

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 2299

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. WICKER

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.

Sec. 102. Pipeline workforce development.

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

- Sec. 104. Advancement of new pipeline safety technologies and approaches.
- Sec. 105. Pipeline safety testing enhancement study.
- Sec. 106. Regulatory updates.
- Sec. 107. Self-disclosure of violations.
- Sec. 108. Due process protections in enforcement proceedings.
- Sec. 109. Pipeline operating status.
- Sec. 110. Liquefied natural gas facility project reviews.
- Sec. 111. Updates to standards for liquefied natural gas facilities.
- Sec. 112. National Center of Excellence for Liquefied Natural Gas Safety and Training.
- Sec. 113. Prioritization of rulemaking.
- Sec. 114. Leak detection and repair.
- Sec. 115. Inspection and maintenance plans.
- Sec. 116. Consideration of pipeline class location changes.
- Sec. 117. Protection of employees providing pipeline safety information.
- Sec. 118. Transportation Technology Center.
- Sec. 119. Interstate drug and alcohol oversight.
- Sec. 120. Savings clause.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

- Sec. 201. Short title.
- Sec. 202. Distribution integrity management plans.
- Sec. 203. Emergency response plans.
- Sec. 204. Operations and maintenance manuals.
- Sec. 205. Pipeline safety management systems.
- Sec. 206. Pipeline safety practices.

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) EMERGENCY RESPONSE GRANTS.—Section
10 60125(b)(2) of title 49, United States Code, is amended
11 by striking “fiscal years 2012 through 2015” and insert-
12 ing “fiscal years 2020 through 2023”.

13 (e) PIPELINE SAFETY INFORMATION GRANTS TO
14 COMMUNITIES.—Section 60130 of title 49, United States
15 Code, is amended—

16 (1) in subsection (a)(1), in the first sentence,
17 by striking “to local communities and groups of indi-
18 viduals (not including for-profit entities)” and in-
19 serting “to local communities, Indian Tribes, and
20 groups of individuals (not including for-profit enti-
21 ties)”; and

22 (2) by striking subsection (c) and inserting the
23 following:

24 “(c) FUNDING.—

1 “(1) IN GENERAL.—Out of amounts made
2 available under section 2(b) of the PIPES Act of
3 2016 (Public Law 114–183; 130 Stat. 515), the
4 Secretary shall use \$1,500,000 for each of fiscal
5 years 2020 through 2023 to carry out this section.

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

9 (f) DAMAGE PREVENTION PROGRAMS.—Section
10 60134(i) of title 49, United States Code, is amended in
11 the first sentence by striking “fiscal years 2012 through
12 2015” and inserting “fiscal years 2020 through 2023”.

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

18 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

19 (a) INSPECTOR TRAINING.—Not later than 1 year
20 after the date of enactment of this Act, the Administrator
21 shall—

22 (1) review the inspector training programs pro-
23 vided at the Inspector Training and Qualifications
24 Division of the Administration in Oklahoma City,
25 Oklahoma; and

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

5 (b) REPORT.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary
8 shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and the
10 Committees on Transportation and Infrastructure,
11 Energy and Commerce, and Science, Space, and
12 Technology of the House of Representatives and
13 make publicly available on a website of the Depart-
14 ment of Transportation a report containing a com-
15 prehensive workforce plan for the Administration.

16 (2) CONTENTS.—The report under paragraph
17 (1) shall include—

18 (A) a description of the current staffing at
19 the Administration;

20 (B) an identification of the staff needed to
21 achieve the mission of the Administration over
22 the next 10 years following the date of the re-
23 port;

24 (C) an evaluation of whether the inspector
25 training programs referred to in subsection

1 (a)(1) provide appropriate exposure to pipeline
2 operations and current pipeline safety tech-
3 nology;

4 (D) a summary of any gaps between the
5 current workforce of the Administration and
6 the future human capital needs of the Adminis-
7 tration; and

8 (E) a description of how the Administra-
9 tion—

10 (i) uses the retention incentives de-
11 fined by the Office of Personnel Manage-
12 ment; and

13 (ii) plans to use those retention incen-
14 tives as part of the comprehensive work-
15 force plan of the Administration.

16 **SEC. 103. COST RECOVERY AND FEES FOR FACILITY RE-**
17 **VIEWS.**

18 (a) FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED
19 NATURAL GAS FACILITIES.—Chapter 603 of title 49,
20 United States Code, is amended by inserting after section
21 60302 the following:

22 **“§ 60303. Fees for compliance reviews of liquefied**
23 **natural gas facilities**

24 **“(a) IMPOSITION OF FEE.—**

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation (referred to in this section as the ‘Secretary’)
3 shall impose on a person who files with the Federal
4 Energy Regulatory Commission an application for a
5 liquefied natural gas facility that has design and
6 construction costs totaling not less than
7 \$2,500,000,000 a fee for the necessary expenses of
8 a review, if any, that the Secretary conducts, in con-
9 nection with that application, to determine compli-
10 ance with subpart B of part 193 of title 49, Code
11 of Federal Regulations (or successor regulations).

