

116TH CONGRESS
2D SESSION

S. 2299

AN ACT

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,*

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Protecting our Infrastructure of Pipelines and Enhanc-
 4 ing Safety Act of 2020” or the “PIPES Act of 2020”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.

Sec. 102. Pipeline workforce development.

Sec. 103. Cost recovery and fees for facility reviews.

Sec. 104. Advancement of new pipeline safety technologies and approaches.

Sec. 105. Pipeline safety testing enhancement study.

Sec. 106. Regulatory updates.

Sec. 107. Self-disclosure of violations.

Sec. 108. Due process protections in enforcement proceedings.

Sec. 109. Pipeline operating status.

Sec. 110. Liquefied natural gas facility project reviews.

Sec. 111. Updates to standards for liquefied natural gas facilities.

Sec. 112. National Center of Excellence for Liquefied Natural Gas Safety and
 Training.

Sec. 113. Prioritization of rulemaking.

Sec. 114. Leak detection and repair.

Sec. 115. Inspection and maintenance plans.

Sec. 116. Consideration of pipeline class location changes.

Sec. 117. Protection of employees providing pipeline safety information.

Sec. 118. Transportation Technology Center.

Sec. 119. Interstate drug and alcohol oversight.

Sec. 120. Savings clause.

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.

7 SEC. 2. DEFINITIONS.

8 In this Act:

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

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

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of Transportation.

9 **TITLE I—IMPROVING PIPELINE** 10 **SAFETY AND INFRASTRUCTURE**

11 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

15 “(a) GAS AND HAZARDOUS LIQUID.—

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

23 “(A) \$147,000,000 for fiscal year 2020, 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) \$60,000,000 shall be used for
6 making grants;

7 “(B) \$151,000,000 for fiscal year 2021, 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) \$63,000,000 shall be used for
14 making grants;

15 “(C) \$155,000,000 for fiscal year 2022, 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) \$66,000,000 shall be used for
22 making grants; and

23 “(D) \$159,000,000 for fiscal year 2023, 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) \$69,000,000 shall be used for
6 making grants.

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

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

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

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

24 “(B) \$26,000,000 for fiscal year 2021, 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) \$11,000,000 shall be used for
 6 making grants;

7 “(C) \$27,000,000 for fiscal year 2022, 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) \$12,000,000 shall be used for
 14 making grants; and

15 “(D) \$28,000,000 for fiscal year 2023, 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) \$13,000,000 shall be used for
 22 making grants.

23 “(3) UNDERGROUND NATURAL GAS STORAGE
 24 FACILITY SAFETY ACCOUNT.—From fees collected
 25 under section 60302, there is authorized to be ap-

1 appropriated to the Secretary to carry out section
 2 60141 \$8,000,000 for each of fiscal years 2020
 3 through 2023.”.

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

8 “(1) \$24,000,000 for fiscal year 2020.

9 “(2) \$25,000,000 for fiscal year 2021.

10 “(3) \$26,000,000 for fiscal year 2022.

11 “(4) \$27,000,000 for fiscal year 2023.”.

12 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
 13 6107 of title 49, United States Code, is amended by strik-
 14 ing “\$1,058,000 for each of fiscal years 2016 through
 15 2019” and inserting “\$1,058,000 for each of fiscal years
 16 2020 through 2023”.

17 (d) EMERGENCY RESPONSE GRANTS.—Section
 18 60125(b)(2) of title 49, United States Code, is amended
 19 by striking “fiscal years 2012 through 2015” and insert-
 20 ing “fiscal years 2020 through 2023”.

21 (e) PIPELINE SAFETY INFORMATION GRANTS TO
 22 COMMUNITIES.—Section 60130 of title 49, United States
 23 Code, is amended—

24 (1) in subsection (a)(1), in the first sentence,
 25 by striking “to local communities and groups of indi-

1 viduals (not including for-profit entities)” and in-
 2 serting “to local communities, Indian Tribes, and
 3 groups of individuals (not including for-profit enti-
 4 ties)”;

5 (2) by striking subsection (c) and inserting the
 6 following:

7 “(c) FUNDING.—

8 “(1) IN GENERAL.—Out of amounts made
 9 available under section 2(b) of the PIPES Act of
 10 2016 (Public Law 114–183; 130 Stat. 515), the
 11 Secretary shall use \$1,500,000 for each of fiscal
 12 years 2020 through 2023 to carry out this section.

13 “(2) LIMITATION.—Any amounts used to carry
 14 out this section shall not be derived from user fees
 15 collected under section 60301.”.

16 (f) DAMAGE PREVENTION PROGRAMS.—Section
 17 60134(i) of title 49, United States Code, is amended in
 18 the first sentence by striking “fiscal years 2012 through
 19 2015” and inserting “fiscal years 2020 through 2023”.

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

1 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

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

5 (1) review the inspector training programs pro-
6 vided at the Inspector Training and Qualifications
7 Division of the Administration in Oklahoma City,
8 Oklahoma; and

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

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary
16 shall submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 Committees on Transportation and Infrastructure,
19 Energy and Commerce, and Science, Space, and
20 Technology of the House of Representatives and
21 make publicly available on a website of the Depart-
22 ment of Transportation a report containing a com-
23 prehensive workforce plan for the Administration.

