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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 3432

To amend title 49, United States Code, to improve the safety of the Nation's natural gas and hazardous liquid pipeline systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 24, 2019

Mr. RUSH introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 49, United States Code, to improve the safety of the Nation's natural gas and hazardous liquid pipeline systems, 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 “Safer Pipelines 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. Authorization of appropriations.

- Sec. 3. Purpose and general authority.
- Sec. 4. Risk analysis and integrity management programs.
- Sec. 5. Community right-to-know and emergency preparedness.
- Sec. 6. Actions by private persons.
- Sec. 7. Civil penalties.
- Sec. 8. Criminal penalties.
- Sec. 9. Direct hire authority for Pipeline and Hazardous Materials Safety Administration.
- Sec. 10. Report.

1 SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

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

- 7 (1) \$24,215,000 for fiscal year 2020.
- 8 (2) \$24,941,450 for fiscal year 2021.
- 9 (3) \$26,460,000 for fiscal year 2022.
- 10 (4) \$27,254,000 for fiscal year 2023.

11 (b) GAS AND HAZARDOUS LIQUID.—Section
12 60125(a) of title 49, United States Code, is amended—
13 (1) in paragraph (1), by striking subparagraphs
14 (A) through (D) and inserting the following:

15 “(A) \$160,800,000 for fiscal year 2020, of
16 which \$10,000,000 shall be expended for car-
17 rying out such section 12 and \$50,000,000
18 shall be expended for making grants;

19 “(B) \$165,624,000 for fiscal year 2021 of
20 which \$10,000,000 shall be expended for car-

1 rying out such section 12 and \$50,000,000
2 shall be expended for making grants;

3 “(C) \$170,600,000 for fiscal year 2022, of
4 which \$10,000,000 shall be expended for car-
5 rying out such section 12 and \$50,000,000
6 shall be expended for making grants; and

7 “(D) \$175,700,000 for fiscal year 2023, of
8 which \$10,000,000 shall be expended for car-
9 rying out such section 12 and \$50,885,000
10 shall be expended for making grants.”;

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

13 “(A) \$25,000,000 for fiscal year 2020, of
14 which \$5,000,000 shall be expended for car-
15 rying out such section 12 and \$9,000,000 shall
16 be expended for making grants;

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

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

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

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

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

14 (d) PIPELINE SAFETY INFORMATION GRANTS TO
15 COMMUNITIES.—Section 60130(c) of title 49, United
16 States Code, is amended by striking “section 2(b) of the
17 PIPES Act of 2016, the Secretary shall expend
18 \$1,500,000 for each of fiscal years 2016 through 2019
19 to carry out this section. Such amounts shall not be de-
20 rived from user fees collected under section 60301” and
21 inserting “section 2(a) of the Safer Pipelines Act of 2019,
22 the Secretary shall expend \$2,000,000 for each of fiscal
23 years 2020 through 2023 to carry out this section”.

24 (e) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
25 tion 60134(i) of title 49, United States Code is amended

1 by striking “\$1,500,000 for each of fiscal years 2012
2 through 2015” and inserting “\$2,000,000 for each of fis-
3 cal years 2020 through 2023”.

4 (f) 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 “\$2,000,000 for each of fiscal years
8 2020 through 2023”.

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

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

12 (1) in paragraph (2)—

13 (A) by striking subparagraphs (C) through
14 (E); and

15 (B) by redesignating subparagraphs (F)
16 and (G) as subparagraphs (C) and (D), respec-
17 tively; and

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

19 (b) SAFETY CONDITION REPORTS.—Section
20 60102(h)(2) of title 49, United States Code, is amended
21 by striking “State authorities” and inserting “State offi-
22 cials, including local emergency responders and appro-
23 priate on-scene coordinators for any applicable contin-
24 gency plans”.