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

16 “(b) MEANS OF COLLECTION.—

17 “(1) IN GENERAL.—The Secretary shall pre-
18 scribe procedures to collect fees under this section.

19 “(2) USE OF GOVERNMENT ENTITIES.—The
20 Secretary may—

21 “(A) use a department, agency, or instru-
22 mentality of the Federal Government or of a
23 State or local government to collect fees under
24 this section; and

1 “(B) reimburse that department, agency,
2 or instrumentality a reasonable amount for the
3 services provided.

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

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

“60303. Fees for compliance reviews of liquefied natural gas facilities.”.

12 **SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
13 **NOLOGIES AND APPROACHES.**

14 (a) IN GENERAL.—Chapter 601 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 60142. Pipeline safety enhancement programs**

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

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

24 “(2) a hazardous liquid pipeline facility.

25 “(b) LIMITATIONS.—

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

3 “(A) 5 percent of the total miles of haz-
4 arduous liquid pipelines in the United States;
5 and

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

8 “(2) HIGH POPULATION AREAS.—Any program
9 established under subsection (a) shall not be located
10 in a high population area (as defined in section
11 195.450 of title 49, Code of Federal Regulations).

12 “(c) DURATION.—The term of a testing program es-
13 tablished under subsection (a) shall be not more than a
14 period of 4 years beginning on the date of approval of the
15 program.

16 “(d) SAFETY STANDARDS.—

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

23 “(2) DETERMINATION.—

24 “(A) IN GENERAL.—The Secretary may
25 issue an order under subparagraph (A) of sec-

1 tion 60118(c)(1) to accomplish the purpose of
2 a testing program for a term not to exceed the
3 time period described in subsection (c) if the
4 condition described in paragraph (1) is met, as
5 determined by the Secretary.

6 “(B) LIMITATION.—An order under sub-
7 paragraph (A) shall pertain only to those regu-
8 lations that would otherwise prevent the use of
9 the safety technology to be tested under the
10 testing program.

11 “(e) CONSIDERATIONS.—In establishing a testing
12 program under subsection (a), the Secretary shall con-
13 sider—

14 “(1) whether the owners or operators partici-
15 pating in the program have a safety management
16 system in place; and

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

20 “(A) the Secretary;

21 “(B) collaborative research development
22 organizations; or

23 “(C) other institutions.

24 “(f) DATA AND FINDINGS.—As a participant in a
25 testing program established under subsection (a), an oper-

1 ator shall submit to the Secretary detailed findings and
2 a summary of data collected as a result of participation
3 in the testing program.

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

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

9 “(2) in the determination of the Secretary, con-
10 tinued participation in the testing program by the
11 participant would be unsafe or would not be con-
12 sistent with the goals and objectives of this chapter.

13 “(h) AUTHORITY TO TERMINATE PROGRAM.—The
14 Secretary shall immediately terminate a testing program
15 under subsection (a) if continuation of the testing pro-
16 gram would not be consistent with the goals and objectives
17 of this chapter.

18 “(i) STATE RIGHTS.—

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

24 “(2) LIMITATIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 not grant a requested exemption under para-
3 graph (1) after a testing program is estab-
4 lished.

5 “(B) LATE NOTICE.—The Secretary shall
6 not grant a requested exemption under para-
7 graph (1) if the notice submitted under that
8 paragraph is submitted to the Secretary more
9 than 10 days after the date on which the Sec-
10 retary issues an order providing an effective
11 date for the testing program.

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

17 “(j) PROGRAM REVIEW PROCESS AND PUBLIC NO-
18 TICE.—

19 “(1) IN GENERAL.—The Secretary shall publish
20 in the Federal Register and send directly to each rel-
21 evant State authority with a certification in effect
22 under section 60105 a notice of each testing pro-
23 gram under subsection (a), including the order to be
24 considered, and provide an opportunity for public
25 comment for not less than 90 days.

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

7 “(k) REPORT TO CONGRESS.—At the conclusion of
8 each testing program, the Secretary shall make publicly
9 available on the website of the Department of Transpor-
10 tation a report containing—

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

13 “(2) any recommendations of the Secretary
14 with respect to the testing program, including any
15 recommendations for amendments to laws (including
16 regulations) and the establishment of standards,
17 that—

18 “(A) would enhance the safe operation of
19 interstate gas or hazardous liquid pipeline fa-
20 cilities; and

21 “(B) are technically, operationally, and
22 economically feasible.

23 “(l) STANDARDS.—If a report under subsection (k)
24 indicates that it is practicable to establish technically,
25 operationally, and economically feasible standards for the

1 use of a safety-enhancing technology and any cor-
2 responding operational practices tested by the testing pro-
3 gram described in the report, the Secretary, as soon as
4 practicable after submission of the report, may promulgate
5 regulations consistent with chapter 5 of title 5 (commonly
6 known as the ‘Administrative Procedures Act’) that—

7 “(1) allow operators of interstate gas or haz-
8 arduous liquid pipeline facilities to use the relevant
9 technology or practice to the extent practicable; and

10 “(2) establish technically, operationally, and
11 economically feasible standards for the capability
12 and deployment of the technology or practice.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 601 of title 49, United States Code, is amend-
15 ed by inserting after the item relating to section 60141
16 the following:

“60142. Pipeline safety enhancement programs.”.