24 (2) CONTENTS.—The report under paragraph
25 (1) shall include—

1 (A) a description of the current staffing at
2 the Administration;

3 (B) an identification of the staff needed to
4 achieve the mission of the Administration over
5 the next 10 years following the date of the re-
6 port;

7 (C) an evaluation of whether the inspector
8 training programs referred to in subsection
9 (a)(1) provide appropriate exposure to pipeline
10 operations and current pipeline safety tech-
11 nology;

12 (D) a summary of any gaps between the
13 current workforce of the Administration and
14 the future human capital needs of the Adminis-
15 tration; and

16 (E) a description of how the Administra-
17 tion—

18 (i) uses the retention incentives de-
19 fined by the Office of Personnel Manage-
20 ment; and

21 (ii) plans to use those retention incen-
22 tives as part of the comprehensive work-
23 force plan of the Administration.

1 **SEC. 103. COST RECOVERY AND FEES FOR FACILITY RE-**
 2 **VIEWS.**

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

7 **“§ 60303. Fees for compliance reviews of liquefied**
 8 **natural gas facilities**

9 “(a) IMPOSITION OF FEE.—

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

21 “(2) RELATION TO OTHER REVIEW.—The Sec-
 22 retary may not impose fees under paragraph (1) and
 23 section 60117(o) or 60301(b) for the same compli-
 24 ance review described in paragraph (1).

25 “(b) MEANS OF COLLECTION.—

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

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

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

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

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

20 SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-
21 NOLOGIES AND APPROACHES.

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

1 **“§ 60142. Pipeline safety enhancement programs**

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

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

8 “(2) a hazardous liquid pipeline facility.

9 “(b) LIMITATIONS.—

10 “(1) IN GENERAL.—Such testing programs may
 11 not exceed—

12 “(A) 5 percent of the total miles of haz-
 13 ardous liquid pipelines in the United States;
 14 and

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

17 “(2) HIGH POPULATION AREAS.—Any program
 18 established under subsection (a) shall not be located
 19 in a high population area (as defined in section
 20 195.450 of title 49, Code of Federal Regulations).

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

25 “(d) SAFETY STANDARDS.—

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

7 “(2) DETERMINATION.—

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

15 “(B) LIMITATION.—An order under sub-
 16 paragraph (A) shall pertain only to those regu-
 17 lations that would otherwise prevent the use of
 18 the safety technology to be tested under the
 19 testing program.

20 “(e) CONSIDERATIONS.—In establishing a testing
 21 program under subsection (a), the Secretary shall con-
 22 sider—

23 “(1) whether the owners or operators partici-
 24 pating in the program have a safety management
 25 system in place; and

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

4 “(A) the Secretary;

5 “(B) collaborative research development
6 organizations; or

7 “(C) other institutions.

8 “(f) DATA AND FINDINGS.—As a participant in a
9 testing program established under subsection (a), an oper-
10 ator shall submit to the Secretary detailed findings and
11 a summary of data collected as a result of participation
12 in the testing program.

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

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

18 “(2) in the determination of the Secretary, con-
19 tinued participation in the testing program by the
20 participant would be unsafe or would not be con-
21 sistent with the goals and objectives of this chapter.

22 “(h) AUTHORITY TO TERMINATE PROGRAM.—The
23 Secretary shall immediately terminate a testing program
24 under subsection (a) if continuation of the testing pro-

1 gram would not be consistent with the goals and objectives
2 of this chapter.

3 “(i) STATE RIGHTS.—

4 “(1) EXEMPTION.—Except as provided in para-
5 graph (2), if a State submits to the Secretary notice
6 that the State requests an exemption from any test-
7 ing program considered for establishment under this
8 section, the State shall be exempt.

9 “(2) LIMITATIONS.—

10 “(A) IN GENERAL.—The Secretary shall
11 not grant a requested exemption under para-
12 graph (1) after a testing program is estab-
13 lished.

14 “(B) LATE NOTICE.—The Secretary shall
15 not grant a requested exemption under para-
16 graph (1) if the notice submitted under that
17 paragraph is submitted to the Secretary more
18 than 10 days after the date on which the Sec-
19 retary issues an order providing an effective
20 date for the testing program.

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

1 “(j) PROGRAM REVIEW PROCESS AND PUBLIC NO-
2 TICE.—

3 “(1) IN GENERAL.—The Secretary shall publish
4 in the Federal Register and send directly to each rel-
5 evant State authority with a certification in effect
6 under section 60105 a notice of each testing pro-
7 gram under subsection (a), including the order to be
8 considered, and provide an opportunity for public
9 comment for not less than 90 days.

10 “(2) RESPONSE FROM SECRETARY.—Not later
11 than the date on which the Secretary issues an order
12 providing an effective date of a testing program no-
13 ticed under paragraph (1), the Secretary shall re-
14 spond to each comment submitted under that para-
15 graph.

16 “(k) REPORT TO CONGRESS.—At the conclusion of
17 each testing program, the Secretary shall make publicly
18 available on the website of the Department of Transpor-
19 tation a report containing—

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

22 “(2) any recommendations of the Secretary
23 with respect to the testing program, including any
24 recommendations for amendments to laws (including

1 regulations) and the establishment of standards,
 2 that—

3 “(A) would enhance the safe operation of
 4 interstate gas or hazardous liquid pipeline fa-
 5 cilities; and

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

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

17 “(1) allow operators of interstate gas or haz-
 18 ardous liquid pipeline facilities to use the relevant
 19 technology or practice to the extent practicable; and

20 “(2) establish technically, operationally, and
 21 economically feasible standards for the capability
 22 and deployment of the technology or practice.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
 24 for chapter 601 of title 49, United States Code, is amend-

1 ed by inserting after the item relating to section 60141
 2 the following:

“60142. Pipeline safety enhancement programs.”.

