

116TH CONGRESS
1ST SESSION

S. 2299

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

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”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

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.

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 “(l) 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 (c) 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 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
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 (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 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 “(II) 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 ongoing
24 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

an operator of a distribution system who is qualified to perform relevant covered tasks (as defined in section 192.801(b) of title 49, Code of Federal Regulations (or a successor regulation)) shall monitor gas pressure at the district regulator station or at an alternative site with equipment capable of ensuring proper pressure controls and have the capability to promptly shut down the flow of gas or control over pressurization at a district regulator station during any construction project that has the potential to cause a hazardous overpressurization at that station, including tie-ins and abandonment of distribution lines and mains, based on an evaluation, conducted by the operator, of threats that could result in unsafe operation.

“(B) EXCLUSION.—In promulgating regulations under subparagraph (A), the Secretary shall ensure that those regulations do not apply to a district regulating station that has a monitoring system and the capability for remote or automatic shutoff.

“(3) DISTRICT REGULATOR STATIONS.—

“(A) IN GENERAL.—Not later than 1 year 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

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

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

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