1 **SEC. 4. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
2 **PROGRAMS.**

3 (a) **DIRECT ASSESSMENTS.**—Section 60109(c) of
4 title 49, United States Code, is amended by adding at the
5 end the following:

6 “(12) **USE OF DIRECT ASSESSMENTS.**—

7 “(A) **TRANSMISSION PIPELINE FACILITIES**
8 **REGULATION.**—Not later than 2 years after the
9 date of enactment of this paragraph, the Sec-
10 retary shall issue regulations for methods of as-
11 sessment of transmission pipeline facilities
12 under paragraph (3) that prioritize methods
13 that would provide a greater level of safety than
14 direct assessment, including the use of internal
15 inspection devices or pressure testing.

16 “(B) **DISTRIBUTION PIPELINES STUDY.**—
17 Not later than 2 years after the date of enact-
18 ment of this paragraph, the Secretary shall sub-
19 mit to the Committees on Energy and Com-
20 merce and Transportation and Infrastructure of
21 the House of Representatives and the Com-
22 mittee on Commerce, Science, and Transpor-
23 tation of the Senate a report containing—

24 “(i) the results of a study of methods
25 of assessment of distribution pipelines that
26 may be used under paragraph (3), other

1 than direct assessment, to determine
2 whether any such methods—

3 “(I) would provide an equal or
4 greater level of safety than direct as-
5 sessment of such pipelines; and

6 “(II) are feasible; and

7 “(ii) any recommendations based on
8 such study.”.

9 (b) AUTOMATIC OR REMOTE SHUTOFF VALVES.—
10 Section 60109 of title 49, United States Code, is amended
11 by adding at the end the following:

12 “(h) AUTOMATIC OR REMOTE SHUTOFF VALVES FOR
13 TRANSMISSION PIPELINE FACILITIES.—

14 “(1) REQUIREMENT.—

15 “(A) IN GENERAL.—Except as provided in
16 paragraph (2), beginning on the date that is 2
17 years after the date of enactment of this sub-
18 section, each operator of a transmission pipeline
19 facility that is located in a high consequence
20 area (as defined in subsection (g)) shall, based
21 on a risk assessment, install for the trans-
22 mission pipeline facility automatic or remote
23 shutoff valves, as appropriate.

24 “(B) INSPECTION AND ENFORCEMENT.—

25 The Secretary shall conduct inspections under

1 section 60117(c) to determine whether each op-
2 erator of a transmission pipeline facility to
3 which this paragraph applies is complying with
4 this section.

5 “(2) EXCEPTION.—If the Secretary requires by
6 regulation, under section 60102(n), the use of auto-
7 matic or remote-controlled shut-off valves, or equiva-
8 lent technology, on a transmission pipeline facility,
9 paragraph (1) shall not apply to the transmission
10 pipeline facility.”.

11 **SEC. 5. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
12 **PREPAREDNESS.**

13 (a) IN GENERAL.—Section 60116 of title 49, United
14 States Code, is amended to read as follows:

15 **“§ 60116. Community right-to-know and emergency**
16 **preparedness**

17 **“(a) PUBLIC EDUCATION PROGRAMS.—**

18 **“(1) IN GENERAL.—**Each owner or operator of
19 a gas or hazardous liquid pipeline facility shall carry
20 out a continuing program to educate the public on—

21 **“(A)** the use of a one-call notification sys-
22 tem prior to excavation and other damage pre-
23 vention activities;

1 “(B) the possible hazards associated with
2 unintended releases from the pipeline facility;
3 and

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

9 “(2) REVIEW AND MODIFICATION OF EXISTING
10 PROGRAMS.—Not later than 1 year after the date of
11 enactment of the Safer Pipelines Act of 2019, each
12 owner or operator of a gas or hazardous liquid pipe-
13 line facility shall—

14 “(A) review its existing public education
15 program for effectiveness, and modify the pro-
16 gram as necessary; and

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

21 “(3) STANDARDS; MATERIAL.—The Secretary
22 may—

23 “(A) issue standards for public education
24 programs under this section, including stand-
25 ards providing for periodic review of such pro-

1 grams and modification of such programs as
2 needed; and

3 “(B) develop material for use in the pro-
4 grams.