3 **SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT**
 4 **STUDY.**

5 Not later than 2 years after the date of enactment
 6 of this Act, the Secretary shall submit to the Committee
 7 on Commerce, Science, and Transportation of the Senate
 8 and the Committees on Transportation and Infrastruc-
 9 ture, Energy and Commerce, and Science, Space, and
 10 Technology of the House of Representatives a report relat-
 11 ing to—

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

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

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

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

1 (D) the costs and benefits of collocating an inde-
2 pendent pipeline safety testing facility at an existing
3 training center of the Administration; and

4 (3) the ability of the Administration to use the
5 testing facilities of the Department of Transpor-
6 tation, other Federal agencies, or federally funded
7 research and development centers.

8 **SEC. 106. REGULATORY UPDATES.**

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

11 (1) a final rule required to be issued under the
12 Pipeline Safety, Regulatory Certainty, and Job Cre-
13 ation Act of 2011 (Public Law 112–90; 125 Stat.
14 1904) that has not been published in the Federal
15 Register;

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

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

25 (b) **REQUIREMENTS.**—

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

10 (2) NOTIFICATION OF CONGRESS.—On publica-
11 tion of a final rule in the Federal Register for an
12 outstanding mandate, the Secretary shall submit to
13 the Committee on Commerce, Science, and Trans-
14 portation of the Senate and the Committees on
15 Transportation and Infrastructure and Energy and
16 Commerce of the House of Representatives a notifi-
17 cation in accordance with subsection (c).

18 (c) CONTENTS.—An update published or a notifica-
19 tion submitted under paragraph (1) or (2) of subsection
20 (b) shall contain, as applicable—

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

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

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

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

5 (D) any resource constraints affecting the
6 rulemaking process for each outstanding man-
7 date;

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

12 (F) a description of all rulemakings re-
13 garding gas or hazardous liquid pipeline facili-
14 ties published in the Federal Register that are
15 not identified under subsection (b)(2); and

16 (2) with respect to information relating to the
17 Office of the Secretary—

18 (A) the date that the outstanding mandate
19 was submitted to the Office of the Secretary for
20 review;

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

23 (C) the staff allocations within the Office
24 of the Secretary with respect to each the out-
25 standing mandate;

1 (D) any resource constraints affecting re-
 2 view of the outstanding mandate;

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

6 (F) if applicable, the date that the out-
 7 standing mandate was returned to the Adminis-
 8 tration for revision and the anticipated date for
 9 resubmission to the Office of the Secretary;

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

13 (H) a statement of whether the out-
 14 standing mandate remains under review by the
 15 Office of Management and Budget.

16 **SEC. 107. SELF-DISCLOSURE OF VIOLATIONS.**

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

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

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

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

1 **SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
 2 **PROCEEDINGS.**

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

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

7 (2) by inserting after subsection (a) the fol-
 8 lowing:

9 “(b) ENFORCEMENT AND REGULATORY PROCE-
 10 DURES.—

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

15 “(2) ADMINISTRATIVE LAW JUDGE.—A hearing
 16 under paragraph (1) shall be conducted by an ad-
 17 ministrative law judge appointed under section 3105
 18 of title 5.

19 “(3) OPEN TO THE PUBLIC.—

20 “(A) HEARINGS.—A hearing under para-
 21 graph (1) shall be—

22 “(i) noticed to the public—

23 “(I) on the website of the Pipe-
 24 line and Hazardous Materials Safety
 25 Administration; and

1 “(II) in the Federal Register;

2 and

3 “(ii) open to the public.

4 “(B) AGREEMENTS, ORDERS, AND JUDG-
5 MENTS.—A consent agreement, consent order,
6 order, or judgment resulting from a hearing
7 under paragraph (1) shall be made available to
8 the public on the website of the Pipeline and
9 Hazardous Materials Safety Administration.

10 “(4) PROCEDURES.—In implementing enforce-
11 ment and regulatory procedures under this chapter,
12 the Secretary shall—

13 “(A) allow the use of a consent agreement
14 and consent order to resolve any matter of fact
15 or law asserted;

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

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

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

21 “(C) require that the case file in an en-
22 forcement proceeding include all agency records
23 pertinent to the matters of fact and law as-
24 serted;

1 “(D) require that a recommended decision
2 be made available to the respondent when
3 issued;

4 “(E) allow a respondent to reply to any
5 post-hearing submission;

6 “(F) allow a respondent to request—

7 “(i) that a hearing be held, and a rec-
8 ommended decision and order issued, on
9 an expedited basis; or

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

12 “(G) require that the agency have the bur-
13 den of proof, presentation, and persuasion in
14 any enforcement matter;

15 “(H) require that any recommended deci-
16 sion and order contain findings of fact and con-
17 clusions of law;

18 “(I) require the Associate Administrator of
19 the Office of Pipeline Safety to file a post-hear-
20 ing recommendation not later than 30 days
21 after the deadline for any post-hearing submis-
22 sion of a respondent;

23 “(J) require an order on a petition for re-
24 consideration to be issued not later than 120

1 days after the date on which the petition is
2 filed; and

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

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

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 60109(g)(4) of title 49, United
14 States Code, is amended by striking “section
15 60117(c)” and inserting “section 60117(d)”.

16 (2) Section 60117(p) of title 49, United States
17 Code (as redesignated by subsection (a)(1)), is
18 amended, in paragraph (3)(E), by striking
19 “60117(l)” and inserting “subsection (m)”.

