

Calendar No. 427

116TH CONGRESS
2D SESSION

S. 2299

[Report No. 116–217]

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

IN THE SENATE OF THE UNITED STATES

JULY 25, 2019

Mrs. FISCHER (for herself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

FEBRUARY 13, 2020

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 49, United States Code, to enhance the safety and reliability of 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 ~~“PIPES Act 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. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.
Sec. 102. Pipeline workforce development.
Sec. 103. Underground natural gas storage user fees.
Sec. 104. Cost recovery and fees for facility reviews.
Sec. 105. Advancement of new pipeline safety technologies and approaches.
Sec. 106. Pipeline safety testing enhancement study.
Sec. 107. Regulatory updates.
Sec. 108. Self-disclosure of violations.
Sec. 109. Due process protections in enforcement proceedings.
Sec. 110. Pipeline operating status.
Sec. 111. Liquefied natural gas facility project reviews.
Sec. 112. Updates to standards for liquefied natural gas facilities.
Sec. 113. National Center of Excellence for Liquefied Natural Gas Safety and Training.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

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

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

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

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of Transportation.

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

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

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

7 “(a) GAS AND HAZARDOUS LIQUID.—

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

15 “(A) \$147,000,000 for fiscal year 2020, of
 16 which—

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

21 “(ii) \$60,000,000 shall be used for
 22 making grants;

23 “(B) \$151,000,000 for fiscal year 2021, of
 24 which—

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

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

7 “(C) \$155,000,000 for fiscal year 2022, of
8 which—

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

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

15 “(D) \$159,000,000 for fiscal year 2023, of
16 which—

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

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

23 “(2) TRUST FUND AMOUNTS.—In addition to
24 the amounts authorized to be appropriated under
25 paragraph (1), there are authorized to be appro-

1 priated from the Oil Spill Liability Trust Fund es-
 2 tablished by section 9509(a) of the Internal Revenue
 3 Code of 1986 to carry out section 12 of the Pipeline
 4 Safety Improvement Act of 2002 (49 U.S.C. 60101
 5 note; Public Law 107–355) and the provisions of
 6 this chapter relating to hazardous liquid—

7 “(A) \$25,000,000 for fiscal year 2020, of
 8 which—

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

13 “(ii) \$10,000,000 shall be used for
 14 making grants;

15 “(B) \$26,000,000 for fiscal year 2021, of
 16 which—

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

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

23 “(C) \$27,000,000 for fiscal year 2022, of
 24 which—

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

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

7 “(D) \$28,000,000 for fiscal year 2023, of
 8 which—

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

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

15 “(3) UNDERGROUND NATURAL GAS STORAGE
 16 FACILITY SAFETY ACCOUNT.—From fees collected
 17 under section 60302, there is authorized to be ap-
 18 propriated to the Secretary to carry out section
 19 60141 \$8,000,000 for each of fiscal years 2020
 20 through 2023.”.

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

25 “(1) \$24,000,000 for fiscal year 2020.

1 ~~“(2) \$25,000,000 for fiscal year 2021.~~

2 ~~“(3) \$26,000,000 for fiscal year 2022.~~

3 ~~“(4) \$27,000,000 for fiscal year 2023.”.~~

4 ~~(c) ONE-CALL NOTIFICATION PROGRAMS.—Section~~
 5 ~~6107 of title 49, United States Code, is amended by strik-~~
 6 ~~ing “\$1,058,000 for each of fiscal years 2016 through~~
 7 ~~2019” and inserting “\$1,058,000 for each of fiscal years~~
 8 ~~2020 through 2023”.~~

9 ~~(d) PIPELINE SAFETY INFORMATION GRANTS TO~~
 10 ~~COMMUNITIES.—Section 60130 of title 49, United States~~
 11 ~~Code, is amended by striking subsection (c) and inserting~~
 12 ~~the following:~~

13 ~~“(c) FUNDING.—~~

14 ~~“(1) IN GENERAL.—Out of amounts made~~
 15 ~~available under section 2(b) of the PIPES Act of~~
 16 ~~2016, the Secretary shall use \$1,500,000 for each of~~
 17 ~~fiscal years 2020 through 2023 to carry out this sec-~~
 18 ~~tion.~~

19 ~~“(2) LIMITATION.—Any amounts used to carry~~
 20 ~~out this section shall not be derived from user fees~~
 21 ~~collected under section 60301.”.~~

22 ~~(e) DAMAGE PREVENTION PROGRAMS.—Section~~
 23 ~~60134(i) of title 49, United States Code, is amended in~~
 24 ~~the first sentence by striking “fiscal years 2012 through~~
 25 ~~2015” and inserting “fiscal years 2020 through 2023”.~~

1 (f) PIPELINE INTEGRITY PROGRAM.—Section 12(f)
 2 of the Pipeline Safety Improvement Act of 2002 (49
 3 U.S.C. 60101 note; Public Law 107–355) is amended by
 4 striking “2016 through 2019” and inserting “2020
 5 through 2023”.

6 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

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

10 (1) review the inspector training programs pro-
 11 vided at the Inspector Training and Qualifications
 12 Division of the Administration in Oklahoma City,
 13 Oklahoma; and

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

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 1 year after
 20 the date of enactment of this Act, the Secretary
 21 shall submit to the Committee on Commerce,
 22 Science, and Transportation of the Senate and the
 23 Committees on Transportation and Infrastructure,
 24 Energy and Commerce, and Science, Space, and
 25 Technology of the House of Representatives and

1 make publicly available on a website of the Depart-
2 ment of Transportation a report containing a com-
3 prehensive workforce plan for the Administration.

4 (2) CONTENTS.—The report under paragraph
5 (1) shall include—

6 (A) a description of the current staffing at
7 the Administration;

8 (B) an identification of the staff needed to
9 achieve the mission of the Administration over
10 the next 10 years following the date of the re-
11 port;

12 (C) an evaluation of whether the inspector
13 training programs referred to in subsection
14 (a)(1) provide appropriate exposure to pipeline
15 operations and current pipeline safety tech-
16 nology;

17 (D) a summary of any gaps between the
18 current workforce of the Administration and
19 the future human capital needs of the Adminis-
20 tration; and

21 (E) a description of how the Administra-
22 tion—

23 (i) uses the retention incentives de-
24 fined by the Office of Personnel Manage-
25 ment; and

1 (ii) plans to use those retention incen-
 2 tives as part of the comprehensive work-
 3 force plan of the Administration.

4 **SEC. 103. UNDERGROUND NATURAL GAS STORAGE USER**
 5 **FEES.**

6 Section 60302(c) of title 49, United States Code, is
 7 amended—

8 (1) in paragraph (2)—

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

11 (B) in subparagraph (B)—

12 (i) by striking “the amount of the
 13 fee”; and

14 (ii) by striking the period at the end
 15 and inserting “; and”; and

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

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

19 (2) by striking paragraph (3); and

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

21 “(d) LIMITATION.—The amount of a fee imposed
 22 under subsection (a) shall be sufficient to pay the costs
 23 of activities referred to in subsection (c), subject to the
 24 limitation that the total amount of fees collected for a fis-
 25 cal year under subsection (b) may not be more than 105

1 percent of the total amount of the appropriations made
 2 for the fiscal year for activities to be financed by the
 3 fees.”.

4 **SEC. 104. COST RECOVERY AND FEES FOR FACILITY RE-**
 5 **VIEWS.**

6 (a) FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED
 7 NATURAL GAS FACILITIES.—Chapter 603 of title 49,
 8 United States Code, is amended by inserting after section
 9 60302 the following:

10 **“§ 60303. Fees for compliance reviews of liquefied**
 11 **natural gas facilities**

12 **“(a) IMPOSITION OF FEE.—**

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

24 **“(2) RELATION TO OTHER REVIEW.—**The Sec-
 25 retary may not impose fees under paragraph (1) and

1 section 60117(o) or 60301(b) for the same compli-
 2 ance review described in paragraph (1).

3 ~~“(b) MEANS OF COLLECTION.—~~

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

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

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

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

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

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

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

1 **SEC. 105. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
 2 **NOLOGIES AND APPROACHES.**

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

6 **“§ 60142. Pipeline safety enhancement programs**

7 “(a) IN GENERAL.—The Secretary may establish and
 8 carry out limited safety-enhancing testing programs dur-
 9 ing the period of fiscal years 2020 through 2026 to evalu-
 10 ate innovative technologies and operational practices test-
 11 ing the safe operation of—

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

13 “(2) a hazardous liquid pipeline facility.

14 “(b) LIMITATIONS.—

15 “(1) IN GENERAL.—Such testing programs may
 16 not exceed—

17 “(A) 5 percent of the total miles of haz-
 18 ardous liquid pipelines in the United States;
 19 and

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

22 “(2) HIGH POPULATION AREAS.—Any program
 23 established under subsection (a) shall not be located
 24 in a high population area (as defined in section
 25 195.450 of title 49, Code of Federal Regulations).

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

5 “(d) SAFETY STANDARDS.—

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

12 “(2) DETERMINATION.—

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

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

1 “(e) CONSIDERATIONS.—In establishing a testing
2 program under subsection (a), the Secretary shall con-
3 sider—

4 “(1) whether the owners or operators partici-
5 pating in the program have a safety management
6 system in place;

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

10 “(A) the Secretary;

11 “(B) collaborative research development
12 organizations; or

13 “(C) other institutions; and

14 “(3) whether the pipeline segments tested by
15 the program are outside of a high population area
16 (as defined in section 195.450 of title 49, Code of
17 Federal Regulations).

18 “(f) DATA AND FINDINGS.—As a participant in a
19 testing program established under subsection (a), an oper-
20 ator shall submit to the Secretary detailed findings and
21 a summary of data collected as a result of participation
22 in the testing program.

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

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

3 “(2) in the determination of the Secretary, con-
4 tinued participation in the testing program by the
5 participant would be unsafe or would not be con-
6 sistent with the goals and objectives of this chapter.

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

12 “(i) **STATE RIGHTS.**—

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

18 “(2) **LIMITATIONS.**—

19 “(A) **IN GENERAL.**—The Secretary shall
20 not grant a requested exemption under para-
21 graph (1) after a testing program is estab-
22 lished.

23 “(B) **LATE NOTICE.**—The Secretary shall
24 not grant a requested exemption under para-
25 graph (1) if the notice submitted under that

1 paragraph is submitted to the Secretary more
 2 than 10 days after the date on which the Sec-
 3 retary issues an order providing an effective
 4 date for the testing program.