17 **SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT**
18 **STUDY.**

19 Not later than 2 years after the date of enactment
20 of this Act, the Secretary shall submit to the Committee
21 on Commerce, Science, and Transportation of the Senate
22 and the Committees on Transportation and Infrastruc-
23 ture, Energy and Commerce, and Science, Space, and
24 Technology of the House of Representatives a report relat-
25 ing to—

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

5 (2)(A) the development of additional testing
6 and research capabilities through the establishment
7 of an independent pipeline safety testing facility
8 under the Department of Transportation;

9 (B) whether an independent pipeline safety
10 testing facility would be critical to the work of the
11 Administration;

12 (C) the costs and benefits of developing an
13 independent pipeline safety testing facility under the
14 Department of Transportation; and

15 (D) the costs and benefits of colocating an inde-
16 pendent pipeline safety testing facility at an existing
17 training center of the Administration; and

18 (3) the ability of the Administration to use the
19 testing facilities of the Department of Transpor-
20 tation, other Federal agencies, or federally funded
21 research and development centers.

22 **SEC. 106. REGULATORY UPDATES.**

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

1 (1) a final rule required to be issued under the
2 Pipeline Safety, Regulatory Certainty, and Job Cre-
3 ation Act of 2011 (Public Law 112–90; 125 Stat.
4 1904) that has not been published in the Federal
5 Register;

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

10 (3) any other final rule regarding gas or haz-
11 arduous liquid pipeline facilities required to be issued
12 under this Act or an Act enacted prior to the date
13 of enactment of this Act that has not been published
14 in the Federal Register.

15 (b) REQUIREMENTS.—

16 (1) PERIODIC UPDATES.—Not later than 30
17 days after the date of enactment of this Act, and
18 every 30 days thereafter until a final rule referred
19 to in paragraphs (1) through (3) of subsection (a)
20 is published in the Federal Register, the Secretary
21 shall publish on a publicly available website of the
22 Department of Transportation an update regarding
23 the status of each outstanding mandate in accord-
24 ance with subsection (c).

1 (2) NOTIFICATION OF CONGRESS.—On publica-
2 tion of a final rule in the Federal Register for an
3 outstanding mandate, the Secretary shall submit to
4 the Committee on Commerce, Science, and Trans-
5 portation of the Senate and the Committees on
6 Transportation and Infrastructure and Energy and
7 Commerce of the House of Representatives a notifi-
8 cation in accordance with subsection (c).

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

12 (1) with respect to information relating to the
13 Administration—

14 (A) a description of the work plan for each
15 outstanding mandate;

16 (B) an updated rulemaking timeline for
17 each outstanding mandate;

18 (C) the staff allocations with respect to
19 each outstanding mandate;

20 (D) any resource constraints affecting the
21 rulemaking process for each outstanding man-
22 date;

23 (E) any other details associated with the
24 development of each outstanding mandate that

1 affect the progress of the rulemaking process
2 with respect to that outstanding mandate; and

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

7 (2) with respect to information relating to the
8 Office of the Secretary—

9 (A) the date that the outstanding mandate
10 was submitted to the Office of the Secretary for
11 review;

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

14 (C) the staff allocations within the Office
15 of the Secretary with respect to each the out-
16 standing mandate;

17 (D) any resource constraints affecting re-
18 view of the outstanding mandate;

19 (E) an estimated timeline of when review
20 of the outstanding mandate will be complete, as
21 of the date of the update;

22 (F) if applicable, the date that the out-
23 standing mandate was returned to the Adminis-
24 tration for revision and the anticipated date for
25 resubmission to the Office of the Secretary;

1 (G) the date that the outstanding mandate
2 was submitted to the Office of Management and
3 Budget for review; and

4 (H) a statement of whether the out-
5 standing mandate remains under review by the
6 Office of Management and Budget.

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

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

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

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

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

17 **SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
18 **PROCEEDINGS.**

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

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

23 (2) by inserting after subsection (a) the fol-
24 lowing:

1 “(b) ENFORCEMENT AND REGULATORY PROCE-
2 DURES.—

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

7 “(2) ADMINISTRATIVE LAW JUDGE.—A hearing
8 under paragraph (1) shall be conducted by an ad-
9 ministrative law judge appointed under section 3105
10 of title 5.

11 “(3) OPEN TO THE PUBLIC.—

12 “(A) HEARINGS.—A hearing under para-
13 graph (1) shall be—

14 “(i) noticed to the public—

15 “(I) on the website of the Pipe-
16 line and Hazardous Materials Safety
17 Administration; and

18 “(II) in the Federal Register;

19 and

20 “(ii) open to the public.

21 “(B) AGREEMENTS, ORDERS, AND JUDG-
22 MENTS.—A consent agreement, consent order,
23 order, or judgment resulting from a hearing
24 under paragraph (1) shall be made available to

1 the public on the website of the Pipeline and
2 Hazardous Materials Safety Administration.