20 (3) Section 60118(a)(3) of title 49, United
21 States Code, is amended by striking “section
22 60117(a)–(d)” and inserting “subsections (a)
23 through (e) of section 60117”.

1 **SEC. 109. PIPELINE OPERATING STATUS.**

2 (a) IN GENERAL.—Chapter 601 of title 49, United
3 States Code (as amended by section 104(a)), is amended
4 by adding at the end the following:

5 **“§ 60143. Idled pipelines**

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

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

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

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

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

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

20 “(b) RULEMAKING.—

21 “(1) IN GENERAL.—Not later than 2 years
22 after the date of enactment of the PIPES Act of
23 2020, the Secretary shall promulgate regulations
24 prescribing the applicability of the pipeline safety re-
25 quirements to idled natural or other gas trans-
26 mission and hazardous liquid pipelines.

1 “(2) REQUIREMENTS.—

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

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

14 “(C) REQUIREMENTS FOR REINSPEC-
15 TION.—The Secretary shall determine the re-
16 quirements for periodic reinspection of idled
17 natural or other gas transmission and haz-
18 ardous liquid pipelines.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 601 of title 49, United States Code (as amend-
21 ed by section 104(b)), is amended by inserting after the
22 item relating to section 60142 the following:

“60143. Idled pipelines.”.

1 **SEC. 110. 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
 6 (7) as subparagraphs (A) through (G), respectively,
 7 and indenting appropriately;

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

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

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

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

17 (4) by adding at the end the following:

18 “(3) USE OF LOCATION STANDARDS.—If a Fed-
 19 eral or State authority with jurisdiction over lique-
 20 fied natural gas pipeline facility permits or approvals
 21 is using the location standards prescribed under
 22 paragraph (1) for purposes of making a decision
 23 with respect to the location of a new liquefied nat-
 24 ural gas pipeline facility and submits to the Sec-
 25 retary of Transportation a request to provide a de-
 26 termination of whether the new liquefied natural gas

1 pipeline facility would meet the location standards,
 2 the Secretary may provide such a determination to
 3 the requesting Federal or State authority.

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

6 “(A) affects—

7 “(i) section 3 of the Natural Gas Act
 8 (15 U.S.C. 717b);

9 “(ii) the authority of the Federal En-
 10 ergy Regulatory Commission to carry out
 11 that section; or

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

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

17 **SEC. 111. UPDATES TO STANDARDS FOR LIQUEFIED NAT-**
 18 **URAL GAS FACILITIES.**

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

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

24 (2) based on the review under paragraph (1),
 25 update the standards described in that paragraph

1 applicable to large-scale liquefied natural gas facili-
 2 ties (other than peak shaving facilities) to provide
 3 for a risk-based regulatory approach for such facili-
 4 ties, consistent with this section.

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

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

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

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

17 (B) equipment used in the processes; and

18 (C) technology used in the processes;

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

22 (3)(A) to consult with employees and represent-
 23 atives of employees on the development and conduct
 24 of hazard assessments under paragraph (2); and

1 (B) to provide employees access to the records
2 of 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 para-
11 graph (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 employ-
21 ees are provided appropriate information and train-
22 ing;

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

1 (10) to establish a quality assurance program
2 to ensure that equipment, maintenance materials,
3 and spare parts relating to the operations and main-
4 tenance of liquefied natural gas facilities are fab-
5 ricated and installed consistent with design specifica-
6 tions;

7 (11) to establish maintenance systems for crit-
8 ical process-related equipment, including written
9 procedures, employee training, appropriate inspec-
10 tions, and testing of that equipment to ensure ongo-
11 ing mechanical integrity;

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

14 (13) to establish and implement written proce-
15 dures to manage change to processes of liquefied
16 natural gas conversion, storage, and transport, tech-
17 nology, equipment, and facilities; and

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

20 (i) loss of life;

21 (ii) destruction of private property; or

22 (iii) a major accident; and

23 (B) to have operating personnel—

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

1 (ii) if appropriate, take responsive meas-
 2 ures.

3 **SEC. 112. NATIONAL CENTER OF EXCELLENCE FOR LIQUE-**
 4 **FIED NATURAL GAS SAFETY AND TRAINING.**

5 (a) DEFINITIONS.—In this section:

6 (1) CENTER.—The term “Center” means the
 7 National Center of Excellence for Liquefied Natural
 8 Gas Safety and Training established under sub-
 9 section (b).

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

12 (3) LNG SECTOR STAKEHOLDER.—The term
 13 “LNG sector stakeholder” means a representative
 14 of—

15 (A) LNG facilities that represent the broad
 16 array of LNG facilities operating in the United
 17 States;

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

20 (C) postsecondary education;

21 (D) labor organizations;

22 (E) safety organizations; or

23 (F) Federal regulatory agencies of jurisdic-
 24 tion, which may include—

25 (i) the Administration;

- 1 (ii) the Federal Energy Regulatory
- 2 Commission;
- 3 (iii) the Department of Energy;
- 4 (iv) the Occupational Safety and
- 5 Health Administration;
- 6 (v) the Coast Guard; and
- 7 (vi) the Maritime Administration.

8 (b) ESTABLISHMENT.—Not later than 2 years after
9 the date of enactment of this Act, the Secretary, in con-
10 sultation with LNG sector stakeholders, shall establish a
11 center, to be known as the “National Center of Excellence
12 for Liquefied Natural Gas Safety and Training”.