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

10 “(j) PROGRAM REVIEW PROCESS AND PUBLIC NO-
 11 TICE.—

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

17 “(2) RESPONSE FROM SECRETARY.—Not later
 18 than the date on which the Secretary issues an order
 19 providing an effective date of a testing program no-
 20 ticed under paragraph (1), the Secretary shall re-
 21 spond to each comment submitted under that para-
 22 graph.

23 “(k) REPORT TO CONGRESS.—At the conclusion of
 24 each testing program, the Secretary shall make publicly

1 available on the website of the Department of Transpor-
 2 tation a report containing—

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

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

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

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

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

1 “(1) allow operators of interstate gas or haz-
 2 ardous liquid pipeline facilities to use the relevant
 3 technology or practice to the extent practicable; and
 4 “(2) establish technically, operationally, and
 5 economically feasible standards for the capability
 6 and deployment of the technology or practice.”.

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

 “60142. Pipeline safety enhancement programs.”.

11 **SEC. 106. PIPELINE SAFETY TESTING ENHANCEMENT**
 12 **STUDY.**

13 Not later than 2 years after the date of enactment
 14 of this Act, the Secretary shall submit to the Committee
 15 on Commerce, Science, and Transportation of the Senate
 16 and the Committees on Transportation and Infrastruc-
 17 ture, Energy and Commerce, and Science, Space, and
 18 Technology of the House of Representatives a report relat-
 19 ing to—

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

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

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

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

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

9 (3) the ability of the Administration to use the
 10 testing facilities of other Federal agencies or feder-
 11 ally funded research and development centers.

12 **SEC. 107. REGULATORY UPDATES.**

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

15 (1) a final rule required to be issued under the
 16 Pipeline Safety, Regulatory Certainty, and Job Cre-
 17 ation Act of 2011 (Public Law 112–90; 125 Stat.
 18 1904) that has not been published in the Federal
 19 Register;

20 (2) a final rule required to be issued under the
 21 Protecting our Infrastructure of Pipelines and En-
 22 hancing Safety Act of 2016 (Public Law 114–183;
 23 130 Stat. 514) that has not been published in the
 24 Federal Register; and

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

6 ~~(b) REQUIREMENTS.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 108. SELF-DISCLOSURE OF VIOLATIONS.**

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

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

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

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

11 **SEC. 109. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
12 **PROCEEDINGS.**

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

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

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

19 “(b) ENFORCEMENT AND REGULATORY PROCE-
20 DURES.—

21 “(1) REQUEST FOR FORMAL HEARING.—On re-
22 quest of a respondent in an enforcement or regu-
23 latory proceeding under this chapter, a hearing shall
24 be held in accordance with section 554 of title 5.

25 “(2) ADMINISTRATIVE LAW JUDGE.—A hearing
26 under paragraph (1) shall be conducted by an ad-

1 ministrative law judge appointed under section 3105
2 of title 5.

3 ~~“(3) OPEN TO THE PUBLIC.—~~

4 ~~“(A) HEARINGS.—A hearing under para-~~
5 ~~graph (1) shall be—~~

6 ~~“(i) noticed to the public—~~

7 ~~“(I) on the website of the Pipe-~~
8 ~~line and Hazardous Materials Safety~~
9 ~~Administration; and~~

10 ~~“(H) in the Federal Register;~~

11 ~~and~~

12 ~~“(ii) open to the public.~~

13 ~~“(B) AGREEMENTS, ORDERS, AND JUDG-~~
14 ~~MENTS.—A consent agreement, consent order,~~
15 ~~order, or judgment resulting from a hearing~~
16 ~~under paragraph (1) shall be made available to~~
17 ~~the public on the website of the Pipeline and~~
18 ~~Hazardous Materials Safety Administration.~~

19 ~~“(4) PROCEDURES.—In implementing enforce-~~
20 ~~ment and regulatory procedures under this chapter,~~
21 ~~the Secretary shall—~~

22 ~~“(A) allow the use of a consent agreement~~
23 ~~and consent order to resolve any matter of fact~~
24 ~~or law asserted;~~

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

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

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

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

10 ~~“(D) require that a recommended decision~~
 11 ~~be made available to the respondent when~~
 12 ~~issued;~~

13 ~~“(E) allow a respondent to reply to any~~
 14 ~~post-hearing submission;~~

15 ~~“(F) allow a respondent to request—~~

16 ~~“(i) that a hearing be held, and a rec-~~
 17 ~~ommended decision and order issued, on~~
 18 ~~an expedited basis; or~~

19 ~~“(ii) that a hearing not commence for~~
 20 ~~a period of not less than 90 days;~~

21 ~~“(G) require that the agency have the bur-~~
 22 ~~den of proof, presentation, and persuasion in~~
 23 ~~any enforcement matter;~~

1 “(H) require that any recommended deci-
 2 sion and order contain findings of fact and con-
 3 clusions of law;

4 “(I) require the Associate Administrator of
 5 the Office of Pipeline Safety to file a post-hear-
 6 ing recommendation not later than 30 days
 7 after the deadline for any post-hearing submis-
 8 sion of a respondent;

9 “(J) require an order on a petition for re-
 10 consideration to be issued not later than 120
 11 days after the date on which the petition is
 12 filed; and

13 “(K) allow a respondent to request that an
 14 issue of controversy or uncertainty be addressed
 15 through a declaratory order in accordance with
 16 section 554(e) of title 5, which order shall be
 17 issued not later than 120 days after the date on
 18 which a request is made.

19 “(5) SAVINGS CLAUSE.—Nothing in this sub-
 20 section alters the procedures applicable to an emer-
 21 gency order under subsection (p).”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 60105(b)(6) of title 49, United
 24 States Code, is amended by striking “section 60108

1 (a) and (b))” and inserting “subsections (a) and (c)
2 of section 60108”.

3 ~~(2)~~ Section 60106(a)~~(2)~~ of title 49, United
4 States Code, is amended by striking “section 60108
5 (a) and (b))” and inserting “subsections (a) and (c)
6 of section 60108”.

7 ~~(3)~~ Section 60118(a)~~(2)~~ of title 49, United
8 States Code, is amended by striking “section 60108
9 (a) and (b))” and inserting “subsections (a) and (c)
10 of section 60108”.

11 **SEC. 110. PIPELINE OPERATING STATUS.**

12 ~~(a) IN GENERAL.~~—Chapter 601 of title 49, United
13 States Code (as amended by section 105(a)), is amended
14 by adding at the end the following:

15 **“§ 60143. Idled pipelines**

16 ~~“(a) DEFINITION OF IDLED.~~—In this section, the
17 term ‘idled’, with respect to a pipeline, means that the
18 pipeline—

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

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

22 ~~“(2)~~ has been isolated from all sources of haz-
23 ardous liquid, natural gas, or other gas; and

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

4 “(B) has not been purged as described in sub-
 5 paragraph (A), but the volume of gas is so small
 6 that there is no potential hazard.

7 “(b) RULEMAKING.—

8 “(1) IN GENERAL.—Not later than 2 years
 9 after the date of enactment of the PIPES Act of
 10 2019, the Secretary shall promulgate regulations
 11 prescribing the applicability of the pipeline safety re-
 12 quirements to idled natural or other gas trans-
 13 mission and hazardous liquid pipelines.

14 “(2) REQUIREMENTS.—

15 “(A) IN GENERAL.—The applicability of
 16 the regulations under paragraph (1) shall be
 17 based on the risk that idled natural or other
 18 gas transmission and hazardous liquid pipelines
 19 pose to the public, property, and the environ-
 20 ment, and shall include requirements to resume
 21 operation.

22 “(B) INSPECTION.—The Secretary or an
 23 appropriate State agency shall inspect each
 24 idled pipeline and verify that the pipeline has

1 been purged of combustibles and hazardous ma-
2 terials.

3 “(C) REQUIREMENTS FOR REINSPEC-
4 TION.—The Secretary shall determine the re-
5 quirements for periodic reinspection of idled
6 natural or other gas transmission and haz-
7 ardous liquid pipelines.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 601 of title 49, United States Code (as amend-
10 ed by section 105(b)), is amended by inserting after the
11 item relating to section 60142 the following:

 “60143. Idled pipelines.”.

12 **SEC. 111. LIQUEFIED NATURAL GAS FACILITY PROJECT RE-**
13 **VIEWS.**

14 Section 60103(a) of title 49, United States Code, is
15 amended—

16 (1) by redesignating paragraphs (1) through
17 (7) as subparagraphs (A) through (G), respectively,
18 and indenting appropriately;

19 (2) in the first sentence, by striking “The Sec-
20 retary of Transportation” and inserting the fol-
21 lowing:

22 “(1) IN GENERAL.—The Secretary of Transpor-
23 tation”;

24 (3) in the second sentence, by striking “In pre-
25 scribing a standard” and inserting the following:

1 ~~“(2) CONSIDERATIONS.—In prescribing a~~
 2 ~~standard under paragraph (1)”~~; and

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

4 ~~“(3) USE OF LOCATION STANDARDS.—If a Fed-~~
 5 ~~eral or State authority with jurisdiction over lique-~~
 6 ~~fied natural gas pipeline facility permits or approvals~~
 7 ~~is using the location standards prescribed under~~
 8 ~~paragraph (1) for purposes of making a decision~~
 9 ~~with respect to the location of a new liquefied nat-~~
 10 ~~ural gas pipeline facility and submits to the Sec-~~
 11 ~~retary of Transportation a request to provide a de-~~
 12 ~~termination of whether the new liquefied natural gas~~
 13 ~~pipeline facility would meet the location standards,~~
 14 ~~the Secretary may provide such a determination to~~
 15 ~~the requesting Federal or State authority.~~

16 ~~“(4) EFFECT.—Nothing in this subsection or~~
 17 ~~subsection (b)—~~

18 ~~“(A) affects—~~

19 ~~“(i) section 3 of the Natural Gas Act~~
 20 ~~(15 U.S.C. 717b);~~

21 ~~“(ii) the authority of the Federal En-~~
 22 ~~ergy Regulatory Commission to carry out~~
 23 ~~that section; or~~

24 ~~“(iii) any other similar authority of~~
 25 ~~any other Federal or State agency; or~~

1 “(B) requires the Secretary of Transpor-
 2 tation to formally approve any project proposal
 3 or otherwise perform any siting functions.”.

