

[DISCUSSION DRAFT]

116TH CONGRESS
1ST SESSION

H. R. _____

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

M. _____ 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.**

4 This Act may be cited as the "Safer Pipelines Act
5 of 2019".

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) **OPERATIONAL EXPENSES.**—There are authorized
8 to be appropriated to the Secretary of Transportation for

1 the necessary operational expenses of the Pipeline and
2 Hazardous Materials Safety Administration the following
3 amounts:

4 (1) \$24,215,000 for fiscal year 2020.

5 (2) \$24,941,450 for fiscal year 2021.

6 (3) \$26,460,000 for fiscal year 2022.

7 (4) \$27,254,000 for fiscal year 2023.

8 (b) GAS AND HAZARDOUS LIQUID.—Section
9 60125(a) of title 49, United States Code, is amended—

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

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

16 “(B) \$165,624,000 for fiscal year 2021 of
17 which \$10,000,000 shall be expended for car-
18 rying out such section 12 and \$50,000,000
19 shall be expended for making grants;

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

24 “(D) \$175,700,000 for fiscal year 2023, of
25 which \$10,000,000 shall be expended for car-

1 rying out such section 12 and \$50,885,000
2 shall be expended for making grants.”;

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

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

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

13 “(C) \$26,000,000 for fiscal year 2022, 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; and

17 “(D) \$26,000,000 for fiscal year 2023, 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.”; and

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

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

6 (d) PIPELINE SAFETY INFORMATION GRANTS TO
7 COMMUNITIES.—Section 60130(c) of title 49, United
8 States Code, is amended by striking “section 2(b) of the
9 PIPES Act of 2016, the Secretary shall expend
10 \$1,500,000 for each of fiscal years 2016 through 2019
11 to carry out this section. Such amounts shall not be de-
12 rived from user fees collected under section 60301” and
13 inserting “section 2(a) of the Safer Pipelines Act of 2019,
14 the Secretary shall expend \$2,000,000 for each of fiscal
15 years 2020 through 2023 to carry out this section”.

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

21 (f) ONE-CALL NOTIFICATION PROGRAMS.—Section
22 6107 of title 49, United States Code, is amended by strik-
23 ing “\$1,058,000 for each of fiscal years 2016 through
24 2019” and inserting “\$2,000,000 for each of fiscal years
25 2020 through 2023”.

1 **SEC. 3. DEFINITIONS.**

2 (a) TRANSPORTING GAS.—Section 60101(a)(21) of
3 title 49, United States Code, is amended to read as fol-
4 lows:

5 “(21) ‘transporting gas’ means—

6 “(A) the gathering, transmission, or dis-
7 tribution of gas by pipeline, or the storage of
8 gas, in interstate or foreign commerce; and

9 “(B) the movement of gas through regu-
10 lated gathering lines;”.

11 (b) TRANSPORTING HAZARDOUS LIQUID.—Section
12 60101(a)(22)(B) of title 49, United States Code, is
13 amended by striking clause (i).

14 (c) GATHERING LINES.—Section 60101(b)(2) of title
15 49, United States Code, is amended by adding at the end
16 the following:

17 “(C) The definition of ‘regulated gathering line’ shall
18 include all onshore gathering lines operating at a pressure
19 greater than 20 percent of specified minimum yield
20 strength.”.

21 **SEC. 4. PURPOSE AND GENERAL AUTHORITY.**

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

24 (1) in paragraph (2)—

25 (A) by striking subparagraphs (C) through
26 (E); and

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

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

5 (b) SAFETY CONDITION REPORTS.—Section
6 60102(h)(2) of title 49, United States Code, is amended
7 by striking “State authorities” and inserting “State offi-
8 cials, including local emergency responders and appro-
9 priate on-scene coordinators for any applicable contin-
10 gency plans”.

11 **SEC. 5. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
12 **PROGRAMS.**

13 (a) PHASEOUT OF DIRECT ASSESSMENTS.—

14 (1) IN GENERAL.—Section 60109(c) of title 49,
15 United States Code, is amended by adding at the
16 end the following:

17 “(12) PHASEOUT OF DIRECT ASSESSMENTS.—

18 “(A) PLAN.—Not later than 6 months
19 after the date of enactment of this paragraph,
20 the Secretary shall develop and implement a
21 plan to eliminate direct assessment as a method
22 of assessment under paragraph (3).