13 (c) FUNCTIONS.—The Center shall, for activities reg-
14 ulated under section 60103 of title 49, United States
15 Code—

- 16 (1) promote, facilitate, and conduct—
 - 17 (A) education;
 - 18 (B) training; and
 - 19 (C) technological advancements;
- 20 (2) be a repository of information on best prac-
21 tices relating to, and expertise on, LNG operations;
- 22 (3) foster collaboration among stakeholders;
- 23 and
- 24 (4) provide a curriculum for training that incor-
25 porates—

1 (A) risk-based principles into the oper-
2 ation, management, and regulatory oversight of
3 LNG facilities;

4 (B) the reliance on subject matter exper-
5 tise within the LNG industry;

6 (C) the transfer of knowledge and exper-
7 tise between the LNG industry and regulatory
8 agencies; and

9 (D) training and workshops that occur at
10 operational facilities.

11 (d) LOCATION.—

12 (1) IN GENERAL.—The Center shall be located
13 in close proximity to critical LNG transportation in-
14 frastructure on, and connecting to, the Gulf of Mex-
15 ico, as determined by the Secretary.

16 (2) CONSIDERATIONS.—In determining the lo-
17 cation of the Center, the Secretary shall—

18 (A) take into account the strategic value of
19 locating resources in close proximity to LNG fa-
20 cilities; and

21 (B) locate the Center in the State with the
22 largest LNG production capacity, as determined
23 by the total capacity (in billion cubic feet per
24 day) of LNG production authorized by the Fed-
25 eral Energy Regulatory Commission under sec-

tion 3 of the Natural Gas Act (15 U.S.C. 717b)
as of the date of enactment of this Act.

(e) COORDINATION WITH TQ TRAINING CENTER.—

In carrying out the functions described in subsection (c),
the Center shall coordinate with the Training and Quali-
fications Training Center of the Administration in Okla-
homa City, Oklahoma, to facilitate knowledge sharing
among, and enhanced training opportunities for, Federal
and State pipeline safety inspectors and investigators.

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

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

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

SEC. 113. PRIORITIZATION OF RULEMAKING.

(a) RULEMAKING.—Not later than 90 days after the
date of enactment of this Act, the Secretary shall ensure
completion of and publish in the Federal Register the out-
standing rulemaking entitled “Pipeline Safety: Safety of
Gas Transmission and Gathering Pipelines”, published in
the Federal Register on April 8, 2016 (81 Fed. Reg.

1 20722; Docket No. PHMSA–2011–0023), as that rule-
2 making relates to the consideration of gathering pipelines.

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

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

9 (2) analyze information collected by operators
10 of gathering lines when the mapping information de-
11 scribed in paragraph (1) is not available for a gath-
12 ering line; and

13 (3) assess any plans and timelines of operators
14 of gathering lines to develop the mapping informa-
15 tion described in paragraph (1) or otherwise collect
16 information described in paragraph (2).

17 (c) REPORT.—The Comptroller General of the United
18 States shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittees on Transportation and Infrastructure and Energy
21 and Commerce of the House of Representatives a report
22 on the review required under subsection (b), including any
23 recommendations that the Comptroller General of the
24 United States may have as a result of the review.

1 **SEC. 114. LEAK DETECTION AND REPAIR.**

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

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

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

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

21 “(B) to protect the environment.

22 “(2) LEAK DETECTION AND REPAIR PRO-
23 GRAMS.—

24 “(A) MINIMUM PERFORMANCE STAND-
25 ARDS.—The final regulations promulgated
26 under paragraph (1) shall include, for the leak

1 detection and repair programs described in that
 2 paragraph, minimum performance standards
 3 that reflect the capabilities of commercially
 4 available advanced technologies that, with re-
 5 spect to each pipeline covered by the programs,
 6 are appropriate for—

7 “(i) the type of pipeline;

8 “(ii) the location of the pipeline;

9 “(iii) the material of which the pipe-
 10 line is constructed; and

11 “(iv) the materials transported by the
 12 pipeline.

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

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

19 “(ii) have the potential to become ex-
 20 plosive or otherwise hazardous to human
 21 safety.

22 “(3) ADVANCED LEAK DETECTION TECH-
 23 NOLOGIES AND PRACTICES.—

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

1 “(i) require the use of advanced leak
 2 detection technologies and practices de-
 3 scribed in subparagraph (B);

4 “(ii) identify any scenarios where op-
 5 erators may use leak detection practices
 6 that depend on human senses; and

7 “(iii) include a schedule for repairing
 8 or replacing each leaking pipe, except a
 9 pipe with a leak so small that it poses no
 10 potential hazard, with appropriate dead-
 11 lines.

12 “(B) ADVANCED LEAK DETECTION TECH-
 13 NOLOGIES AND PRACTICES DESCRIBED.—The
 14 advanced leak detection technologies and prac-
 15 tices referred to in subparagraph (A)(i) in-
 16 clude—

17 “(i) for new and existing gas distribu-
 18 tion pipeline facilities, technologies and
 19 practices to detect pipeline leaks—

20 “(I)(aa) through continuous
 21 monitoring on or along the pipeline;
 22 and

23 “(bb) in the case of an existing
 24 facility, that do not impose any design
 25 or installation requirements on exist-

1 ing facilities that would be inappli-
 2 cable under section 60104(b); or

3 “(II) through periodic surveys
 4 with handheld equipment, equipment
 5 mounted on mobile platforms, or other
 6 means using commercially available
 7 technology;

8 “(ii) for new and existing gas trans-
 9 mission pipeline facilities, technologies and
 10 practices to detect pipeline leaks through—

