Transportation information re-
20 garding the status of each outstanding regulation;
21 and

22 (2) submitting notification to the Committee on
23 Transportation and Infrastructure of the House of
24 Representatives, the Committee on Energy and
25 Commerce of the House of Representatives, and the

1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate.

3 (c) CONTENTS.—The information described in sec-
4 tion (b)(1) shall include—

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

8 (A) the date that such outstanding regula-
9 tion was submitted to the Office of the Sec-
10 retary for review; and

11 (B) the staff allocations within the Office
12 of the Secretary with respect to each such out-
13 standing regulation and any resource con-
14 straints affecting the review;

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

18 (A) the information described in paragraph
19 (1);

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

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

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

1 (3) with respect to an outstanding regulation
2 that has been transmitted to neither the Office of
3 Management and Budget nor the Office of the Sec-
4 retary—

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

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

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

13 (D) any resource constraints affecting the
14 rulemaking process for such outstanding regula-
15 tion; and

16 (E) any other details associated with the
17 development of such outstanding regulation
18 that affect the progress of the rulemaking proc-
19 ess with respect to such outstanding regulation;
20 and

21 (4) with respect to an outstanding regulation
22 that has been transmitted to the Office of Manage-
23 ment and Budget—

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

4 (B) a statement of whether the out-
5 standing regulation remains under review by
6 the Office of Management and Budget or has
7 been transmitted for further review by the Of-
8 fice of the Secretary or the Administrator of the
9 Pipeline and Hazardous Materials Safety Ad-
10 ministration.

11 **SEC. 29. COMPONENT VERIFICATION.**

12 (a) IN GENERAL.—Section 60102(e) of title 49,
13 United States Code, is amended—

14 (1) by redesignating paragraphs (1) and (2) as
15 subparagraphs (A) and (B);

16 (2) by striking “The Secretary shall” and in-
17 serting the following:

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

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

20 “(C) for facilities identified under subpara-
21 graphs (A) and (B), shall include, for all pipes
22 and related components for which the regula-
23 tions of the Pipeline and Hazardous Materials
24 Safety Administration require compliance with
25 a standard incorporated by reference for such

1 pipe or related component, documentation of
2 verification that such pipe or related component
3 meets such standard.

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

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

8 “(B) the operator, so long as such operator
9 does not pay, or receive payment from, a manu-
10 facturer, distributor, or supplier of a pipe or re-
11 lated component described in paragraph (1)(C)
12 for such verification; or

13 “(C) a United States manufacturer of a
14 pipe or related component described in para-
15 graph (1)(C) that is accredited by the Inter-
16 national Organization for Standardization.

17 “(3) DEFINITIONS.—In this subsection:

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

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

1 “(i) does not have a commercial rela-
 2 tionship with the manufacturer or supplier
 3 of a pipe or related component; and

4 “(ii) is accredited by the International
 5 Organization for Standardization.”; and

6 (4) APPLICABILITY.—The amendments made
 7 by this subsection shall only apply to pipes and com-
 8 ponents that are—

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

11 (B) purchased on or after the date of en-
 12 actment of this Act.

13 (b) REVIEW OF COMPLIANCE OF FLANGES AND FIT-
 14 TINGS.—

15 (1) IN GENERAL.—Not later than 180 days
 16 after the date of enactment of this Act, the Comp-
 17 troller General of the United States shall complete
 18 a review of the compliance of flanges and fittings of
 19 a pipeline facility (as such term is defined in section
 20 60101 of title 49, United States Code) with Federal
 21 requirements.

22 (2) CONTENTS OF REVIEW.—The review re-
 23 quired under paragraph (1) shall include—

24 (A) a compilation of the existing standards
 25 that are incorporated by reference in regula-

1 tions of the Pipeline and Hazardous Materials
2 Safety Administration and apply to the manu-
3 facturing, operation, and maintenance of such
4 flanges and fittings;

5 (B) a review of the existing oversight au-
6 thority of the Secretary of Transportation over
7 manufacturers and distributors of such flanges
8 and fittings and any lack of oversight authority
9 that could lead to incidents or accidents;

10 (C) an analysis of the degree of compliance
11 by such manufacturers and distributors with
12 the standards described in subparagraph (A),
13 the identification of any instances of non-com-
14 pliance with such standards, and the form, de-
15 gree, and scope of such non-compliance;

16 (D) a review of the extent to which
17 verification (as such term is defined in section
18 60102(e) of title 49, United States Code, as
19 added by this section) by operators of pipeline
20 facilities of whether such flanges and fittings of
21 pipeline facilities meet the applicable standards
22 described in subparagraph (A) is occurring;

23 (E) a review of the safety benefits of re-
24 quiring pipeline incident reports to include the

1 identification of the manufacturer of the flanges
2 and fittings involved in those incidents; and

3 (F) identification and recommendation of
4 any additional authorities or responsibilities for
5 the Secretary of Transportation, or additional
6 standards, necessary to improve the safety and
7 integrity of flanges and fittings through manu-
8 facturing and distribution.

9 (3) REPORT.—Not later than 210 days after
10 the date of enactment of this Act, the Comptroller
11 General shall submit to the Committee on Com-
12 merce, Science, and Transportation of the Senate,
13 the Committee on Transportation and Infrastructure
14 of the House of Representatives, and the Secretary
15 of Transportation a report containing the results of
16 the review completed under paragraph (1) and any
17 recommendations for legislation or changes to exist-
18 ing regulations.

19 (4) PUBLIC COMMENT PROCESS.—

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

1 (B) REPORT.—Not later than 180 days
2 after the end of the public comment period de-
3 scribed in subparagraph (A), the Secretary shall
4 publish in the Federal Register a report re-
5 sponding to the public comments submitted.

6 (C) CONTENTS OF REPORT.—In the report
7 described in subparagraph (B), the Secretary
8 shall indicate any anticipated actions the Sec-
9 retary will take with respect to flanges and fit-
10 tings of a pipeline facility based on the com-
11 ments submitted under this paragraph and the
12 report under paragraph (3).

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

14 The amendments to the Code of Federal Regulations
15 made pursuant to the final rule of the Environmental Pro-
16 tection Agency, titled “Oil and Natural Gas Sector: Emis-
17 sion Standards for New, Reconstructed, and Modified
18 Sources” and published in the Federal Register on June
19 3, 2016 (81 Fed. Reg. 35824), shall have the same force
20 and effect of law as if such amendments had been enacted
21 by an Act of Congress, except that the Administrator of
22 the Environmental Protection Agency may revise such reg-
23 ulations, as provided for under the Clean Air Act, if such
24 revision would result in a reduction in gas release.

○