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

6 “(A) allow the use of a consent agreement
7 and consent order to resolve any matter of fact
8 or law asserted;

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

11 “(i) for settlement or simplification of
12 the issues; or

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

14 “(C) require that the case file in an en-
15 forcement proceeding include all agency records
16 pertinent to the matters of fact and law as-
17 serted;

18 “(D) require that a recommended decision
19 be made available to the respondent when
20 issued;

21 “(E) allow a respondent to reply to any
22 post-hearing submission;

23 “(F) allow a respondent to request—

1 “(i) that a hearing be held, and a rec-
2 ommended decision and order issued, on
3 an expedited basis; or

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

6 “(G) require that the agency have the bur-
7 den of proof, presentation, and persuasion in
8 any enforcement matter;

9 “(H) require that any recommended deci-
10 sion and order contain findings of fact and con-
11 clusions of law;

12 “(I) require the Associate Administrator of
13 the Office of Pipeline Safety to file a post-hear-
14 ing recommendation not later than 30 days
15 after the deadline for any post-hearing submis-
16 sion of a respondent;

17 “(J) require an order on a petition for re-
18 consideration to be issued not later than 120
19 days after the date on which the petition is
20 filed; and

21 “(K) allow an operator to request that an
22 issue of controversy or uncertainty be addressed
23 through a declaratory order in accordance with
24 section 554(e) of title 5, which order shall be

1 issued not later than 120 days after the date on
2 which a request is made.

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

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 60109(g)(4) of title 49, United
8 States Code, is amended by striking “section
9 60117(c)” and inserting “section 60117(d)”.

10 (2) Section 60117(p) of title 49, United States
11 Code (as redesignated by subsection (a)(1)), is
12 amended, in paragraph (3)(E), by striking
13 “60117(l)” and inserting “subsection (m)”.

14 (3) Section 60118(a)(3) of title 49, United
15 States Code, is amended by striking “section
16 60117(a)–(d)” and inserting “subsections (a)
17 through (e) of section 60117”.

18 **SEC. 109. PIPELINE OPERATING STATUS.**

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

22 **“§ 60143. Idled pipelines**

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

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

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

4 “(2) has been isolated from all sources of haz-
5 arduous liquid, natural gas, or other gas; and

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

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

12 “(b) RULEMAKING.—

13 “(1) IN GENERAL.—Not later than 2 years
14 after the date of enactment of the PIPES Act of
15 2020, the Secretary shall promulgate regulations
16 prescribing the applicability of the pipeline safety re-
17 quirements to idled natural or other gas trans-
18 mission and hazardous liquid pipelines.

19 “(2) REQUIREMENTS.—

20 “(A) IN GENERAL.—The applicability of
21 the regulations under paragraph (1) shall be
22 based on the risk that idled natural or other
23 gas transmission and hazardous liquid pipelines
24 pose to the public, property, and the environ-

1 ment, and shall include requirements to resume
2 operation.

3 “(B) INSPECTION.—The Secretary or an
4 appropriate State agency shall inspect each
5 idled pipeline and verify that the pipeline has
6 been purged of combustibles and hazardous ma-
7 terials, if required under subsection (a).

8 “(C) REQUIREMENTS FOR REINSPEC-
9 TION.—The Secretary shall determine the re-
10 quirements for periodic reinspection of idled
11 natural or other gas transmission and haz-
12 ardous liquid pipelines.”.

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

 “60143. Idled pipelines.”.

17 **SEC. 110. LIQUEFIED NATURAL GAS FACILITY PROJECT RE-**
18 **IEWS.**

19 Section 60103(a) of title 49, United States Code, is
20 amended—

21 (1) by redesignating paragraphs (1) through
22 (7) as subparagraphs (A) through (G), respectively,
23 and indenting appropriately;

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

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

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

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

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

11 “(3) USE OF LOCATION STANDARDS.—If a Fed-
12 eral or State authority with jurisdiction over lique-
13 fied natural gas pipeline facility permits or approvals
14 is using the location standards prescribed under
15 paragraph (1) for purposes of making a decision
16 with respect to the location of a new liquefied nat-
17 ural gas pipeline facility and submits to the Sec-
18 retary of Transportation a request to provide a de-
19 termination of whether the new liquefied natural gas
20 pipeline facility would meet the location standards,
21 the Secretary may provide such a determination to
22 the requesting Federal or State authority.

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

25 “(A) affects—

1 “(i) section 3 of the Natural Gas Act
2 (15 U.S.C. 717b);

3 “(ii) the authority of the Federal En-
4 ergy Regulatory Commission to carry out
5 that section; or

6 “(iii) any other similar authority of
7 any other Federal or State agency; or

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

11 **SEC. 111. UPDATES TO STANDARDS FOR LIQUEFIED NAT-**
12 **URAL GAS FACILITIES.**

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

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

18 (2) based on the review under paragraph (1),
19 update the standards described in that paragraph
20 applicable to large-scale liquefied natural gas facili-
21 ties (other than peak shaving facilities) to provide
22 for a risk-based regulatory approach for such facili-
23 ties, consistent with this section.