11 “(I) equipment that—

12 “(aa) is capable of contin-
 13 uous monitoring; and

14 “(bb) in the case of an exist-
 15 ing facility, does not impose any
 16 design or installation require-
 17 ments on existing facilities that
 18 would be inapplicable under sec-
 19 tion 60104(b); or

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

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

5 “(I) equipment that—

6 “(aa) is capable of contin-
 7 uous monitoring; and

8 “(bb) in the case of an exist-
 9 ing facility, does not impose any
 10 design or installation require-
 11 ments on existing facilities that
 12 would be inapplicable under sec-
 13 tion 60104(b); or

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

19 “(4) SAVINGS CLAUSES.—

20 “(A) SURVEYS AND TIMELINES.—In pro-
 21 mulgating regulations under this subsection, the
 22 Secretary—

23 “(i) shall not reduce the frequency of
 24 surveys required under any other provision
 25 of this chapter or stipulated by regulation

1 as of the date of enactment of this sub-
 2 section; and

3 “(ii) shall not extend the duration of
 4 any timelines for the repair or remediation
 5 of leaks that are stipulated by regulation
 6 as of the date of enactment of this sub-
 7 section.

8 “(B) APPLICATION.—The limitations in
 9 this paragraph do not restrict the Secretary’s
 10 ability to modify any regulations through pro-
 11 ceedings separate from or subsequent to the
 12 final regulations required under paragraph (1).

13 “(C) EXISTING AUTHORITY.—Nothing in
 14 this subsection shall alter the authority of the
 15 Secretary to regulate gathering lines as defined
 16 under section 60101.”.

17 **SEC. 115. INSPECTION AND MAINTENANCE PLANS.**

18 (a) IN GENERAL.—Section 60108 of title 49, United
 19 States Code, is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2)—

22 (i) in the matter preceding subpara-
 23 graph (A), by inserting “, must meet the
 24 requirements of any regulations promul-

1 gated under section 60102(q),” after “the
2 need for pipeline safety”;

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

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

7 “(D) the extent to which the plan will con-
8 tribute to—

9 “(i) public safety;

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

13 “(iii) the protection of the environ-
14 ment; and

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

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

24 “(3) REVIEW OF PLANS.—

1 “(A) IN GENERAL.—Not later than 2 years
 2 after the date of enactment of this subpara-
 3 graph, and not less frequently than once every
 4 5 years thereafter, the Secretary or relevant
 5 State authority with a certification in effect
 6 under section 60105 shall review each plan de-
 7 scribed in this subsection.

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

13 “(C) INADEQUATE PROGRAMS.—If the Sec-
 14 retary determines that a plan reviewed under
 15 this paragraph does not comply with the re-
 16 quirements of this chapter (including any regu-
 17 lations promulgated under this chapter), has
 18 not been adequately implemented, is inadequate
 19 for the safe operation of a pipeline facility, or
 20 is otherwise inadequate, the Secretary may con-
 21 duct enforcement proceedings under this chap-
 22 ter.”; and

23 (2) in subsection (b)(1)(B), by inserting “con-
 24 struction material,” after “method of construction,”.

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

7 (c) INSPECTION AND MAINTENANCE PLAN OVER-
 8 SIGHT.—

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

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

1 (A) describes the results of the study con-
2 ducted under paragraph (1), including an eval-
3 uation of the procedures used by the Secretary
4 and States in reviewing the effectiveness of the
5 plans prepared by pipeline operators under sec-
6 tion 60108(a) of title 49, United States Code,
7 pursuant to subsection (b) in minimizing re-
8 leases of natural gas from pipeline facilities;
9 and

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

16 (3) RESPONSE OF THE SECRETARY.—Not later
17 than 90 days after the date on which the report
18 under paragraph (2) is published, the Secretary
19 shall submit to the Committee on Commerce,
20 Science, and Transportation of the Senate and the
21 Committees on Transportation and Infrastructure
22 and Energy and Commerce of the House of Rep-
23 resentatives a report that includes—

24 (A) a response to the results of the study
25 conducted under paragraph (1) and the rec-

ommendations contained in the report submitted under paragraph (2);

(B) a discussion of—

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

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

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

(C) a timeline for updating pipeline safety regulations, as the Secretary determines to be appropriate, to address—

(i) the recommendations of the Comptroller General of the United States in the report submitted under paragraph (2); and

1 (ii) the matters described in clauses
2 (i) through (iii) of subparagraph (B) based
3 on the discussion described in that sub-
4 paragraph.

5 (4) RULEMAKING.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date on which the Secretary sub-
8 mits the report under paragraph (3), the Sec-
9 retary shall update, in accordance with the
10 timeline described in paragraph (3)(C), pipeline
11 safety regulations that the Secretary has deter-
12 mined are necessary to protect the environment
13 without compromising pipeline safety.

14 (B) REPORT.—If the Secretary determines
15 not to promulgate or update regulations to ad-
16 dress a recommendation of the Comptroller
17 General of the United States made in the re-
18 port submitted under paragraph (2), the Sec-
19 retary shall submit to the Committee on Com-
20 merce, Science, and Transportation of the Sen-
21 ate and the Committees on Transportation and
22 Infrastructure and Energy and Commerce of
23 the House of Representatives a justification for
24 that decision and any supporting documents or
25 analysis used to make that decision.