4 **SEC. 112. UPDATES TO STANDARDS FOR LIQUEFIED NAT-**
 5 **URAL GAS FACILITIES.**

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

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

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

17 (b) SCOPE.—In updating the minimum operating and
 18 maintenance standards under subsection (a)(2), the Sec-
 19 retary shall ensure that all regulations, guidance, and in-
 20 ternal documents are developed and applied in a manner
 21 consistent with this section.

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

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

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

5 (B) equipment used in the processes; and

6 (C) technology used in the processes;

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

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

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

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

20 (5) to review, when a design change occurs, a
21 hazard assessment conducted under paragraph (2)
22 and the response system established under para-
23 graph (4);

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

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

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

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

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

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

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

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

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

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

9 ~~(i)~~ loss of life;

10 ~~(ii)~~ destruction of private property; or

11 ~~(iii)~~ a major accident; and

12 ~~(B)~~ to have operating personnel—

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

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

17 **SEC. 113. NATIONAL CENTER OF EXCELLENCE FOR LIQUE-**
 18 **FIED NATURAL GAS SAFETY AND TRAINING.**

19 ~~(a)~~ DEFINITIONS.—In this section:

20 ~~(1)~~ CENTER.—The term “Center” means the
 21 National Center of Excellence for Liquefied Natural
 22 Gas Safety and Training established under sub-
 23 section ~~(b)~~.

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

1 ~~(3) LNG SECTOR STAKEHOLDER.—~~The term
 2 ~~“LNG sector stakeholder”~~ means a representative
 3 ~~of—~~

4 ~~(A) LNG facilities that represent the broad~~
 5 ~~array of LNG facilities operating in the United~~
 6 ~~States;~~

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

9 ~~(C) postsecondary education;~~

10 ~~(D) labor organizations;~~

11 ~~(E) safety organizations; or~~

12 ~~(F) Federal regulatory agencies of jurisdic-~~
 13 ~~tion, which may include—~~

14 ~~(i) the Administration;~~

15 ~~(ii) the Federal Energy Regulatory~~
 16 ~~Commission;~~

17 ~~(iii) the Department of Energy;~~

18 ~~(iv) the Occupational Safety and~~
 19 ~~Health Administration;~~

20 ~~(v) the Coast Guard; and~~

21 ~~(vi) the Maritime Administration.~~

22 ~~(b) ESTABLISHMENT.—~~Not later than 2 years after
 23 ~~the date of enactment of this Act, the Secretary, in con-~~
 24 ~~sultation with LNG sector stakeholders, shall establish a~~

1 center, to be known as the “National Center of Excellence
2 for Liquefied Natural Gas Safety and Training”.

3 ~~(c) FUNCTIONS.—~~The Center shall, for activities reg-
4 ulated under section 60103 of title 49, United States
5 Code—

6 ~~(1) promote, facilitate, and conduct—~~

7 ~~(A) education;~~

8 ~~(B) training; and~~

9 ~~(C) technological advancements;~~

10 ~~(2) be a repository of information on best prac-~~
11 ~~tices relating to, and expertise on, LNG operations;~~

12 ~~(3) foster collaboration among stakeholders;~~

13 ~~and~~

14 ~~(4) provide a curriculum for training that incor-~~
15 ~~porates—~~

16 ~~(A) the incorporation of risk-based prin-~~
17 ~~ciples into the operation, management, and reg-~~
18 ~~ulatory oversight of LNG facilities;~~

19 ~~(B) reliance on subject matter expertise~~
20 ~~within the LNG industry;~~

21 ~~(C) transfer of knowledge and expertise be-~~
22 ~~tween the LNG industry and regulatory agen-~~
23 ~~cies; and~~

24 ~~(D) leverage of training and workshops~~
25 ~~that occur at operational facilities.~~

1 (d) ~~LOCATION.—~~

2 (1) ~~IN GENERAL.—~~The Center shall be located
3 in close proximity to critical LNG transportation in-
4 frastructure on, and connecting to, the Gulf of Mex-
5 ico, as determined by the Secretary.

6 (2) ~~CONSIDERATIONS.—~~In siting the location of
7 the Center, the Secretary shall take into account the
8 strategic value of locating resources in close prox-
9 imity to LNG facilities.

10 (e) ~~JOINT OPERATION WITH EDUCATIONAL INSTITU-~~
11 ~~TION.—~~The Secretary may enter into an agreement with
12 an appropriate official of an institution of higher edu-
13 cation—

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

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

18 **TITLE II—LEONEL RONDON**

19 **PIPELINE SAFETY ACT**

20 **SEC. 201. SHORT TITLE.**

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

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

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

5 “(7) DISTRIBUTION INTEGRITY MANAGEMENT
6 PLANS.—

7 “(A) EVALUATION OF RISK.—Not later
8 than 2 years after the date of enactment of this
9 paragraph, the Secretary shall promulgate regu-
10 lations to ensure that each distribution integrity
11 management plan developed by an operator of
12 a distribution system includes an evaluation
13 of—

14 “(i) the risks resulting from the pres-
15 ence of cast iron pipes and mains in the
16 distribution system; and

17 “(ii) the risks that could lead to or re-
18 sult from the operation of a low-pressure
19 distribution system at a pressure that
20 makes the operation of any connected and
21 properly adjusted low-pressure gas burning
22 equipment unsafe (as described in section
23 192.623 of title 49, Code of Federal Regu-
24 lations (or a successor regulation)).

25 “(B) CONSIDERATION.—In the evaluations
26 required in a plan under subparagraph (A), the

1 regulations promulgated by the Secretary shall
 2 ensure that the distribution integrity manage-
 3 ment plan evaluates for future potential threats
 4 in a manner that considers factors other than
 5 past observed abnormal operations (within the
 6 meaning of section ~~192.605~~ of title 49, Code of
 7 Federal Regulations (or a successor regula-
 8 tion)); in ranking risks and identifying meas-
 9 ures to mitigate those risks under that subpara-
 10 graph, so that operators avoid using a risk rat-
 11 ing of zero for low probability events unless oth-
 12 erwise supported by engineering analysis or
 13 operational knowledge.

14 “(C) DEADLINES.—

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

22 “(I) the distribution integrity
 23 management plan of the operator;

24 “(II) the emergency response
 25 plan under section ~~192.615~~ of title 49,

1 Code of Federal Regulations (or a
2 successor regulation); and

3 “(III) the procedural manual for
4 operations, maintenance, and emer-
5 gencies under section 192.605 of title
6 49, Code of Federal Regulations (or a
7 successor regulation).

8 “(ii) UPDATES.—Each operator of a
9 distribution system shall make available to
10 the Secretary or make available for inspec-
11 tion to the relevant State authority with a
12 certification in effect under section 60105,
13 if applicable, an updated plan or manual
14 described in clause (i) by not later than 60
15 days after the date of a significant update,
16 as determined by the Secretary.

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

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

24 “(i) IN GENERAL.—Not later than 1
25 year after the date of promulgation of the

1 regulations under subparagraph (A), and
2 not less frequently than once every 5 years
3 thereafter, the Secretary or relevant State
4 authority with a certification in effect
5 under section 60105 shall review the dis-
6 tribution integrity management plan, the
7 emergency response plan, and the proce-
8 dural manual for operations, maintenance,
9 and emergencies of each operator and
10 record the results of that review for use in
11 the next review of the program of that op-
12 erator.

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

16 “(I) on significant change to the
17 plan, procedural manual, or system,
18 as applicable; and

19 “(II) not less frequently than
20 once every 5 years.

21 “(iii) CONTEXT OF REVIEW.—The
22 Secretary may conduct a review under
23 clause (i) or (ii) as an element of the in-
24 spection of the operator carried out by the
25 Secretary.

1 “(iv) INADEQUATE PROGRAMS.—If the
 2 Secretary determines that the documents
 3 reviewed under clause (i) or (ii) do not
 4 comply with the requirements of this chap-
 5 ter (including regulations to implement
 6 this chapter); have not been adequately im-
 7 plemented; or are inadequate for the safe
 8 operation of a pipeline facility, the Sec-
 9 retary may conduct proceedings under this
 10 chapter.”.

11 (b) MONITORING.—Section 60105(e) of title 49,
 12 United States Code, is amended—

13 (1) in the second sentence, by striking “A State
 14 authority” and inserting the following:

15 “(2) COOPERATION.—A State authority with a
 16 certification in effect under this section”;

17 (2) by striking “The Secretary” and inserting
 18 the following:

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

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

21 “(3) AUDIT PROGRAM.—Not later than 2 years
 22 after the date of enactment of this paragraph, the
 23 Secretary shall—

24 “(A) revise the State audit protocols and
 25 procedures to update the annual State Program

1 Evaluations carried out under this subsection
2 and section 60106(d) to ensure that a State au-
3 thority with a certification in effect under this
4 section has the capability to sufficiently review
5 and evaluate the adequacy of the plans and
6 manuals described in section 60109(e)(7)(C)(i);

7 “(B) update the State Inspection Calcula-
8 tion Tool to take into account factors includ-
9 ing—

10 “(i) the number of miles of natural
11 gas and hazardous liquid pipelines in the
12 State, including the number of miles of
13 cast iron and bare steel pipelines;

14 “(ii) the number of services in the
15 State;

16 “(iii) the age of the gas distribution
17 system in the State; and

18 “(iv) environmental factors that could
19 impact the integrity of the pipeline, includ-
20 ing relevant geological issues; and

21 “(C) promulgate regulations to require
22 that a State authority with a certification in ef-
23 fect under this section has a sufficient number
24 of qualified inspectors to ensure safe operations;
25 as determined by the State Inspection Calcula-

1 tion Tool and other factors determined to be
2 appropriate by the Secretary.”.