24 (b) SCOPE.—In updating the minimum operating and
25 maintenance standards under subsection (a)(2), the Sec-

1 retary shall ensure that all regulations, guidance, and in-
2 ternal documents are developed and applied in a manner
3 consistent with this section.

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

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

9 (A) the processes of liquefied natural gas
10 conversion, storage, and transport;

11 (B) equipment used in the processes; and

12 (C) technology used in the processes;

13 (2) to conduct a hazard assessment, including
14 the identification of potential sources of accidental
15 releases;

16 (3)(A) to consult with employees and represent-
17 atives of employees on the development and conduct
18 of hazard assessments under paragraph (2); and

19 (B) to provide employees access to the records
20 of the hazard assessments and any other records re-
21 quired under the updated standards;

22 (4) to establish a system to respond to the find-
23 ings of a hazard assessment conducted under para-
24 graph (2) that addresses prevention, mitigation, and
25 emergency responses;

1 (5) to review, when a design change occurs, a
2 hazard assessment conducted under paragraph (2)
3 and the response system established under para-
4 graph (4);

5 (6) to develop and implement written operating
6 procedures for the processes of liquefied natural gas
7 conversion, storage, and transport;

8 (7)(A) to provide written safety and operating
9 information to employees; and

10 (B) to train employees in operating procedures
11 with an emphasis on addressing hazards and using
12 safe practices;

13 (8) to ensure contractors and contract employ-
14 ees are provided appropriate information and train-
15 ing;

16 (9) to train and educate employees and contrac-
17 tors in emergency response;

18 (10) to establish a quality assurance program
19 to ensure that equipment, maintenance materials,
20 and spare parts relating to the operations and main-
21 tenance of liquefied natural gas facilities are fab-
22 ricated and installed consistent with design specifica-
23 tions;

24 (11) to establish maintenance systems for crit-
25 ical process-related equipment, including written

1 procedures, employee training, appropriate inspec-
2 tions, and testing of that equipment to ensure ongo-
3 ing mechanical integrity;

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

6 (13) to establish and implement written proce-
7 dures to manage change to processes of liquefied
8 natural gas conversion, storage, and transport, tech-
9 nology, equipment, and facilities; and

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

12 (i) loss of life;

13 (ii) destruction of private property; or

14 (iii) a major accident; and

15 (B) to have operating personnel—

16 (i) review any findings of an investigation
17 under subparagraph (A); and

18 (ii) if appropriate, take responsive meas-
19 ures.

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

22 (a) DEFINITIONS.—In this section:

23 (1) CENTER.—The term “Center” means the
24 National Center of Excellence for Liquefied Natural

1 Gas Safety and Training established under sub-
2 section (b).

3 (2) LNG.—The term “LNG” means liquefied
4 natural gas.

5 (3) LNG SECTOR STAKEHOLDER.—The term
6 “LNG sector stakeholder” means a representative
7 of—

8 (A) LNG facilities that represent the broad
9 array of LNG facilities operating in the United
10 States;

11 (B) States, Indian Tribes, and units of
12 local government;

13 (C) postsecondary education;

14 (D) labor organizations;

15 (E) safety organizations; or

16 (F) Federal regulatory agencies of jurisdic-
17 tion, which may include—

18 (i) the Administration;

19 (ii) the Federal Energy Regulatory
20 Commission;

21 (iii) the Department of Energy;

22 (iv) the Occupational Safety and
23 Health Administration;

24 (v) the Coast Guard; and

25 (vi) the Maritime Administration.

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

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

9 (1) promote, facilitate, and conduct—

10 (A) education;

11 (B) training; and

12 (C) technological advancements;

13 (2) be a repository of information on best prac-
14 tices relating to, and expertise on, LNG operations;

15 (3) foster collaboration among stakeholders;

16 and

17 (4) provide a curriculum for training that incor-
18 porates—

19 (A) risk-based principles into the oper-
20 ation, management, and regulatory oversight of
21 LNG facilities;

22 (B) the reliance on subject matter exper-
23 tise within the LNG industry;

1 (C) the transfer of knowledge and exper-
2 tise between the LNG industry and regulatory
3 agencies; and

4 (D) training and workshops that occur at
5 operational facilities.

6 (d) LOCATION.—

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

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

13 (A) take into account the strategic value of
14 locating resources in close proximity to LNG fa-
15 cilities; and

16 (B) locate the Center in the State with the
17 largest LNG production capacity, as determined
18 by the total capacity (in billion cubic feet per
19 day) of LNG production authorized by the Fed-
20 eral Energy Regulatory Commission under sec-
21 tion 3 of the Natural Gas Act (15 U.S.C. 717b)
22 as of the date of enactment of this Act.

23 (e) COORDINATION WITH TQ TRAINING CENTER.—

24 In carrying out the functions described in subsection (e),
25 the Center shall coordinate with the Training and Quali-

1 fications Training Center of the Administration in Okla-
2 homa City, Oklahoma, to facilitate knowledge sharing
3 among, and enhanced training opportunities for, Federal
4 and State pipeline safety inspectors and investigators.