1 **SEC. 116. CONSIDERATION OF PIPELINE CLASS LOCATION**
2 **CHANGES.**

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

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

11 (2) complete any other activities or procedures
12 necessary—

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

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

20 (3) consider the issues raised in the report to
21 Congress entitled “Evaluation of Expanding Pipeline
22 Integrity Management Beyond High-Consequence
23 Areas and Whether Such Expansion Would Mitigate
24 the Need for Gas Pipeline Class Location Require-
25 ments” prepared by the Pipeline and Hazardous
26 Materials Safety Administration and submitted to

1 Congress on June 8, 2016, including the adequacy
 2 of existing integrity management programs.

3 (b) APPLICATION.—Nothing in this section requires
 4 the Administrator of the Pipeline and Hazardous Mate-
 5 rials Safety Administration to publish a notice of proposed
 6 rulemaking or otherwise continue the rulemaking process
 7 with respect to the advance notice of proposed rulemaking
 8 described in subsection (a)(1).

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

14 **SEC. 117. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
 15 **LINE SAFETY INFORMATION.**

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

18 (1) in subsection (a)(1), in the matter pre-
 19 ceding subparagraph (A), by striking “employee
 20 with” and inserting “current or former employee
 21 with”;

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

24 “(D) DE NOVO REVIEW.—

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

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

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

22 “(e) NONENFORCEABILITY OF CERTAIN PROVISIONS
 23 WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBI-
 24 TRATION OF DISPUTES.—

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

6 “(2) PREDISPUTE ARBITRATION AGREE-
 7 MENTS.—No provision of a predispute arbitration
 8 agreement shall be valid or enforceable if the provi-
 9 sion requires arbitration of a dispute arising under
 10 subsection (a)(1).”.

11 **SEC. 118. TRANSPORTATION TECHNOLOGY CENTER.**

12 (a) RESEARCH AND DEVELOPMENT.—The Adminis-
 13 trator may use the Transportation Technology Center in
 14 Pueblo, Colorado, for research and development relating
 15 to transportation safety improvements that will advance
 16 the safe and efficient transportation of hazardous mate-
 17 rials and energy products.

18 (b) AUTHORITY TO PLAN, DESIGN, ENGINEER,
 19 ERECT, ALTER, AND REPAIR BUILDINGS AND MAKE PUB-
 20 LIC IMPROVEMENTS.—Only after submitting a report to
 21 the Committees on Appropriations and Commerce,
 22 Science, and Transportation of the Senate and the Com-
 23 mittees on Appropriations, Transportation and Infrastruc-
 24 ture, and Energy and Commerce of the House of Rep-
 25 resentatives, and subject to the availability of funds appro-

1 priated by Congress for the applicable purpose, the Sec-
2 retary may plan, design, engineer, erect, alter, and repair
3 buildings and make other public improvements to carry
4 out necessary research, safety, and training activities at
5 the Transportation Technology Center in Pueblo, Colo-
6 rado.

7 (c) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, and annually thereafter, the Sec-
9 retary shall submit to the Committee on Commerce,
10 Science, and Transportation of the Senate and the Com-
11 mittees on Transportation and Infrastructure and Energy
12 and Commerce of the House of Representatives a report
13 on the use of, and future plans for, research and develop-
14 ment activities at the Transportation Technology Center
15 in Pueblo, Colorado.

16 **SEC. 119. INTERSTATE DRUG AND ALCOHOL OVERSIGHT.**

17 (a) IN GENERAL.—Not later than 18 months after
18 the date of enactment of this Act, the Secretary shall
19 amend the auditing program for the drug and alcohol reg-
20 ulations in part 199 of title 49, Code of Federal Regula-
21 tions, to improve the efficiency and processes of those reg-
22 ulations as applied to—

23 (1) operators; and

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

1 (b) REQUIREMENT.—In carrying out subsection (a),
 2 the Secretary shall minimize duplicative audits of the
 3 same operators, and the contractors working for those op-
 4 erators, by the Administration and multiple State agen-
 5 cies.

6 (c) LIMITATION.—Nothing in this section requires
 7 modification of the inspection or enforcement authority of
 8 any Federal agency or State.

9 **SEC. 120. SAVINGS CLAUSE.**

10 Nothing in this title or an amendment made by this
 11 title affects the authority of the Administrator of the Envi-
 12 ronmental Protection Agency under the Clean Air Act (42
 13 U.S.C. 7401 et seq.), the authority of the Secretary of
 14 the Interior under the Mineral Leasing Act (30 U.S.C.
 15 181 et seq.), or the authority of any State to regulate the
 16 release of pollutants or hazardous substances to air, water,
 17 or land, including through the establishment and enforce-
 18 ment of requirements relating to that release.

19 **TITLE II—LEONEL RONDON**
 20 **PIPELINE SAFETY ACT**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Leonel Rondon Pipe-
 23 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) TIMING.—

1 “(I) IN GENERAL.—Not later
 2 than 2 years after the date of promul-
 3 gation of the regulations under sub-
 4 paragraph (A), and not less frequently
 5 than once every 5 years thereafter,
 6 the Secretary or relevant State au-
 7 thority with a certification in effect
 8 under section 60105 shall review the
 9 distribution integrity management
 10 plan, the emergency response plan,
 11 and the procedural manual for oper-
 12 ations, maintenance, and emergencies
 13 of each operator of a distribution sys-
 14 tem and record the results of that re-
 15 view for use in the next review of the
 16 program of that operator.