5 “(b) LIAISON WITH STATE AND LOCAL EMERGENCY
6 RESPONSE ENTITIES.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of the Safer Pipelines Act of
9 2019, an operator of a gas or hazardous liquid pipe-
10 line facility shall establish liaison with—

11 “(A) the State emergency response com-
12 mission established under section 301 of the
13 Emergency Planning and Community Right-To-
14 Know Act of 1986 in each State in which the
15 pipeline facility operates; and

16 “(B) the local emergency planning com-
17 mittee established under such section in each
18 emergency planning district in which the pipe-
19 line facility operates.

20 “(2) AVAILABILITY OF INFORMATION.—Upon
21 request, an operator of a gas or hazardous liquid
22 pipeline facility shall make available to the applica-
23 ble State emergency response commissions and local
24 emergency planning committees—

1 “(A) the information required to be main-
2 tained under section 60102(d);

3 “(B) a copy of any integrity management
4 program adopted by the operator under section
5 60109; and

6 “(C) information describing the implemen-
7 tation of the integrity management program
8 and the risks that the program is designed to
9 address.

10 “(3) COMMUNITIES WITHOUT LOCAL EMER-
11 GENCY PLANNING COMMITTEES.—In a community
12 for which a local emergency planning committee has
13 not been established, the operator of a gas or haz-
14 ardous liquid pipeline facility shall liaise with the
15 local fire, police, and other emergency response enti-
16 ties.

17 “(c) PUBLIC AVAILABILITY OF REPORTS.—The Sec-
18 retary shall make available to the public—

19 “(1) any safety-related condition report sub-
20 mitted by an operator under section 60102(h); and

21 “(2) a report of a pipeline incident filed by an
22 operator pursuant to this chapter.

23 “(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM
24 INFORMATION.—The Secretary shall prescribe require-
25 ments for public access to information regarding integrity

1 management programs provided to a State authority pur-
2 suant to section 60109(c)(9)(C).

3 “(e) AVAILABILITY OF MAPS.—The owner or oper-
4 ator of each interstate gas pipeline facility and interstate
5 hazardous liquid pipeline facility shall—

6 “(1) not later than 1 year after the date of en-
7 actment of this subsection, provide to each munici-
8 pality in which the pipeline facility is located a map
9 identifying the location of such facility; and

10 “(2) provide to each such municipality an up-
11 dated map not later than 6 months after any change
12 to a location of such facility.

13 “(f) PIPELINE SEGMENT REPORTS.—

14 “(1) IN GENERAL.—Not later than 6 months
15 after the date of enactment of the Safer Pipelines
16 Act of 2019, and not less frequently than annually
17 thereafter, each owner or operator of a gas or haz-
18 ardous liquid pipeline facility shall submit to the
19 Secretary a report on pipeline segments of the facil-
20 ity in accordance with this subsection.

21 “(2) CONTENTS OF REPORTS.—The owner or
22 operator of a pipeline facility submitting a report
23 under paragraph (1) shall include in the report the
24 following information for each pipeline segment of
25 the facility:

1 “(A) The business name, address, and tele-
2 phone number of the owner or operator.

3 “(B) A summary description of the pipe-
4 line facility containing the pipeline segment, in-
5 cluding a general facility map and a description
6 of any product the pipeline facility transports,
7 the length of the facility, and origin and termi-
8 nation points.

9 “(C) State and local emergency response
10 liaison information.

11 “(D) A description of periodic testing
12 methods used on the pipeline segment and the
13 frequency of such testing.

14 “(E) A summary of the results of periodic
15 testing of the pipeline segment pursuant to sec-
16 tion 60102, including any defects detected and
17 actions taken to address the defects.

18 “(F) A description of the leak detection
19 system in use on the pipeline segment and its
20 sensitivity.