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

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

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

13 **SEC. 113. PRIORITIZATION OF RULEMAKING.**

14 (a) RULEMAKING.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary shall ensure
16 completion of and publish in the Federal Register the out-
17 standing rulemaking entitled “Pipeline Safety: Safety of
18 Gas Transmission and Gathering Pipelines”, published in
19 the Federal Register on April 8, 2016 (81 Fed. Reg.
20 20722; Docket No. PHMSA–2011–0023), as that rule-
21 making relates to the consideration of gathering pipelines.

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

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

4 (2) analyze information collected by operators
5 of gathering lines when the mapping information de-
6 scribed in paragraph (1) is not available for a gath-
7 ering line; and

8 (3) assess any plans and timelines of operators
9 of gathering lines to develop the mapping informa-
10 tion described in paragraph (1) or otherwise collect
11 information described in paragraph (2).

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

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

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

23 “(q) GAS PIPELINE LEAK DETECTION AND RE-
24 PAIR.—

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

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

16 “(B) to protect the environment.

17 “(2) LEAK DETECTION AND REPAIR PRO-
18 GRAMS.—

19 “(A) MINIMUM PERFORMANCE STAND-
20 ARDS.—The final regulations promulgated
21 under paragraph (1) shall include, for the leak
22 detection and repair programs described in that
23 paragraph, minimum performance standards
24 that reflect the capabilities of commercially
25 available advanced technologies that, with re-

1 spect to each pipeline covered by the programs,
2 are appropriate for—

3 “(i) the type of pipeline;

4 “(ii) the location of the pipeline;

5 “(iii) the material of which the pipe-
6 line is constructed; and

7 “(iv) the materials transported by the
8 pipeline.

9 “(B) REQUIREMENT.—The leak detection
10 and repair programs described in paragraph (1)
11 shall be able to identify, locate, and categorize
12 all leaks that—

13 “(i) are hazardous to human safety or
14 the environment; or

15 “(ii) have the potential to become ex-
16 plosive or otherwise hazardous to human
17 safety.

18 “(3) ADVANCED LEAK DETECTION TECH-
19 NOLOGIES AND PRACTICES.—

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

22 “(i) require the use of advanced leak
23 detection technologies and practices de-
24 scribed in subparagraph (B);

1 “(ii) identify any scenarios where op-
2 erators may use leak detection practices
3 that depend on human senses; and

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

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

14 “(i) for new and existing gas distribu-
15 tion pipeline facilities, technologies and
16 practices to detect pipeline leaks—

17 “(I)(aa) through continuous
18 monitoring on or along the pipeline;
19 and

20 “(bb) in the case of an existing
21 facility, that do not impose any design
22 or installation requirements on exist-
23 ing facilities that would be inappli-
24 cable under section 60104(b); or

1 Class 4 locations, technologies and prac-
2 tices to detect pipeline leaks through—

3 “(I) equipment that—

4 “(aa) is capable of contin-
5 uous monitoring; and

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

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

17 “(4) SAVINGS CLAUSES.—

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

21 “(i) shall not reduce the frequency of
22 surveys required under any other provision
23 of this chapter or stipulated by regulation
24 as of the date of enactment of this sub-
25 section; and

1 (ii) in subparagraph (C), by striking

2 “and” at the end; and

3 (iii) by striking subparagraph (D) and

4 inserting the following:

5 “(D) the extent to which the plan will con-
6 tribute to—

7 “(i) public safety;

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

11 “(iii) the protection of the environ-
12 ment; and

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

20 (B) by striking paragraph (3) and insert-
21 ing the following:

22 “(3) REVIEW OF PLANS.—

23 “(A) IN GENERAL.—Not later than 2 years
24 after the date of enactment of this subpara-
25 graph, and not less frequently than once every

1 5 years thereafter, the Secretary or relevant
2 State authority with a certification in effect
3 under section 60105 shall review each plan de-
4 scribed in this subsection.

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

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

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

22 (b) DEADLINE.—Not later than 1 year after the date
23 of enactment of this Act, each pipeline operator shall up-
24 date the inspection and maintenance plan prepared by the
25 operator under section 60108(a) of title 49, United States

1 Code, to address the elements described in the amend-
2 ments to that section made by subsection (a).

3 (c) INSPECTION AND MAINTENANCE PLAN OVER-
4 SIGHT.—

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

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

22 (A) describes the results of the study con-
23 ducted under paragraph (1), including an eval-
24 uation of the procedures used by the Secretary
25 and States in reviewing the effectiveness of the

1 plans prepared by pipeline operators under sec-
2 tion 60108(a) of title 49, United States Code,
3 pursuant to subsection (b) in minimizing re-
4 leases of natural gas from pipeline facilities;
5 and

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

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

20 (A) a response to the results of the study
21 conducted under paragraph (1) and the rec-
22 ommendations contained in the report sub-
23 mitted under paragraph (2);

24 (B) a discussion of—

1 (i) the best available technologies or
2 practices to prevent or minimize, without
3 compromising pipeline safety, the release
4 of natural gas when making planned re-
5 pairs, replacements, or maintenance to a
6 pipeline facility;

7 (ii) the best available technologies or
8 practices to prevent or minimize, without
9 compromising pipeline safety, the release
10 of natural gas when the operator inten-
11 tionally vents or releases natural gas; and

12 (iii) pipeline facility designs that,
13 without compromising pipeline safety, miti-
14 gate the need to intentionally vent natural
15 gas; and

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

19 (i) the recommendations of the Comp-
20 troller General of the United States in the
21 report submitted under paragraph (2); and

22 (ii) the matters described in clauses
23 (i) through (iii) of subparagraph (B) based
24 on the discussion described in that sub-
25 paragraph.