17 “(II) GRACE PERIOD.—For the
 18 third, fourth, and fifth years after the
 19 date of promulgation of the regula-
 20 tions under subparagraph (A), the
 21 Secretary—

22 “(aa) shall not use subclause
 23 (I) as justification to reduce
 24 funding, decertify, or penalize in
 25 any way under section 60105,

1 60106, or 60107 a State author-
2 ity that has in effect a certifi-
3 cation under section 60105 or an
4 agreement under section 60106;
5 and

6 “(bb) shall—

7 “(AA) submit to the
8 Committee on Commerce,
9 Science, and Transportation
10 of the Senate and the Com-
11 mittees on Transportation
12 and Infrastructure and En-
13 ergy and Commerce of the
14 House of Representatives a
15 list of States found to be
16 noncompliant with subclause
17 (I) during the annual pro-
18 gram evaluation; and

19 “(BB) provide a writ-
20 ten notice to each State au-
21 thority described in item
22 (aa) that is not in compli-
23 ance with the requirements
24 of subclause (I).

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

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

7 “(II) on significant change to the
8 gas distribution system of the oper-
9 ator, as applicable; and

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

12 “(iii) CONTEXT OF REVIEW.—The
13 Secretary may conduct a review under
14 clause (i) or (ii) as an element of the in-
15 spection of the operator carried out by the
16 Secretary.

17 “(iv) INADEQUATE PROGRAMS.—If the
18 Secretary determines that the documents
19 reviewed under clause (i) or (ii) do not
20 comply with the requirements of this chap-
21 ter (including regulations to implement
22 this chapter), have not been adequately im-
23 plemented, or are inadequate for the safe
24 operation of a pipeline facility, the Sec-

1 retary may conduct proceedings under this
2 chapter.”.

3 (b) MONITORING.—Section 60105(e) of title 49,
4 United 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
15 Secretary 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);

“(B) update the State Inspection Calculation Tool to take into account factors including—

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

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

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

“(iv) environmental factors that could impact the integrity of the pipeline, including relevant geological issues; and

“(C) promulgate regulations to require that a State authority with a certification in effect under this section has a sufficient number of qualified inspectors to ensure safe operations, as determined by the State Inspection Calculation Tool and other factors determined to be appropriate by the Secretary.”.

SEC. 203. EMERGENCY RESPONSE PLANS.

Section 60102 of title 49, United States Code (as amended by section 114), is amended by adding at the end the following:

1 “(r) 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
 4 emergency response plan developed by an operator of a
 5 distribution system under section 192.615 of title 49,
 6 Code of Federal Regulations (or a successor regulation),
 7 includes written 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 re-
 13 lease of gas from a distribution system of that oper-
 14 ator that results in—

15 “(A) a fire related to an unintended re-
 16 lease 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;
 11 and

12 “(B) that provides information regard-
 13 ing—

14 “(i) the emergency described in sub-
 15 paragraph (A); and

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

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

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

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

1 “(s) OPERATIONS AND MAINTENANCE MANUALS.—

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

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

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

16 “(A) be applied to significant technology,
 17 equipment, procedural, and organizational
 18 changes to the distribution system; and

19 “(B) ensure that relevant qualified per-
 20 sonnel, such as an engineer with a professional
 21 engineer licensure, subject matter expert, or
 22 other employee who possesses the necessary
 23 knowledge, experience, and skills regarding nat-
 24 ural gas distribution systems, review and certify

1 construction plans for accuracy, completeness,
2 and correctness.”.

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (i) errors; and
- 2 (ii) deviations from regulatory stand-
- 3 ards; and
- 4 (2) if a deviation from a regulatory standard is
- 5 identified during the development and application of
- 6 a pipeline safety management system, certify that—
- 7 (A) due consideration will be given to fac-
- 8 tors such as flawed procedures, honest mis-
- 9 takes, or lack of understanding; and
- 10 (B) the operators and regulators use the
- 11 most appropriate tools to fix the deviation, re-
- 12 turn to compliance, and prevent the recurrence
- 13 of the deviation, including—
- 14 (i) root cause analysis; and
- 15 (ii) training, education, or other ap-
- 16 propriate improvements to procedures or
- 17 training programs.

18 **SEC. 206. PIPELINE SAFETY PRACTICES.**

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

22 “(t) OTHER PIPELINE SAFETY PRACTICES.—

23 “(1) RECORDS.—Not later than 2 years after
 24 the date of enactment of this subsection, the Sec-

retary shall promulgate regulations to require an operator of a distribution system—

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

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

“(i) accessible to all personnel responsible for performing or overseeing relevant construction or engineering work; and

“(ii) submitted to, or made available for inspection by, the Secretary or the relevant State authority with a certification in effect under section 60105.

“(2) PRESENCE OF QUALIFIED EMPLOYEES.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to require that not less than 1 agent of an operator of a distribution system who is qualified to perform relevant covered tasks (as

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

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

21 “(3) DISTRICT REGULATOR STATIONS.—

22 “(A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this subsection,
24 the Secretary shall promulgate regulations to
25 require that each operator of a distribution sys-

tem assesses and upgrades, as appropriate, each district regulator station of the operator to ensure that—

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

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

“(iii) the regulator station has secondary or backup pressure-relieving or overpressure-protection safety technology, such as a relief valve or automatic shutoff valve, or other pressure-limiting devices appropriate for the configuration and siting of the station and, in the case of a regulator station that employs the primary and monitor regulator design, the operator shall eliminate the common mode of failure

1 or provide backup protection capable of ei-
2 ther shutting the flow of gas, relieving gas
3 to the atmosphere to fully protect the dis-
4 tribution system from overpressurization
5 events, or there must be technology in
6 place to eliminate a common mode of fail-
7 ure; and

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

Passed the Senate August 6, 2020.

Attest:

Secretary.

116TH CONGRESS
2D SESSION

S. 2299

AN ACT

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