21 “(G) A 5-year incident history for the
22 pipeline segment.

23 “(H) An inspection and enforcement his-
24 tory for the pipeline segment.

1 “(I) If applicable, a summary of integrity
2 management program activities under section
3 60109(c)(3) related to the pipeline segment.

4 “(3) AUTHORITY OF SECRETARY.—The Sec-
5 retary may modify or waive any of the information
6 required to be included in a report under paragraph
7 (2) for a pipeline facility if the Secretary determines
8 that the inclusion of such information would pose a
9 risk to the security of the pipeline facility.

10 “(4) AVAILABILITY OF REPORTS.—The Sec-
11 retary shall make each report submitted under para-
12 graph (1) available to the public electronically.

13 “(5) PIPELINE SEGMENT DEFINED.—In this
14 subsection, the term ‘pipeline segment’ means—

15 “(A) with respect to a gas pipeline facil-
16 ity—

17 “(i) the length of pipeline between the
18 origin and the first compressor station;

19 “(ii) each length of pipeline between
20 intermittent compressor stations; and

21 “(iii) the length of pipeline between
22 the final compressor station and the termi-
23 nation point; and

24 “(B) with respect to a hazardous liquid
25 pipeline facility—

1 “(i) the length of pipeline between the
2 origin and the first pumping station;
3 “(ii) each length of pipeline between
4 intermittent pumping stations; and
5 “(iii) the length of pipeline between
6 the final pumping station and the termi-
7 nation point.”.

8 (b) CONFORMING AMENDMENT.—The analysis for
9 chapter 601 is amended by striking the item relating to
10 section 60116 and inserting the following:

“60116. Community right-to-know.”.

11 **SEC. 6. ACTIONS BY PRIVATE PERSONS.**

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

14 “(e) MANDAMUS.—A person may bring a civil action
15 in an appropriate district court of the United States to
16 compel the Secretary to perform a nondiscretionary duty
17 under this chapter that the Secretary has failed to per-
18 form.”.

19 **SEC. 7. CIVIL PENALTIES.**

20 Section 60122(a) of title 49, United States Code, is
21 amended—

22 (1) in paragraph (1), by striking “The max-
23 imum civil penalty under this paragraph for a re-
24 lated series of violations is \$2,000,000.”;

1 (2) in paragraph (2), by striking “\$50,000”
2 and inserting “\$200,000”; and
3 (3) in paragraph (3), by striking “\$1,000” and
4 inserting “\$200,000”.

5 **SEC. 8. CRIMINAL PENALTIES.**

6 Section 60123 of title 49, United States Code, is
7 amended by striking “knowingly and willfully” each place
8 it appears and inserting “knowingly or recklessly”.

9 **SEC. 9. DIRECT HIRE AUTHORITY FOR PIPELINE AND HAZ-**
10 **ARDOUS MATERIALS SAFETY ADMINISTRA-**
11 **TION.**

12 (a) **AUTHORITY.**—The Administrator of the Pipeline
13 and Hazardous Materials Safety Administration may ap-
14 point qualified candidates to positions described in sub-
15 section (b) without regard to sections 3309 through 3319
16 of title 5, United States Code.

17 (b) **APPLICABILITY.**—The authority under subsection
18 (a) applies with respect to candidates for any position that
19 would likely allow increased activities relating to pipeline
20 safety, as determined by the Administrator.

21 (c) **TERMINATION.**—The authority to make appoint-
22 ments under this section shall not be available after Sep-
23 tember 30, 2024.

1 **SEC. 10. REPORT.**

2 Not later than 180 days after the date of enactment
3 of this Act, and annually thereafter through calendar year
4 2023, the Administrator of the Pipeline and Hazardous
5 Materials Safety Administration shall submit to Congress
6 a report on the efforts of the Administration to hire
7 women, minorities, and veterans as inspectors since Janu-
8 ary 1, 2012.