1 (4) RULEMAKING.—

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

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

22 **SEC. 116. CONSIDERATION OF PIPELINE CLASS LOCATION**
23 **CHANGES.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, the Administrator of the

1 Pipeline and Hazardous Materials Safety Administration
2 shall—

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

7 (2) complete any other activities or procedures
8 necessary—

9 (A) to make a determination whether to
10 publish a notice of proposed rulemaking; and

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

16 (3) consider the issues raised in the report to
17 Congress entitled “Evaluation of Expanding Pipeline
18 Integrity Management Beyond High-Consequence
19 Areas and Whether Such Expansion Would Mitigate
20 the Need for Gas Pipeline Class Location Require-
21 ments” prepared by the Pipeline and Hazardous
22 Materials Safety Administration and submitted to
23 Congress on June 8, 2016, including the adequacy
24 of existing integrity management programs.

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

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

12 **SEC. 117. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
13 **LINE SAFETY INFORMATION.**

14 Section 60129 of title 49, United States Code, is
15 amended—

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

20 (2) in subsection (b)(3), by adding at the end
21 the following:

22 “(D) DE NOVO REVIEW.—

23 “(i) IN GENERAL.—With respect to a
24 complaint under paragraph (1), if the Sec-
25 retary of Labor has not issued a final deci-

1 sion by the date that is 210 days after the
2 date on which the complaint was filed, and
3 if the delay is not due to the bad faith of
4 the employee who filed the complaint, that
5 employee may bring an original action at
6 law or equity for de novo review in the ap-
7 propriate district court of the United
8 States, which shall have jurisdiction over
9 such action without regard to the amount
10 in controversy, and which action shall, at
11 the request of either party to the action, be
12 tried by the court with a jury.

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

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

19 “(e) NONENFORCEABILITY OF CERTAIN PROVISIONS
20 WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBI-
21 TRATION OF DISPUTES.—

22 “(1) WAIVER OF RIGHTS AND REMEDIES.—The
23 rights and remedies provided under this section may
24 not be waived by any agreement, policy, form, or

1 condition of employment, including by a predispute
2 arbitration agreement.

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

8 **SEC. 118. TRANSPORTATION TECHNOLOGY CENTER.**

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

15 (b) AUTHORITY TO PLAN, DESIGN, ENGINEER,
16 ERECT, ALTER, AND REPAIR BUILDINGS AND MAKE PUB-
17 LIC IMPROVEMENTS.—Only after submitting a report to
18 the Committees on Appropriations and Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittees on Appropriations, Transportation and Infrastruc-
21 ture, and Energy and Commerce of the House of Rep-
22 resentatives, and subject to the availability of funds appro-
23 priated by Congress for the applicable purpose, the Sec-
24 retary may plan, design, engineer, erect, alter, and repair
25 buildings and make other public improvements to carry

1 out necessary research, safety, and training activities at
2 the Transportation Technology Center in Pueblo, Colo-
3 rado.

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

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

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

20 (1) operators; and

21 (2) pipeline contractors working for multiple
22 operators in multiple States.

23 (b) REQUIREMENT.—In carrying out subsection (a),
24 the Secretary shall minimize duplicative audits of the
25 same operators, and the contractors working for those op-

1 erators, by the Administration and multiple State agen-
2 cies.

3 (c) **LIMITATION.**—Nothing in this section requires
4 modification of the inspection or enforcement authority of
5 any Federal agency or State.

6 **SEC. 120. SAVINGS CLAUSE.**

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

16 **TITLE II—LEONEL RONDON**
17 **PIPELINE SAFETY ACT**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Leonel Rondon Pipe-
20 line Safety Act”.

21 **SEC. 202. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.**

22 (a) **IN GENERAL.**—Section 60109(e) of title 49,
23 United States Code, is amended by adding at the end the
24 following:

1 “(7) DISTRIBUTION INTEGRITY MANAGEMENT
2 PLANS.—

3 “(A) EVALUATION OF RISK.—Not later
4 than 2 years after the date of enactment of this
5 paragraph, the Secretary shall promulgate regu-
6 lations to ensure that each distribution integrity
7 management plan developed by an operator of
8 a distribution system includes an evaluation
9 of—

10 “(i) the risks resulting from the pres-
11 ence of cast iron pipes and mains in the
12 distribution system; and

13 “(ii) the risks that could lead to or re-
14 sult from the operation of a low-pressure
15 distribution system at a pressure that
16 makes the operation of any connected and
17 properly adjusted low-pressure gas burning
18 equipment unsafe (as described in section
19 192.623 of title 49, Code of Federal Regu-
20 lations (or a successor regulation)).

