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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safer Pipelines Act of 2019”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

“(A) $160,800,000 for fiscal year 2020, of which $10,000,000 shall be expended for carrying out such section 12 and $50,000,000 shall be expended for making grants;

“(B) $165,624,000 for fiscal year 2021 of which $10,000,000 shall be expended for carrying out such section 12 and $50,000,000 shall be expended for making grants;

“(C) $170,600,000 for fiscal year 2022, of which $10,000,000 shall be expended for carrying out such section 12 and $50,000,000 shall be expended for making grants; and

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

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

“(A) $25,000,000 for fiscal year 2020, of which $5,000,000 shall be expended for carrying out such section 12 and $9,000,000 shall be expended for making grants;

“(B) $25,000,000 for fiscal year 2021, of which $5,000,000 shall be expended for carrying out such section 12 and $9,000,000 shall be expended for making grants;

“(C) $26,000,000 for fiscal year 2022, of which $5,000,000 shall be expended for carrying out such section 12 and $9,000,000 shall be expended for making grants; and

“(D) $26,000,000 for fiscal year 2023, of which $5,000,000 shall be expended for carrying out such section 12 and $9,000,000 shall be expended for making grants.”; and

(3) in paragraph (3), by striking “$8,000,000 for each of fiscal years 2017 through 2019” and inserting “$9,000,000 for each of fiscal years 2020 through 2023”.

(c) Emergency Response Grants.—Section 60125(b)(2) of title 49, United States Code, is amended by striking “$10,000,000 for each of fiscal years 2012 through 2015” and inserting “$12,000,000 for each of fiscal years 2020 through 2023”.

(d) Pipeline Safety Information Grants to Communities.—Section 60130(c) of title 49, United States Code, is amended by striking “section 2(b) of the PIPES Act of 2016, the Secretary shall expend $1,500,000 for each of fiscal years 2016 through 2019 to carry out this section. Such amounts shall not be derived from user fees collected under section 60301” and inserting “section 2(a) of the Safer Pipelines Act of 2019, the Secretary shall expend $2,000,000 for each of fiscal years 2020 through 2023 to carry out this section”.

(e) State Damage Prevention Programs.—Section 60134(i) of title 49, United States Code is amended by striking “$1,500,000 for each of fiscal years 2012 through 2015” and inserting “$2,000,000 for each of fiscal years 2020 through 2023”.

(f) One-Call Notification Programs.—Section 6107 of title 49, United States Code, is amended by striking “$1,058,000 for each of fiscal years 2016 through 2019” and inserting “$2,000,000 for each of fiscal years 2020 through 2023”.
SEC. 3. DEFINITIONS.

(a) TRANSPORTING GAS.—Section 60101(a)(21) of title 49, United States Code, is amended to read as follows:

“(21) ‘transporting gas’ means—

“(A) the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; and

“(B) the movement of gas through regulated gathering lines.”.

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

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

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

SEC. 4. PURPOSE AND GENERAL AUTHORITY.

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

(1) in paragraph (2)—

(A) by striking subparagraphs (C) through (E); and
(B) by redesignating subparagraphs (F) and (G) as subparagraphs (C) and (D), respectively; and

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

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) of title 49, United States Code, is amended by striking “State authorities” and inserting “State officials, including local emergency responders and appropriate on-scene coordinators for any applicable contingency plans”.

SEC. 5. RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.

(a) PHASEOUT OF DIRECT ASSESSMENTS.—

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

“(12) PHASEOUT OF DIRECT ASSESSMENTS.—

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

“(B) DEADLINE.—Beginning on the date that is 2 years after the date of enactment of this paragraph, an assessment under paragraph
(3) may not be conducted by direct assessment.”.

(2) CONFORMING AMENDMENTS.—

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

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

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

(ii) in subsection (g)(1)(B), by striking “external corrosion direct assessment,”.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the date that is 2 years after the date of enactment of the Safer Pipelines Act of 2019.

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

(1) in paragraph (2), by striking “This subsection” and inserting “Paragraph (1)”; and

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:
“(3) AUTOMATIC SPILL DETECTION AND SHUT
OFF VALVES.—Each operator of a hazardous liquid
pipeline facility that is located in a high consequence
area shall install automatic spill detection and shut-
off valves for the pipeline facility.”.