3 **SEC. 203. EMERGENCY RESPONSE PLANS.**

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

6 “(q) EMERGENCY RESPONSE PLANS.—Not later
7 than 2 years after the date of enactment of this sub-
8 section, the Secretary shall update regulations to ensure
9 that each emergency response plan developed by an oper-
10 ator of a distribution system under section 192.615 of title
11 49, Code of Federal Regulations (or a successor regula-
12 tion); includes written procedures for—

13 “(1) establishing communication with first re-
14 sponders and other relevant public officials, as soon
15 as practicable, beginning from the time of confirmed
16 discovery, as determined by the Secretary, by the op-
17 erator of a gas pipeline emergency involving a re-
18 lease of gas from a distribution system of that oper-
19 ator that results in—

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

22 “(B) an explosion;

23 “(C) 1 or more fatalities; or

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

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

6 ~~“(A) as soon as practicable, as determined~~
 7 ~~by the Secretary, after a gas pipeline emergency~~
 8 ~~involving a release of gas that results in—~~

9 ~~“(i) a fire related to an unintended re-~~
 10 ~~lease of gas;~~

11 ~~“(ii) an explosion;~~

12 ~~“(iii) 1 or more fatalities; or~~

13 ~~“(iv) the unscheduled shutdown of gas~~
 14 ~~service to a significant number of cus-~~
 15 ~~tomers, as determined by the Secretary;~~
 16 ~~and~~

17 ~~“(B) that provides information regard-~~
 18 ~~ing—~~

19 ~~“(i) the emergency described in sub-~~
 20 ~~paragraph (A); and~~

21 ~~“(ii) the status of public safety; and~~

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

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

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

5 “(r) **OPERATIONS AND MAINTENANCE MANUALS.**—

6 Not later than 2 years after the date of enactment of this
7 subsection, the Secretary shall update regulations to en-
8 sure that each procedural manual for operations, mainte-
9 nance, and emergencies developed by an operator of a dis-
10 tribution pipeline under section 192.605 of title 49, Code
11 of Federal Regulations (or a successor regulation), in-
12 cludes written procedures for—

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

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

20 “(A) be applied to significant technology,
21 equipment, procedural, and organizational
22 changes to the distribution system; and

23 “(B) ensure that relevant qualified per-
24 sonnel, such as an engineer with a professional
25 engineer licensure, subject matter expert, or
26 other employee who possesses the necessary

1 knowledge, experience, and skills regarding nat-
 2 ural gas distribution systems; review and certify
 3 construction plans for accuracy, completeness,
 4 and correctness.”.

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

6 (a) IN GENERAL.—Not later than 3 years after the
 7 date of enactment of this Act, the Secretary shall submit
 8 to the Committee on Commerce, Science, and Transpor-
 9 tation of the Senate and the Committees on Transpor-
 10 tation and Infrastructure and Energy and Commerce of
 11 the House of Representatives a report describing—

12 (1) the number of operators of natural gas dis-
 13 tribution systems who have implemented a pipeline
 14 safety management system in accordance with the
 15 standard established by the American Petroleum In-
 16 stitute entitled “Pipeline Safety Management Sys-
 17 tem Requirements” and numbered American Petro-
 18 leum Institute Recommended Practice 1173;

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

23 (3) the feasibility of an operator of a natural
 24 gas distribution system implementing a pipeline
 25 safety management system described in paragraph

1 (1) based on the size of the operator as measured
2 by—

3 (A) the number of customers the operator
4 has; and
5 (B) the amount of natural gas the operator
6 transports.

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

15 (c) EVALUATION AND PROMOTION OF SAFETY MAN-
16 AGEMENT SYSTEMS.—The Secretary and the relevant
17 State authority with a certification in effect under section
18 60105 of title 49, United States Code, as applicable,
19 shall—

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

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

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

3 (i) errors; and

4 (ii) deviations from regulatory stand-
5 ards; and

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

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

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

16 (i) root cause analysis; and

17 (ii) training, education, or other ap-
18 propriate improvements to procedures or
19 training programs.

20 **SEC. 206. PIPELINE SAFETY PRACTICES.**

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

24 “(s) OTHER PIPELINE SAFETY PRACTICES.—

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

5 ~~“(A) to identify and manage traceable, re-~~
 6 liable, and complete records, including maps
 7 and other drawings, critical to ensuring proper
 8 pressure controls for a gas distribution system,
 9 and updating these records as needed, while col-
 10 lecting and identifying other records necessary
 11 for risk analysis on an opportunistic basis; and

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

14 ~~“(i) accessible to all personnel respon-~~
 15 sible for performing or overseeing relevant
 16 construction or engineering work; and

17 ~~“(ii) submitted to, or made available~~
 18 for inspection by, the Secretary or the rel-
 19 evant State authority with a certification
 20 in effect under section 60105.

21 ~~“(2) PRESENCE OF QUALIFIED EMPLOYEES.—~~

22 ~~“(A) IN GENERAL.—~~Not later than 180
 23 days after the date of enactment of this sub-
 24 section, the Secretary shall promulgate regula-
 25 tions to require that not less than 1 agent of

1 an operator of a distribution system who is
 2 qualified to perform relevant covered tasks (as
 3 defined in section 192.801(b) of title 49, Code
 4 of Federal Regulations (or a successor regula-
 5 tion)) shall monitor gas pressure at the district
 6 regulator station or at an alternative site with
 7 equipment capable of ensuring proper pressure
 8 controls and have the capability to promptly
 9 shut down the flow of gas or control over pres-
 10 surization at a district regulator station during
 11 any construction project that has the potential
 12 to cause a hazardous overpressurization at that
 13 station, including tie-ins and abandonment of
 14 distribution lines and mains, based on an eval-
 15 uation, conducted by the operator, of threats
 16 that could result in unsafe operation.

17 “(B) EXCLUSION.—In promulgating regula-
 18 tions under subparagraph (A), the Secretary
 19 shall ensure that those regulations do not apply
 20 to a district regulating station that has a moni-
 21 toring system and the capability for remote or
 22 automatic shutoff.

23 “(3) DISTRICT REGULATOR STATIONS.—

24 “(A) IN GENERAL.—Not later than 1 year
 25 after the date of enactment of this subsection,

1 the Secretary shall promulgate regulations to
2 require that each operator of a distribution sys-
3 tem assesses and upgrades, as appropriate,
4 each district regulator station of the operator to
5 ensure that—

6 “(i) the risk of the gas pressure in the
7 distribution system exceeding, by a com-
8 mon mode of failure, the maximum allow-
9 able operating pressure (as described in
10 section 192.623 of title 49, Code of Fed-
11 eral Regulations (or a successor regula-
12 tion)) allowed under Federal law (including
13 regulations) is minimized;

14 “(ii) the gas pressure of a low-pres-
15 sure distribution system is monitored, par-
16 ticularly at or near the location of critical
17 pressure-control equipment;

18 “(iii) the regulator station has sec-
19 ondary or backup pressure-relieving or
20 overpressure-protection safety technology,
21 such as a relief valve or automatic shutoff
22 valve, or other pressure-limiting devices ap-
23 propriate for the configuration and siting
24 of the station and, in the case of a regu-
25 lator station that employs the primary and

monitor regulator design; the operator shall eliminate the common mode of failure or provide backup protection capable of either shutting the flow of gas; relieving gas to the atmosphere to fully protect the distribution system from overpressurization events; or there must be technology in place to eliminate a common mode of failure; and

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—*This Act may be cited as the “PIPES 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. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.

Sec. 102. Pipeline workforce development.

Sec. 103. Underground natural gas storage user fees.

Sec. 104. Cost recovery and fees for facility reviews.

Sec. 105. Advancement of new pipeline safety technologies and approaches.

- Sec. 106. *Pipeline safety testing enhancement study.*
 Sec. 107. *Regulatory updates.*
 Sec. 108. *Self-disclosure of violations.*
 Sec. 109. *Due process protections in enforcement proceedings.*
 Sec. 110. *Pipeline operating status.*
 Sec. 111. *Liquefied natural gas facility project reviews.*
 Sec. 112. *Updates to standards for liquefied natural gas facilities.*
 Sec. 113. *National Center of Excellence for Liquefied Natural Gas Safety and Training.*
 Sec. 114. *Prioritization of rulemaking.*

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

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

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

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

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

11 **TITLE I—IMPROVING PIPELINE** 12 **SAFETY AND INFRASTRUCTURE**

13 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) *GAS AND HAZARDOUS LIQUID.*—*Section 60125 of*
 15 *title 49, United States Code, is amended by striking sub-*
 16 *section (a) and inserting the following:*

17 “(a) *GAS AND HAZARDOUS LIQUID.*—

1 “(1) *IN GENERAL.*—*From fees collected under*
 2 *section 60301, there are authorized to be appropriated*
 3 *to the Secretary to carry out section 12 of the Pipe-*
 4 *line Safety Improvement Act of 2002 (49 U.S.C.*
 5 *60101 note; Public Law 107–355) and the provisions*
 6 *of this chapter relating to gas and hazardous liquid—*

7 “(A) \$147,000,000 for fiscal year 2020, of
 8 *which—*

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

13 “(ii) \$60,000,000 shall be used for
 14 *making grants;*

15 “(B) \$151,000,000 for fiscal year 2021, of
 16 *which—*

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

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

23 “(C) \$155,000,000 for fiscal year 2022, of
 24 *which—*

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

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

7 “(D) \$159,000,000 for fiscal year 2023, of
 8 which—

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

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

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

24 “(A) \$25,000,000 for fiscal year 2020, of
 25 which—

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

5 “(ii) \$10,000,000 shall be used for
6 making grants;

7 “(B) \$26,000,000 for fiscal year 2021, of
8 which—

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

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

15 “(C) \$27,000,000 for fiscal year 2022, of
16 which—

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

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

23 “(D) \$28,000,000 for fiscal year 2023, of
24 which—

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

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

7 “(3) UNDERGROUND NATURAL GAS STORAGE FA-
8 CILITY SAFETY ACCOUNT.—From fees collected under
9 section 60302, there is authorized to be appropriated
10 to the Secretary to carry out section 60141 \$8,000,000
11 for each of fiscal years 2020 through 2023.”.

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

16 “(1) \$24,000,000 for fiscal year 2020.

17 “(2) \$25,000,000 for fiscal year 2021.

18 “(3) \$26,000,000 for fiscal year 2022.

19 “(4) \$27,000,000 for fiscal year 2023.”.

20 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
21 6107 of title 49, United States Code, is amended by striking
22 “\$1,058,000 for each of fiscal years 2016 through 2019” and
23 inserting “\$1,058,000 for each of fiscal years 2020 through
24 2023”.