23 “(B) DEADLINE.—Beginning on the date
24 that is 2 years after the date of enactment of
25 this paragraph, an assessment under paragraph

1 (3) may not be conducted by direct assess-
2 ment.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) HIGH-DENSITY POPULATION AREAS
5 AND ENVIRONMENTALLY SENSITIVE AREAS.—

6 Section 60109 of title 49, United States Code,
7 is amended—

8 (i) in subsection (c)(3)(A), by striking
9 “direct assessment,”; and

10 (ii) in subsection (g)(1)(B), by strik-
11 ing “external corrosion direct assess-
12 ment,”.

13 (B) EFFECTIVE DATE.—The amendments
14 made by subparagraph (A) shall take effect on
15 the date that is 2 years after the date of enact-
16 ment of the Safer Pipelines Act of 2019.

17 (b) AUTOMATIC SPILL DETECTION AND SHUT OFF
18 VALVES.—Section 60109(g) of title 49, United States
19 Code, is amended—

20 (1) in paragraph (2), by striking “This sub-
21 section” and inserting “Paragraph (1)”;

22 (2) by redesignating paragraphs (3) and (4) as
23 paragraphs (4) and (5), respectively, and inserting
24 after paragraph (2) the following:

1 “(3) AUTOMATIC SPILL DETECTION AND SHUT
2 OFF VALVES.—Each operator of a hazardous liquid
3 pipeline facility that is located in a high consequence
4 area shall install automatic spill detection and shut-
5 off valves for the pipeline facility.”.

6 **SEC. 6. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
7 **PREPAREDNESS.**

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

10 **“§ 60116. Community right-to-know and emergency**
11 **preparedness**

12 “(a) PUBLIC EDUCATION PROGRAMS.—

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

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

19 “(B) the possible hazards associated with
20 unintended releases from the pipeline facility;
21 and

22 “(C) the physical indications that a release
23 from a pipeline facility may have occurred, the
24 steps that should be taken for public safety in

1 the event of such a release, and how to report
2 such a release.

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

8 “(A) review its existing public education
9 program for effectiveness, and modify the pro-
10 gram as necessary; and

11 “(B) submit to the Secretary for review a
12 detailed description of its public education pro-
13 gram, including any modifications made to the
14 program under subparagraph (A).

15 “(3) STANDARDS; MATERIAL.—The Secretary
16 may—

17 “(A) issue standards for public education
18 programs under this section, including stand-
19 ards providing for periodic review of such pro-
20 grams and modification of such programs as
21 needed; and

22 “(B) develop material for use in the pro-
23 grams.

24 “(b) LIAISON WITH STATE AND LOCAL EMERGENCY
25 RESPONSE ENTITIES.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of the Safer Pipelines Act of
3 2019, an operator of a gas or hazardous liquid pipe-
4 line facility shall establish liaison with—

5 “(A) the State emergency response com-
6 mission established under section 301 of the
7 Emergency Planning and Community Right-To-
8 Know Act of 1986 in each State in which the
9 pipeline facility operates; and

10 “(B) the local emergency planning com-
11 mittee established under such section in each
12 emergency planning district in which the pipe-
13 line facility operates.

14 “(2) AVAILABILITY OF INFORMATION.—Upon
15 request, an operator of a gas or hazardous liquid
16 pipeline facility shall make available to the applica-
17 ble State emergency response commissions and local
18 emergency planning committees—

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

21 “(B) a copy of any integrity management
22 program adopted by the operator under section
23 60109; and

24 “(C) information describing the implemen-
25 tation of the integrity management program

1 and the risks that the program is designed to
2 address.

3 “(3) COMMUNITIES WITHOUT LOCAL EMER-
4 GENCY PLANNING COMMITTEES.—In a community
5 for which a local emergency planning committee has
6 not been established, the operator of a gas or haz-
7 ardous liquid pipeline facility shall liaise with the
8 local fire, police, and other emergency response enti-
9 ties.

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

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

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

16 “(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM
17 INFORMATION.—The Secretary shall prescribe require-
18 ments for public access to information regarding integrity
19 management programs provided to a State authority pur-
20 suant to section 60109(e)(9)(C).

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

24 “(1) not later than 1 year after the date of en-
25 actment of this subsection, provide to each municipi-

1 pality in which the pipeline facility is located a map
2 identifying the location of such facility; and

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

6 “(f) PIPELINE SEGMENT REPORTS.—

7 “(1) IN GENERAL.—Not later than 6 months
8 after the date of enactment of the Safer Pipelines
9 Act of 2019, and not less frequently than annually
10 thereafter, each owner or operator of a gas or haz-
11 ardous liquid pipeline facility shall submit to the
12 Secretary a report on pipeline segments of the facil-
13 ity in accordance with this subsection.