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

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

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

“(a) PUBLIC EDUCATION PROGRAMS.—

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

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

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

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

“(2) Review and Modification of Existing Programs.—Not later than 1 year after the date of enactment of the Safer Pipelines Act of 2019, each owner or operator of a gas or hazardous liquid pipeline facility shall—

“(A) review its existing public education program for effectiveness, and modify the program as necessary; and

“(B) submit to the Secretary for review a detailed description of its public education program, including any modifications made to the program under subparagraph (A).

“(3) Standards; Material.—The Secretary may—

“(A) issue standards for public education programs under this section, including standards providing for periodic review of such programs and modification of such programs as needed; and

“(B) develop material for use in the programs.

“(b) Liaison With State and Local Emergency Response Entities.—
“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Safer Pipelines Act of 2019, an operator of a gas or hazardous liquid pipeline facility shall establish liaison with—

“(A) the State emergency response commission established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 in each State in which the pipeline facility operates; and

“(B) the local emergency planning committee established under such section in each emergency planning district in which the pipeline facility operates.

“(2) AVAILABILITY OF INFORMATION.—Upon request, an operator of a gas or hazardous liquid pipeline facility shall make available to the applicable State emergency response commissions and local emergency planning committees—

“(A) the information required to be maintained under section 60102(d);

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

“(C) information describing the implementation of the integrity management program.
and the risks that the program is designed to address.

“(3) COMMUNITIES WITHOUT LOCAL EMERGENCY PLANNING COMMITTEES.—In a community for which a local emergency planning committee has not been established, the operator of a gas or hazardous liquid pipeline facility shall liaise with the local fire, police, and other emergency response entities.

“(c) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall make available to the public—

“(1) any safety-related condition report submitted by an operator under section 60102(h); and

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

“(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM INFORMATION.—The Secretary shall prescribe requirements for public access to information regarding integrity management programs provided to a State authority pursuant to section 60109(c)(9)(C).

“(e) AVAILABILITY OF MAPS.—The owner or operator of each interstate gas pipeline facility and interstate hazardous liquid pipeline facility shall—

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

“(2) provide to each such municipality an updated map not later than 6 months after any change to a location of such facility.

“(f) PIPELINE SEGMENT REPORTS.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Safer Pipelines Act of 2019, and not less frequently than annually thereafter, each owner or operator of a gas or hazardous liquid pipeline facility shall submit to the Secretary a report on pipeline segments of the facility in accordance with this subsection.

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

“(A) The business name, address, and telephone number of the owner or operator.

“(B) A summary description of the pipeline facility containing the pipeline segment, including a general facility map and a description of any product the pipeline facility transports,
the length of the facility, and origin and termination points.

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

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

“(E) A summary of the results of periodic testing of the pipeline segment pursuant to section 60102, including any defects detected and actions taken to address the defects.

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

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

“(H) An inspection and enforcement history for the pipeline segment.

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

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

“(4) AVAILABILITY OF REPORTS.—The Secretary shall make each report submitted under paragraph (1) available to the public electronically.

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

“(A) with respect to a gas pipeline facility—

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

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

“(iii) the length of pipeline between the final compressor station and the termination point; and

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

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

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

“(iii) the length of pipeline between the final pumping station and the termination point.”.
(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

“60116. Community right-to-know.”.

SEC. 7. ACTIONS BY PRIVATE PERSONS.

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

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

SEC. 8. CIVIL PENALTIES.

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

(1) in paragraph (1), by striking “The maximum civil penalty under this paragraph for a related series of violations is $2,000,000.”;

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

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

SEC. 9. CRIMINAL PENALTIES.

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

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SEC. 10. MAXIMUM ALLOWABLE OPERATING PRESSURE.

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

(1) in subsection (a)(1)—

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

(B) by striking “in class 3 and class 4 locations and class 1 and class 2 high-consequence areas”;

(2) in subsection (d)—

(A) in paragraph (1)—

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

(ii) by striking “located in high-consequence areas and”; and

(B) by adding at the end the following:

“(4) REQUIREMENT.—The Secretary shall include in the regulations issued under this paragraph a requirement that all natural gas transmission pipe-
lines be subjected to a hydrostatic pressure test that incorporates a spike test.’’; and

(3) by striking subsection (e).

SEC. 11. DIRECT HIRE AUTHORITY FOR PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) AUTHORITY.—The Administrator of the Pipeline and Hazardous Materials Safety Administration may appoint qualified candidates to positions described in subsection (b) without regard to sections 3309 through 3319 of title 5, United States Code.

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

(c) TERMINATION.—The authority to make appointments under this section shall not be available after September 30, 2024.

SEC. 12. REPORT.

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