1 (d) *PIPELINE SAFETY INFORMATION GRANTS TO COM-*
 2 *MUNITIES.—Section 60130 of title 49, United States Code,*
 3 *is amended by striking subsection (c) and inserting the fol-*
 4 *lowing:*

5 “(c) *FUNDING.—*

6 “(1) *IN GENERAL.—Out of amounts made avail-*
 7 *able under section 2(b) of the PIPES Act of 2016, the*
 8 *Secretary shall use \$1,500,000 for each of fiscal years*
 9 *2020 through 2023 to carry out this section.*

10 “(2) *LIMITATION.—Any amounts used to carry*
 11 *out this section shall not be derived from user fees col-*
 12 *lected under section 60301.”.*

13 (e) *DAMAGE PREVENTION PROGRAMS.—Section*
 14 *60134(i) of title 49, United States Code, is amended in the*
 15 *first sentence by striking “fiscal years 2012 through 2015”*
 16 *and inserting “fiscal years 2020 through 2023”.*

17 (f) *PIPELINE INTEGRITY PROGRAM.—Section 12(f) of*
 18 *the Pipeline Safety Improvement Act of 2002 (49 U.S.C.*
 19 *60101 note; Public Law 107–355) is amended by striking*
 20 *“2016 through 2019” and inserting “2020 through 2023”.*

21 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

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

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

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

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

7 *(b) REPORT.—*

8 *(1) IN GENERAL.—Not later than 1 year after*
9 *the date of enactment of this Act, the Secretary shall*
10 *submit to the Committee on Commerce, Science, and*
11 *Transportation of the Senate and the Committees on*
12 *Transportation and Infrastructure, Energy and Com-*
13 *merce, and Science, Space, and Technology of the*
14 *House of Representatives and make publicly available*
15 *on a website of the Department of Transportation a*
16 *report containing a comprehensive workforce plan for*
17 *the Administration.*

18 *(2) CONTENTS.—The report under paragraph (1)*
19 *shall include—*

20 *(A) a description of the current staffing at*
21 *the Administration;*

22 *(B) an identification of the staff needed to*
23 *achieve the mission of the Administration over*
24 *the next 10 years following the date of the report;*

1 (C) an evaluation of whether the inspector
 2 training programs referred to in subsection
 3 (a)(1) provide appropriate exposure to pipeline
 4 operations and current pipeline safety tech-
 5 nology;

6 (D) a summary of any gaps between the
 7 current workforce of the Administration and the
 8 future human capital needs of the Administra-
 9 tion; and

10 (E) a description of how the Administra-
 11 tion—

12 (i) uses the retention incentives defined
 13 by the Office of Personnel Management; and

14 (ii) plans to use those retention incen-
 15 tives as part of the comprehensive workforce
 16 plan of the Administration.

17 **SEC. 103. UNDERGROUND NATURAL GAS STORAGE USER**
 18 **FEEES.**

19 Section 60302(c) of title 49, United States Code, is
 20 amended—

21 (1) in paragraph (2)—

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

24 (B) in subparagraph (B)—

1 (i) by striking “the amount of the fee”;

2 and

3 (ii) by striking the period at the end

4 and inserting “; and”; and

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

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

8 (2) by striking paragraph (3); and

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

10 “(d) *LIMITATION.*—The amount of a fee imposed under
11 subsection (a) shall be sufficient to pay the costs of activities
12 referred to in subsection (c), subject to the limitation that
13 the total amount of fees collected for a fiscal year under
14 subsection (b) may not be more than 105 percent of the total
15 amount of the appropriations made for the fiscal year for
16 activities to be financed by the fees.”.

17 **SEC. 104. COST RECOVERY AND FEES FOR FACILITY RE-**
18 **VIEWS.**

19 (a) *FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED*
20 *NATURAL GAS FACILITIES.*—Chapter 603 of title 49,
21 United States Code, is amended by inserting after section
22 60302 the following:

23 **“§ 60303. Fees for compliance reviews of liquefied nat-**
24 **ural gas facilities**

25 “(a) *IMPOSITION OF FEE.*—

1 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
 2 *tation (referred to in this section as the ‘Secretary’)*
 3 *shall impose on a person who files with the Federal*
 4 *Energy Regulatory Commission an application for a*
 5 *liquefied natural gas facility that has design and con-*
 6 *struction costs totaling not less than \$2,500,000,000 a*
 7 *fee for the necessary expenses of a review, if any, that*
 8 *the Secretary conducts, in connection with that appli-*
 9 *cation, to determine compliance with subpart B of*
 10 *part 193 of title 49, Code of Federal Regulations (or*
 11 *successor regulations).*

12 “(2) *RELATION TO OTHER REVIEW.*—*The Sec-*
 13 *retary may not impose fees under paragraph (1) and*
 14 *section 60117(o) or 60301(b) for the same compliance*
 15 *review described in paragraph (1).*

16 “(b) *MEANS OF COLLECTION.*—

17 “(1) *IN GENERAL.*—*The Secretary shall prescribe*
 18 *procedures to collect fees under this section.*

19 “(2) *USE OF GOVERNMENT ENTITIES.*—*The Sec-*
 20 *retary may—*

21 “(A) *use a department, agency, or instru-*
 22 *mentality of the Federal Government or of a*
 23 *State or local government to collect fees under*
 24 *this section; and*

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

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

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

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

12 **SEC. 105. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
 13 **NOLOGIES AND APPROACHES.**

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

16 **“§ 60142. Pipeline safety enhancement programs**

17 “(a) IN GENERAL.—The Secretary may establish and
 18 carry out limited safety-enhancing testing programs during
 19 the period of fiscal years 2020 through 2026 to evaluate in-
 20 novative technologies and operational practices testing the
 21 safe operation of—

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

23 “(2) a hazardous liquid pipeline facility.

24 “(b) LIMITATIONS.—

1 “(1) *IN GENERAL.*—*Such testing programs may*
2 *not exceed—*

3 “(A) *5 percent of the total miles of haz-*
4 *ardous liquid pipelines in the United States; and*

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

7 “(2) *HIGH POPULATION AREAS.*—*Any program*
8 *established under subsection (a) shall not be located in*
9 *a high population area (as defined in section 195.450*
10 *of title 49, Code of Federal Regulations).*

11 “(c) *DURATION.*—*The term of a testing program estab-*
12 *lished under subsection (a) shall be not more than a period*
13 *of 4 years beginning on the date of approval of the program.*

14 “(d) *SAFETY STANDARDS.*—

15 “(1) *IN GENERAL.*—*The Secretary shall require,*
16 *as a condition of approval of a testing program under*
17 *subsection (a), that the safety measures in the testing*
18 *program are designed to achieve a level of safety that*
19 *is greater than, or equivalent to, the level of safety re-*
20 *quired by this chapter.*

21 “(2) *DETERMINATION.*—

22 “(A) *IN GENERAL.*—*The Secretary may*
23 *issue an order under subparagraph (A) of section*
24 *60118(c)(1) to accomplish the purpose of a test-*
25 *ing program for a term not to exceed the time*

1 *period described in subsection (c) if the condition*
 2 *described in paragraph (1) is met, as determined*
 3 *by the Secretary.*

4 “(B) *LIMITATION.*—*An order under sub-*
 5 *paragraph (A) shall pertain only to those regula-*
 6 *tions that would otherwise prevent the use of the*
 7 *safety technology to be tested under the testing*
 8 *program.*

9 “(e) *CONSIDERATIONS.*—*In establishing a testing pro-*
 10 *gram under subsection (a), the Secretary shall consider—*

11 “(1) *whether the owners or operators partici-*
 12 *pating in the program have a safety management sys-*
 13 *tem in place; and*

14 “(2) *whether the proposed safety technology has*
 15 *been tested through a research and development pro-*
 16 *gram carried out by—*

17 “(A) *the Secretary;*

18 “(B) *collaborative research development or-*
 19 *ganizations; or*

20 “(C) *other institutions.*

21 “(f) *DATA AND FINDINGS.*—*As a participant in a test-*
 22 *ing program established under subsection (a), an operator*
 23 *shall submit to the Secretary detailed findings and a sum-*
 24 *mary of data collected as a result of participation in the*
 25 *testing program.*

1 “(g) *AUTHORITY TO REVOKE PARTICIPATION.*—The
 2 Secretary shall immediately revoke participation in a test-
 3 ing program under subsection (a) if—

4 “(1) *the participant fails to comply with the*
 5 *terms and conditions of the testing program; or*

6 “(2) *in the determination of the Secretary, con-*
 7 *tinued participation in the testing program by the*
 8 *participant would be unsafe or would not be con-*
 9 *sistent with the goals and objectives of this chapter.*

10 “(h) *AUTHORITY TO TERMINATE PROGRAM.*—The Sec-
 11 retary shall immediately terminate a testing program
 12 under subsection (a) if continuation of the testing program
 13 would not be consistent with the goals and objectives of this
 14 chapter.

15 “(i) *STATE RIGHTS.*—

16 “(1) *EXEMPTION.*—Except as provided in para-
 17 graph (2), if a State submits to the Secretary notice
 18 that the State requests an exemption from any testing
 19 program considered for establishment under this sec-
 20 tion, the State shall be exempt.

21 “(2) *LIMITATIONS.*—

22 “(A) *IN GENERAL.*—The Secretary shall not
 23 grant a requested exemption under paragraph
 24 (1) after a testing program is established.

1 “(B) *LATE NOTICE.*—*The Secretary shall*
 2 *not grant a requested exemption under para-*
 3 *graph (1) if the notice submitted under that*
 4 *paragraph is submitted to the Secretary more*
 5 *than 10 days after the date on which the Sec-*
 6 *retary issues an order providing an effective date*
 7 *for the testing program.*

8 “(3) *EFFECT.*—*If a State has not submitted a*
 9 *notice requesting an exemption under paragraph (1),*
 10 *the State shall not enforce any law (including regula-*
 11 *tions) that is inconsistent with a testing program in*
 12 *effect in the State under this section.*

13 “(j) *PROGRAM REVIEW PROCESS AND PUBLIC NO-*
 14 *TICE.*—

15 “(1) *IN GENERAL.*—*The Secretary shall publish*
 16 *in the Federal Register and send directly to each rel-*
 17 *evant State authority with a certification in effect*
 18 *under section 60105 a notice of each testing program*
 19 *under subsection (a), including the order to be consid-*
 20 *ered, and provide an opportunity for public comment*
 21 *for not less than 90 days.*

22 “(2) *RESPONSE FROM SECRETARY.*—*Not later*
 23 *than the date on which the Secretary issues an order*
 24 *providing an effective date of a testing program no-*
 25 *ticed under paragraph (1), the Secretary shall re-*

1 spond to each comment submitted under that para-
2 graph.

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

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

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

14 “(A) would enhance the safe operation of
15 interstate gas or hazardous liquid pipeline facili-
16 ties; and

17 “(B) are technically, operationally, and eco-
18 nomically feasible.