14 “(2) CONTENTS OF REPORTS.—The owner or
15 operator of a pipeline facility submitting a report
16 under paragraph (1) shall include in the report the
17 following information for each pipeline segment of
18 the facility:

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

21 “(B) A summary description of the pipe-
22 line facility containing the pipeline segment, in-
23 cluding a general facility map and a description
24 of any product the pipeline facility transports,

1 the length of the facility, and origin and termi-
2 nation points.

3 “(C) State and local emergency response
4 liaison information.

5 “(D) A description of periodic testing
6 methods used on the pipeline segment and the
7 frequency of such testing.

8 “(E) A summary of the results of periodic
9 testing of the pipeline segment pursuant to sec-
10 tion 60102, including any defects detected and
11 actions taken to address the defects.

12 “(F) A description of the leak detection
13 system in use on the pipeline segment and its
14 sensitivity.

15 “(G) A 5-year incident history for the
16 pipeline segment.

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

19 “(I) If applicable, a summary of integrity
20 management program activities under section
21 60109(c)(3) related to the pipeline segment.

22 “(3) AUTHORITY OF SECRETARY.—The Sec-
23 retary may modify or waive any of the information
24 required to be included in a report under paragraph
25 (2) for a pipeline facility if the Secretary determines

1 that the inclusion of such information would pose a
2 risk to the security of the pipeline facility.

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

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

8 “(A) with respect to a gas pipeline facil-
9 ity—

10 “(i) the length of pipeline between the
11 origin and the first compressor station;

12 “(ii) each length of pipeline between
13 intermittent compressor stations; and

14 “(iii) the length of pipeline between
15 the final compressor station and the termi-
16 nation point; and

17 “(B) with respect to a hazardous liquid
18 pipeline facility—

19 “(i) the length of pipeline between the
20 origin and the first pumping station;

21 “(ii) each length of pipeline between
22 intermittent pumping stations; and

23 “(iii) the length of pipeline between
24 the final pumping station and the termi-
25 nation point.”.

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

“60116. Community right-to-know.”.

4 **SEC. 7. ACTIONS BY PRIVATE PERSONS.**

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

7 “(e) MANDAMUS.—A person may bring a civil action
8 in an appropriate district court of the United States to
9 compel the Secretary to perform a nondiscretionary duty
10 under this chapter that the Secretary has failed to per-
11 form.”.

12 **SEC. 8. CIVIL PENALTIES.**

13 Section 60122(a) of title 49, United States Code, is
14 amended—

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

18 (2) in paragraph (2), by striking “\$50,000”
19 and inserting “\$200,000”; and

20 (3) in paragraph (3), by striking “\$1,000” and
21 inserting “\$200,000”.

22 **SEC. 9. CRIMINAL PENALTIES.**

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

1 **SEC. 10. MAXIMUM ALLOWABLE OPERATING PRESSURE.**

2 Section 60139 of title 49, United States Code, is
3 amended—

4 (1) in subsection (a)(1)—

5 (A) by striking “not later than 6 months
6 after the date of enactment of this section” and
7 inserting “not later than 2 years after the date
8 of enactment of the Safer Pipelines Act of
9 2019”; and

10 (B) by striking “in class 3 and class 4 lo-
11 cations and class 1 and class 2 high-con-
12 sequence areas”;

13 (2) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) by striking “Not later than 18
16 months after the date of enactment of this
17 section” and inserting “Not later than 2
18 years after the date of enactment of the
19 Safer Pipelines Act of 2019”; and

20 (ii) by striking “located in high-con-
21 sequence areas and”; and

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

23 “(4) REQUIREMENT.—The Secretary shall in-
24 clude in the regulations issued under this paragraph
25 a requirement that all natural gas transmission pipe-

1 lines be subjected to a hydrostatic pressure test that
2 incorporates a spike test.”; and

3 (3) by striking subsection (e).

4 **SEC. 11. DIRECT HIRE AUTHORITY FOR PIPELINE AND HAZ-**
5 **ARDOUS MATERIALS SAFETY ADMINISTRA-**
6 **TION.**

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

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

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

19 **SEC. 12. REPORT.**

20 Not later than 180 days after the date of enactment
21 of this Act, and annually thereafter through calendar year
22 2023, the Administrator of the Pipeline and Hazardous
23 Materials Safety Administration shall submit to Congress
24 a report on the efforts of the Administration to hire

1 women, minorities, and veterans as inspectors since Janu-
2 ary 1, 2012.