19 “(l) *STANDARDS.*—If a report under subsection (k) in-
20 dicates that it is practicable to establish technically, oper-
21 ationally, and economically feasible standards for the use
22 of a safety-enhancing technology and any corresponding
23 operational practices tested by the testing program de-
24 scribed in the report, the Secretary, as soon as practicable
25 after submission of the report, may promulgate regulations

1 *consistent with chapter 5 of title 5 (commonly known as*
 2 *the ‘Administrative Procedures Act’) that—*

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

6 *“(2) establish technically, operationally, and eco-*
 7 *nomically feasible standards for the capability and*
 8 *deployment of the technology or practice.”.*

9 *(b) CLERICAL AMENDMENT.—The table of sections for*
 10 *chapter 601 of title 49, United States Code, is amended by*
 11 *inserting after the item relating to section 60141 the fol-*
 12 *lowing:*

“60142. Pipeline safety enhancement programs.”.

13 **SEC. 106. PIPELINE SAFETY TESTING ENHANCEMENT**
 14 **STUDY.**

15 *Not later than 2 years after the date of enactment of*
 16 *this Act, the Secretary shall submit to the Committee on*
 17 *Commerce, Science, and Transportation of the Senate and*
 18 *the Committees on Transportation and Infrastructure, En-*
 19 *ergy and Commerce, and Science, Space, and Technology*
 20 *of the House of Representatives a report relating to—*

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

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

5 (B) *whether an independent pipeline safety test-*
 6 *ing facility would be critical to the work of the Ad-*
 7 *ministration; and*

8 (C) *the costs and benefits of developing an inde-*
 9 *pendent pipeline safety testing facility under the De-*
 10 *partment of Transportation; and*

11 (3) *the ability of the Administration to use the*
 12 *testing facilities of other Federal agencies or federally*
 13 *funded research and development centers.*

14 **SEC. 107. REGULATORY UPDATES.**

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

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

22 (2) *a final rule required to be issued under the*
 23 *Protecting our Infrastructure of Pipelines and En-*
 24 *hancing Safety Act of 2016 (Public Law 114–183;*

1 130 Stat. 514) that has not been published in the
 2 Federal Register; and

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

8 (b) REQUIREMENTS.—

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

18 (2) NOTIFICATION OF CONGRESS.—On publica-
 19 tion of a final rule in the Federal Register for an out-
 20 standing mandate, the Secretary shall submit to the
 21 Committee on Commerce, Science, and Transpor-
 22 tation of the Senate and the Committees on Transpor-
 23 tation and Infrastructure and Energy and Commerce
 24 of the House of Representatives a notification in ac-
 25 cordance with subsection (c).

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

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

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

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

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

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

15 (E) *any other details associated with the de-*
16 *velopment of each outstanding mandate that af-*
17 *fect the progress of the rulemaking process with*
18 *respect to that outstanding mandate; and*

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

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

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

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

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

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

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

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

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

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

1 **SEC. 108. SELF-DISCLOSURE OF VIOLATIONS.**

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

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

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

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

11 **SEC. 109. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
 12 **PROCEEDINGS.**

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

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

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

19 *“(b) ENFORCEMENT AND REGULATORY PROCE-*
 20 *DURES.—*

21 *“(1) REQUEST FOR FORMAL HEARING.—On re-*
 22 *quest of a respondent in an enforcement or regulatory*
 23 *proceeding under this chapter, a hearing shall be held*
 24 *in accordance with section 554 of title 5.*

25 *“(2) ADMINISTRATIVE LAW JUDGE.—A hearing*
 26 *under paragraph (1) shall be conducted by an admin-*

1 *istrative law judge appointed under section 3105 of*
 2 *title 5.*

3 “(3) *OPEN TO THE PUBLIC.—*

4 “(A) *HEARINGS.—A hearing under para-*
 5 *graph (1) shall be—*

6 “(i) *noticed to the public—*

7 “(I) *on the website of the Pipeline*
 8 *and Hazardous Materials Safety Ad-*
 9 *ministration; and*

10 “(II) *in the Federal Register; and*

11 “(ii) *open to the public.*

12 “(B) *AGREEMENTS, ORDERS, AND JUDG-*
 13 *MENTS.—A consent agreement, consent order,*
 14 *order, or judgment resulting from a hearing*
 15 *under paragraph (1) shall be made available to*
 16 *the public on the website of the Pipeline and*
 17 *Hazardous Materials Safety Administration.*

18 “(4) *PROCEDURES.—In implementing enforce-*
 19 *ment and regulatory procedures under this chapter,*
 20 *the Secretary shall—*

21 “(A) *allow the use of a consent agreement*
 22 *and consent order to resolve any matter of fact*
 23 *or law asserted;*

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

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

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

4 “(C) require that the case file in an enforce-
5 ment proceeding include all agency records perti-
6 nent to the matters of fact and law asserted;

7 “(D) require that a recommended decision
8 be made available to the respondent when issued;

9 “(E) allow a respondent to reply to any
10 post-hearing submission;

11 “(F) allow a respondent to request—

12 “(i) that a hearing be held, and a rec-
13 ommended decision and order issued, on an
14 expedited basis; or

15 “(ii) that a hearing not commence for
16 a period of not less than 90 days;

17 “(G) require that the agency have the bur-
18 den of proof, presentation, and persuasion in
19 any enforcement matter;

20 “(H) require that any recommended deci-
21 sion and order contain findings of fact and con-
22 clusions of law;

23 “(I) require the Associate Administrator of
24 the Office of Pipeline Safety to file a post-hear-
25 ing recommendation not later than 30 days after

1 *the deadline for any post-hearing submission of*
 2 *a respondent;*

3 *“(J) require an order on a petition for re-*
 4 *consideration to be issued not later than 120*
 5 *days after the date on which the petition is filed;*
 6 *and*

7 *“(K) allow an operator to request that an*
 8 *issue of controversy or uncertainty be addressed*
 9 *through a declaratory order in accordance with*
 10 *section 554(e) of title 5, which order shall be*
 11 *issued not later than 120 days after the date on*
 12 *which a request is made.*

13 *“(5) SAVINGS CLAUSE.—Nothing in this sub-*
 14 *section alters the procedures applicable to an emer-*
 15 *gency order under subsection (p).”.*

16 *(b) CONFORMING AMENDMENTS.—*

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

20 *(2) Section 60117(p) of title 49, United States*
 21 *Code (as redesignated by subsection (a)(1)), is amend-*
 22 *ed, in paragraph (3)(E), by striking “60117(l)” and*
 23 *inserting “subsection (m)”.*

24 *(3) Section 60118(a)(3) of title 49, United States*
 25 *Code, is amended by striking “section 60117(a)–(d)”*

1 and inserting “subsections (a) through (e) of section
2 60117”.

3 **SEC. 110. PIPELINE OPERATING STATUS.**

4 (a) *IN GENERAL.*—Chapter 601 of title 49, United
5 States Code (as amended by section 105(a)), is amended
6 by adding at the end the following:

7 **“§ 60143. Idled pipelines**

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

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

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

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

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

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

21 “(b) *RULEMAKING.*—

22 “(1) *IN GENERAL.*—Not later than 2 years after
23 the date of enactment of the PIPES Act of 2019, the
24 Secretary shall promulgate regulations prescribing the
25 applicability of the pipeline safety requirements to

1 *idled natural or other gas transmission and haz-*
 2 *ardous liquid pipelines.*

3 “(2) *REQUIREMENTS.*—

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

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

15 “(C) *REQUIREMENTS FOR REINSPECTION.*—
 16 *The Secretary shall determine the requirements*
 17 *for periodic reinspection of idled natural or other*
 18 *gas transmission and hazardous liquid pipe-*
 19 *lines.”.*

20 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
 21 *chapter 601 of title 49, United States Code (as amended*
 22 *by section 105(b)), is amended by inserting after the item*
 23 *relating to section 60142 the following:*

 “60143. *Idled pipelines.*”.

1 **SEC. 111. LIQUEFIED NATURAL GAS FACILITY PROJECT RE-**
 2 **VIEWS.**

3 *Section 60103(a) of title 49, United States Code, is*
 4 *amended—*

5 *(1) by redesignating paragraphs (1) through (7)*
 6 *as subparagraphs (A) through (G), respectively, and*
 7 *indenting appropriately;*

8 *(2) in the first sentence, by striking “The Sec-*
 9 *retary of Transportation” and inserting the following:*

10 *“(1) IN GENERAL.—The Secretary of Transpor-*
 11 *tation”;*

12 *(3) in the second sentence, by striking “In pre-*
 13 *scribing a standard” and inserting the following:*

14 *“(2) CONSIDERATIONS.—In prescribing a stand-*
 15 *ard under paragraph (1)”;* and

16 *(4) by adding at the end the following:*

17 *“(3) USE OF LOCATION STANDARDS.—If a Fed-*
 18 *eral or State authority with jurisdiction over lique-*
 19 *fied natural gas pipeline facility permits or approv-*
 20 *als is using the location standards prescribed under*
 21 *paragraph (1) for purposes of making a decision with*
 22 *respect to the location of a new liquefied natural gas*
 23 *pipeline facility and submits to the Secretary of*
 24 *Transportation a request to provide a determination*
 25 *of whether the new liquefied natural gas pipeline fa-*
 26 *cility would meet the location standards, the Sec-*

retary may provide such a determination to the requesting Federal or State authority.

“(4) *EFFECT.*—Nothing in this subsection or subsection (b)—

“(A) affects—

“(i) section 3 of the Natural Gas Act (15 U.S.C. 717b);

“(ii) the authority of the Federal Energy Regulatory Commission to carry out that section; or

“(iii) any other similar authority of any other Federal or State agency; or

“(B) requires the Secretary of Transportation to formally approve any project proposal or otherwise perform any siting functions.”.

SEC. 112. UPDATES TO STANDARDS FOR LIQUEFIED NATURAL GAS FACILITIES.

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

(1) review the minimum operating and maintenance standards prescribed under section 60103(d) of title 49, United States Code; and

(2) based on the review under paragraph (1), update the standards described in that paragraph applicable to large-scale liquefied natural gas facilities

1 *(other than peak shaving facilities) to provide for a*
 2 *risk-based regulatory approach for such facilities, con-*
 3 *sistent with this section.*

4 *(b) SCOPE.—In updating the minimum operating and*
 5 *maintenance standards under subsection (a)(2), the Sec-*
 6 *retary shall ensure that all regulations, guidance, and in-*
 7 *ternal documents are developed and applied in a manner*
 8 *consistent with this section.*

9 *(c) REQUIREMENTS.—The updates to the operating*
 10 *and maintenance standards required under subsection*
 11 *(a)(2) shall, at a minimum, require operators—*

12 *(1) to develop and maintain written safety infor-*
 13 *mation identifying hazards associated with—*

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

16 *(B) equipment used in the processes; and*

17 *(C) technology used in the processes;*

18 *(2) to conduct a hazard assessment, including*
 19 *the identification of potential sources of accidental re-*
 20 *leases;*

21 *(3)(A) to consult with employees and representa-*
 22 *tives of employees on the development and conduct of*
 23 *hazard assessments under paragraph (2); and*

1 (B) to provide employees access to the records of
2 the hazard assessments and any other records re-
3 quired under the updated standards;

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

8 (5) to review, when a design change occurs, a
9 hazard assessment conducted under paragraph (2)
10 and the response system established under paragraph
11 (4);

12 (6) to develop and implement written operating
13 procedures for the processes of liquefied natural gas
14 conversion, storage, and transport;

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

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

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

22 (9) to train and educate employees and contrac-
23 tors in emergency response;

24 (10) to establish a quality assurance program to
25 ensure that equipment, maintenance materials, and

1 *spare parts relating to the operations and mainte-*
2 *nance of liquefied natural gas facilities are fabricated*
3 *and installed consistent with design specifications;*

4 *(11) to establish maintenance systems for critical*
5 *process-related equipment, including written proce-*
6 *dures, employee training, appropriate inspections,*
7 *and testing of that equipment to ensure ongoing me-*
8 *chanical integrity;*

9 *(12) to conduct pre-start-up safety reviews of all*
10 *newly installed or modified equipment;*

11 *(13) to establish and implement written proce-*
12 *dures to manage change to processes of liquefied nat-*
13 *ural gas conversion, storage, and transport, tech-*
14 *nology, equipment, and facilities; and*

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

17 *(i) loss of life;*

18 *(ii) destruction of private property; or*

19 *(iii) a major accident; and*

20 *(B) to have operating personnel—*

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

23 *(ii) if appropriate, take responsive meas-*
24 *ures.*

1 **SEC. 113. NATIONAL CENTER OF EXCELLENCE FOR LIQUE-**
 2 **FIED NATURAL GAS SAFETY AND TRAINING.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *CENTER.—The term “Center” means the Na-*
 5 *tional Center of Excellence for Liquefied Natural Gas*
 6 *Safety and Training established under subsection (b).*

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

9 (3) *LNG SECTOR STAKEHOLDER.—The term*
 10 *“LNG sector stakeholder” means a representative of—*

11 (A) *LNG facilities that represent the broad*
 12 *array of LNG facilities operating in the United*
 13 *States;*

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

16 (C) *postsecondary education;*

17 (D) *labor organizations;*

18 (E) *safety organizations; or*

19 (F) *Federal regulatory agencies of jurisdic-*
 20 *tion, which may include—*

21 (i) *the Administration;*

22 (ii) *the Federal Energy Regulatory*
 23 *Commission;*

24 (iii) *the Department of Energy;*

25 (iv) *the Occupational Safety and*
 26 *Health Administration;*

1 (v) the Coast Guard; and

2 (vi) the Maritime Administration.

3 (b) *ESTABLISHMENT*.—Not later than 2 years after the
4 date of enactment of this Act, the Secretary, in consultation
5 with LNG sector stakeholders, shall establish a center, to
6 be known as the “National Center of Excellence for Lique-
7 fied Natural Gas Safety and Training”.

8 (c) *FUNCTIONS*.—The Center shall, for activities regu-
9 lated under section 60103 of title 49, United States Code—

10 (1) promote, facilitate, and conduct—

11 (A) education;

12 (B) training; and

13 (C) technological advancements;

14 (2) be a repository of information on best prac-
15 tices relating to, and expertise on, LNG operations;

16 (3) foster collaboration among stakeholders; and

17 (4) provide a curriculum for training that incor-
18 porates—

19 (A) risk-based principles into the operation,
20 management, and regulatory oversight of LNG
21 facilities;

22 (B) the reliance on subject matter expertise
23 within the LNG industry;

1 (C) the transfer of knowledge and expertise
 2 between the LNG industry and regulatory agen-
 3 cies; and

4 (D) training and workshops that occur at
 5 operational facilities.

6 (d) LOCATION.—

7 (1) IN GENERAL.—The Center shall be located in
 8 close proximity to critical LNG transportation infra-
 9 structure on, and connecting to, the Gulf of Mexico,
 10 as determined by the Secretary.

11 (2) CONSIDERATIONS.—In siting the location of
 12 the Center, the Secretary shall take into account the
 13 strategic value of locating resources in close proximity
 14 to LNG facilities.

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

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

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

23 **SEC. 114. PRIORITIZATION OF RULEMAKING.**

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

1 completion of and publish in the Federal Register the out-
 2 standing rulemaking entitled “Pipeline Safety: Safety of
 3 Gas Transmission and Gathering Pipelines”, published in
 4 the Federal Register on April 8, 2016 (81 Fed. Reg. 20722;
 5 Docket No. PHMSA–2011–0023), as that rulemaking re-
 6 lates to the consideration of gathering pipelines.

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

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

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

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

21 (c) *REPORT*.—The Comptroller General of the United
 22 States shall submit to the Committee on Commerce, Science,
 23 and Transportation of the Senate and the Committees on
 24 Transportation and Infrastructure and Energy and Com-
 25 merce of the House of Representatives a report on the review

1 *required under subsection (b), including any recommenda-*
 2 *tions that the Comptroller General of the United States may*
 3 *have as a result of the review.*

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

6 ***SEC. 201. SHORT TITLE.***

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

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

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

12 “(7) *DISTRIBUTION INTEGRITY MANAGEMENT*
 13 *PLANS.—*

14 “(A) *EVALUATION OF RISK.—Not later than*
 15 *2 years after the date of enactment of this para-*
 16 *graph, the Secretary shall promulgate regula-*
 17 *tions to ensure that each distribution integrity*
 18 *management plan developed by an operator of a*
 19 *distribution system includes an evaluation of—*

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

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

1 *makes the operation of any connected and*
2 *properly adjusted low-pressure gas burning*
3 *equipment unsafe (as described in section*
4 *192.623 of title 49, Code of Federal Regula-*
5 *tions (or a successor regulation)).*

6 “(B) *CONSIDERATION.*—*In the evaluations*
7 *required in a plan under subparagraph (A), the*
8 *regulations promulgated by the Secretary shall*
9 *ensure that the distribution integrity manage-*
10 *ment plan evaluates for future potential threats*
11 *in a manner that considers factors other than*
12 *past observed abnormal operations (within the*
13 *meaning of section 192.605 of title 49, Code of*
14 *Federal Regulations (or a successor regulation)),*
15 *in ranking risks and identifying measures to*
16 *mitigate those risks under that subparagraph, so*
17 *that operators avoid using a risk rating of zero*
18 *for low probability events unless otherwise sup-*
19 *ported by engineering analysis or operational*
20 *knowledge.*

21 “(C) *DEADLINES.*—

22 “(i) *IN GENERAL.*—*Not later than 2*
23 *years after the date of enactment of this*
24 *paragraph, each operator of a distribution*
25 *system shall make available to the Secretary*

1 or the relevant State authority with a cer-
2 tification in effect under section 60105, as
3 applicable, a copy of—

4 “(I) the distribution integrity
5 management plan of the operator;

6 “(II) the emergency response plan
7 under section 192.615 of title 49, Code
8 of Federal Regulations (or a successor
9 regulation); and

10 “(III) the procedural manual for
11 operations, maintenance, and emer-
12 gencies under section 192.605 of title
13 49, Code of Federal Regulations (or a
14 successor regulation).

15 “(ii) *UPDATES.*—Each operator of a
16 distribution system shall make available to
17 the Secretary or make available for inspec-
18 tion to the relevant State authority with a
19 certification in effect under section 60105, if
20 applicable, an updated plan or manual de-
21 scribed in clause (i) by not later than 60
22 days after the date of a significant update,
23 as determined by the Secretary.

24 “(iii) *APPLICABILITY OF FOIA.*—Noth-
25 ing in this subsection shall be construed to

1 *authorize the disclosure of any information*
2 *that is exempt from disclosure under section*
3 *552(b) of title 5, United States Code.*

4 *“(D) REVIEW OF PLANS AND DOCUMENTS.—*

5 *“(i) TIMING.—*

6 *“(I) IN GENERAL.—Not later than*
7 *2 years after the date of promulgation*
8 *of the regulations under subparagraph*
9 *(A), and not less frequently than once*
10 *every 5 years thereafter, the Secretary*
11 *or relevant State authority with a cer-*
12 *tification in effect under section 60105*
13 *shall review the distribution integrity*
14 *management plan, the emergency re-*
15 *sponse plan, and the procedural man-*
16 *ual for operations, maintenance, and*
17 *emergencies of each operator of a dis-*
18 *tribution system and record the results*
19 *of that review for use in the next re-*
20 *view of the program of that operator.*

21 *“(II) GRACE PERIOD.—For the*
22 *third, fourth, and fifth years after the*
23 *date of promulgation of the regulations*
24 *under subparagraph (A), the Sec-*
25 *retary—*

1 “(aa) shall not use subclause
 2 (I) as justification to reduce fund-
 3 ing, decertify, or penalize in any
 4 way under section 60105, 60106,
 5 or 60107 a State authority that
 6 has in effect a certification under
 7 section 60105 or an agreement
 8 under section 60106; and

9 “(bb) shall—

10 “(AA) submit to the
 11 Committee on Commerce,
 12 Science, and Transportation
 13 of the Senate and the Com-
 14 mittees on Transportation
 15 and Infrastructure and En-
 16 ergy and Commerce of the
 17 House of Representatives a
 18 list of States found to be non-
 19 compliant with subclause (I)
 20 during the annual program
 21 evaluation; and

22 “(BB) provide a written
 23 notice to each State author-
 24 ity described in item (aa)
 25 that is not in compliance

1 with the requirements of sub-
2 clause (I).

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

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

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

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

14 “(iii) *CONTEXT OF REVIEW.*—The Sec-
15 retary may conduct a review under clause
16 (i) or (ii) as an element of the inspection of
17 the operator carried out by the Secretary.

18 “(iv) *INADEQUATE PROGRAMS.*—If the
19 Secretary determines that the documents re-
20 viewed under clause (i) or (ii) do not com-
21 ply with the requirements of this chapter
22 (including regulations to implement this
23 chapter), have not been adequately imple-
24 mented, or are inadequate for the safe oper-
25 ation of a pipeline facility, the Secretary

1 *may conduct proceedings under this chap-*
 2 *ter.”.*

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

5 *(1) in the second sentence, by striking “A State*
 6 *authority” and inserting the following:*

7 *“(2) COOPERATION.—A State authority with a*
 8 *certification in effect under this section”;*

9 *(2) by striking “The Secretary” and inserting*
 10 *the following:*

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

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

13 *“(3) AUDIT PROGRAM.—Not later than 2 years*
 14 *after the date of enactment of this paragraph, the Sec-*
 15 *retary shall—*

16 *“(A) revise the State audit protocols and*
 17 *procedures to update the annual State Program*
 18 *Evaluations carried out under this subsection*
 19 *and section 60106(d) to ensure that a State au-*
 20 *thority with a certification in effect under this*
 21 *section has the capability to sufficiently review*
 22 *and evaluate the adequacy of the plans and*
 23 *manuals described in section 60109(e)(7)(C)(i);*

1 “(B) *update the State Inspection Calcula-*
 2 *tion Tool to take into account factors includ-*
 3 *ing—*

4 “(i) *the number of miles of natural gas*
 5 *and hazardous liquid pipelines in the State,*
 6 *including the number of miles of cast iron*
 7 *and bare steel pipelines;*

8 “(ii) *the number of services in the*
 9 *State;*

10 “(iii) *the age of the gas distribution*
 11 *system in the State; and*

12 “(iv) *environmental factors that could*
 13 *impact the integrity of the pipeline, includ-*
 14 *ing relevant geological issues; and*

15 “(C) *promulgate regulations to require that*
 16 *a State authority with a certification in effect*
 17 *under this section has a sufficient number of*
 18 *qualified inspectors to ensure safe operations, as*
 19 *determined by the State Inspection Calculation*
 20 *Tool and other factors determined to be appro-*
 21 *priate by the Secretary.”.*

22 **SEC. 203. EMERGENCY RESPONSE PLANS.**

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

1 “(q) *EMERGENCY RESPONSE PLANS.*—Not later than
 2 2 years after the date of enactment of this subsection, the
 3 Secretary shall update regulations to ensure that each emer-
 4 gency response plan developed by an operator of a distribu-
 5 tion system under section 192.615 of title 49, Code of Fed-
 6 eral Regulations (or a successor regulation), includes writ-
 7 ten procedures for—

8 “(1) *establishing communication with first re-*
 9 *sponders and other relevant public officials, as soon*
 10 *as practicable, beginning from the time of confirmed*
 11 *discovery, as determined by the Secretary, by the op-*
 12 *erator of a gas pipeline emergency involving a release*
 13 *of gas from a distribution system of that operator*
 14 *that results in—*

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

17 “(B) *an explosion;*

18 “(C) *1 or more fatalities; or*

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

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

1 “(A) as soon as practicable, as determined
2 by the Secretary, after a gas pipeline emergency
3 involving a release of gas that results in—

4 “(i) a fire related to an unintended re-
5 lease of gas;

6 “(ii) an explosion;

7 “(iii) 1 or more fatalities; or

8 “(iv) the unscheduled shutdown of gas
9 service to a significant number of cus-
10 tomers, as determined by the Secretary; and

11 “(B) that provides information regarding—

12 “(i) the emergency described in sub-
13 paragraph (A); and

14 “(ii) the status of public safety; and

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

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

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

23 “(r) **OPERATIONS AND MAINTENANCE MANUALS.**—Not
24 later than 2 years after the date of enactment of this sub-
25 section, the Secretary shall update regulations to ensure

1 *that each procedural manual for operations, maintenance,*
2 *and emergencies developed by an operator of a distribution*
3 *pipeline under section 192.605 of title 49, Code of Federal*
4 *Regulations (or a successor regulation), includes written*
5 *procedures for—*

6 “(1) *responding to overpressurization indica-*
7 *tions, including specific actions and an order of oper-*
8 *ations for immediately reducing pressure in or shut-*
9 *ting down portions of the gas distribution system, if*
10 *necessary; and*

11 “(2) *a detailed procedure for the management of*
12 *the change process, which shall—*

13 “(A) *be applied to significant technology,*
14 *equipment, procedural, and organizational*
15 *changes to the distribution system; and*

16 “(B) *ensure that relevant qualified per-*
17 *sonnel, such as an engineer with a professional*
18 *engineer licensure, subject matter expert, or other*
19 *employee who possesses the necessary knowledge,*
20 *experience, and skills regarding natural gas dis-*
21 *tribution systems, review and certify construc-*
22 *tion plans for accuracy, completeness, and cor-*
23 *rectness.”.*

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

2 (a) *IN GENERAL.*—Not later than 3 years after the
3 date of enactment of this Act, the Secretary shall submit
4 to the Committee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committees on Transportation
6 and Infrastructure and Energy and Commerce of the House
7 of Representatives a report describing—

8 (1) *the number of operators of natural gas dis-*
9 *tribution systems who have implemented a pipeline*
10 *safety management system in accordance with the*
11 *standard established by the American Petroleum In-*
12 *stitute entitled “Pipeline Safety Management System*
13 *Requirements” and numbered American Petroleum*
14 *Institute Recommended Practice 1173;*

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

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

23 (A) *the number of customers the operator*
24 *has; and*

25 (B) *the amount of natural gas the operator*
26 *transports.*

1 (b) *REQUIREMENTS.*—As part of the report required
 2 under subsection (a), the Secretary shall provide guidance
 3 or recommendations that would further the adoption of safe-
 4 ty management systems in accordance with the standard
 5 established by the American Petroleum Institute entitled
 6 “Pipeline Safety Management System Requirements” and
 7 numbered American Petroleum Institute Recommended
 8 Practice 1173.

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

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

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

19 (B) through a system that promotes self-dis-
 20 closure of—

21 (i) errors; and

22 (ii) deviations from regulatory stand-
 23 ards; and

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

(A) due consideration will be given to factors such as flawed procedures, honest mistakes, or lack of understanding; and

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

(i) root cause analysis; and

(ii) training, education, or other appropriate improvements to procedures or training programs.

SEC. 206. PIPELINE SAFETY PRACTICES.

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

“(s) *OTHER PIPELINE SAFETY PRACTICES.*—

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

“(A) to identify and manage traceable, reliable, and complete records, including maps and

1 *other drawings, critical to ensuring proper pres-*
 2 *sure controls for a gas distribution system, and*
 3 *updating these records as needed, while collecting*
 4 *and identifying other records necessary for risk*
 5 *analysis on an opportunistic basis; and*

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

8 *“(i) accessible to all personnel respon-*
 9 *sible for performing or overseeing relevant*
 10 *construction or engineering work; and*

11 *“(ii) submitted to, or made available*
 12 *for inspection by, the Secretary or the rel-*
 13 *evant State authority with a certification*
 14 *in effect under section 60105.*

15 *“(2) PRESENCE OF QUALIFIED EMPLOYEES.—*

16 *“(A) IN GENERAL.—Not later than 180*
 17 *days after the date of enactment of this sub-*
 18 *section, the Secretary shall promulgate regula-*
 19 *tions to require that not less than 1 agent of an*
 20 *operator of a distribution system who is quali-*
 21 *fied to perform relevant covered tasks (as defined*
 22 *in section 192.801(b) of title 49, Code of Federal*
 23 *Regulations (or a successor regulation)) shall*
 24 *monitor gas pressure at the district regulator*
 25 *station or at an alternative site with equipment*

1 capable of ensuring proper pressure controls and
 2 have the capability to promptly shut down the
 3 flow of gas or control over pressurization at a
 4 district regulator station during any construc-
 5 tion project that has the potential to cause a haz-
 6 ardous overpressurization at that station, includ-
 7 ing tie-ins and abandonment of distribution
 8 lines and mains, based on an evaluation, con-
 9 ducted by the operator, of threats that could re-
 10 sult in unsafe operation.

11 “(B) *EXCLUSION.*—In promulgating regula-
 12 tions under subparagraph (A), the Secretary
 13 shall ensure that those regulations do not apply
 14 to a district regulating station that has a moni-
 15 toring system and the capability for remote or
 16 automatic shutoff.

17 “(3) *DISTRICT REGULATOR STATIONS.*—

18 “(A) *IN GENERAL.*—Not later than 1 year
 19 after the date of enactment of this subsection, the
 20 Secretary shall promulgate regulations to require
 21 that each operator of a distribution system as-
 22 sesses and upgrades, as appropriate, each district
 23 regulator station of the operator to ensure that—

24 “(i) the risk of the gas pressure in the
 25 distribution system exceeding, by a common

1 mode of failure, the maximum allowable op-
2 erating pressure (as described in section
3 192.623 of title 49, Code of Federal Regula-
4 tions (or a successor regulation)) allowed
5 under Federal law (including regulations)
6 is minimized;

7 “(ii) the gas pressure of a low-pressure
8 distribution system is monitored, particu-
9 larly at or near the location of critical pres-
10 sure-control equipment;

11 “(iii) the regulator station has sec-
12 ondary or backup pressure-relieving or over-
13 pressure-protection safety technology, such
14 as a relief valve or automatic shutoff valve,
15 or other pressure-limiting devices appro-
16 priate for the configuration and siting of
17 the station and, in the case of a regulator
18 station that employs the primary and mon-
19 itor regulator design, the operator shall
20 eliminate the common mode of failure or
21 provide backup protection capable of either
22 shutting the flow of gas, relieving gas to the
23 atmosphere to fully protect the distribution
24 system from overpressurization events, or

1 *there must be technology in place to elimi-*
2 *nate a common mode of failure; and*
3 *“(iv) if the Secretary determines that*
4 *it is not operationally possible for an oper-*
5 *ator to implement the requirements under*
6 *clause (iii), the Secretary shall require such*
7 *operator to identify actions in their plan*
8 *that minimize the risk of an overpressuriza-*
9 *tion event.”.*

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[Report No. 116-217]

A BILL

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

FEBRUARY 13, 2020

Reported with an amendment