21 “(B) CONSIDERATION.—In the evaluations
22 required in a plan under subparagraph (A), the
23 regulations promulgated by the Secretary shall
24 ensure that the distribution integrity manage-
25 ment plan evaluates for future potential threats

1 in a manner that considers factors other than
2 past observed abnormal operations (within the
3 meaning of section 192.605 of title 49, Code of
4 Federal Regulations (or a successor regula-
5 tion)), in ranking risks and identifying meas-
6 ures to mitigate those risks under that subpara-
7 graph, so that operators avoid using a risk rat-
8 ing of zero for low probability events unless oth-
9 erwise supported by engineering analysis or
10 operational knowledge.

11 “(C) DEADLINES.—

12 “(i) IN GENERAL.—Not later than 2
13 years after the date of enactment of this
14 paragraph, each operator of a distribution
15 system shall make available to the Sec-
16 retary or the relevant State authority with
17 a certification in effect under section
18 60105, as applicable, a copy of—

19 “(I) the distribution integrity
20 management plan of the operator;

21 “(II) the emergency response
22 plan under section 192.615 of title 49,
23 Code of Federal Regulations (or a
24 successor regulation); and

1 “(III) the procedural manual for
2 operations, maintenance, and emer-
3 gencies under section 192.605 of title
4 49, Code of Federal Regulations (or a
5 successor regulation).

6 “(ii) UPDATES.—Each operator of a
7 distribution system shall make available to
8 the Secretary or make available for inspec-
9 tion to the relevant State authority with a
10 certification in effect under section 60105,
11 if applicable, an updated plan or manual
12 described in clause (i) by not later than 60
13 days after the date of a significant update,
14 as determined by the Secretary.

15 “(iii) APPLICABILITY OF FOIA.—Noth-
16 ing in this subsection shall be construed to
17 authorize the disclosure of any information
18 that is exempt from disclosure under sec-
19 tion 552(b) of title 5, United States Code.

20 “(D) REVIEW OF PLANS AND DOCU-
21 MENTS.—

22 “(i) TIMING.—

23 “(I) IN GENERAL.—Not later
24 than 2 years after the date of promul-
25 gation of the regulations under sub-

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

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

19 “(aa) shall not use subclause
20 (I) as justification to reduce
21 funding, decertify, or penalize in
22 any way under section 60105,
23 60106, or 60107 a State author-
24 ity that has in effect a certifi-
25 cation under section 60105 or an

1 agreement under section 60106;
2 and

3 “(bb) shall—

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

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

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

1 “(I) on significant change to the
2 plans or procedural manual, as appli-
3 cable;

4 “(II) on significant change to the
5 gas distribution system of the oper-
6 ator, as applicable; and

7 “(III) not less frequently than
8 once every 5 years.

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

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

24 (b) MONITORING.—Section 60105(e) of title 49,
25 United States Code, is amended—

1 (1) in the second sentence, by striking “A State
2 authority” and inserting the following:

3 “(2) COOPERATION.—A State authority with a
4 certification in effect under this section”;

5 (2) by striking “The Secretary” and inserting
6 the following:

7 “(1) IN GENERAL.—The Secretary”; and

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

9 “(3) AUDIT PROGRAM.—Not later than 2 years
10 after the date of enactment of this paragraph, the
11 Secretary shall—

12 “(A) revise the State audit protocols and
13 procedures to update the annual State Program
14 Evaluations carried out under this subsection
15 and section 60106(d) to ensure that a State au-
16 thority with a certification in effect under this
17 section has the capability to sufficiently review
18 and evaluate the adequacy of the plans and
19 manuals described in section 60109(e)(7)(C)(i);

20 “(B) update the State Inspection Calcula-
21 tion Tool to take into account factors includ-
22 ing—

23 “(i) the number of miles of natural
24 gas and hazardous liquid pipelines in the

1 State, including the number of miles of
2 cast iron and bare steel pipelines;

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

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

7 “(iv) environmental factors that could
8 impact the integrity of the pipeline, includ-
9 ing relevant geological issues; and

10 “(C) promulgate regulations to require
11 that a State authority with a certification in ef-
12 fect under this section has a sufficient number
13 of qualified inspectors to ensure safe operations,
14 as determined by the State Inspection Calcula-
15 tion Tool and other factors determined to be
16 appropriate by the Secretary.”.

17 **SEC. 203. EMERGENCY RESPONSE PLANS.**

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

21 “(r) EMERGENCY RESPONSE PLANS.—Not later than
22 2 years after the date of enactment of this subsection, the
23 Secretary shall update regulations to ensure that each
24 emergency response plan developed by an operator of a
25 distribution system under section 192.615 of title 49,

1 Code of Federal Regulations (or a successor regulation),
2 includes written procedures for—

3 “(1) establishing communication with first re-
4 sponders and other relevant public officials, as soon
5 as practicable, beginning from the time of confirmed
6 discovery, as determined by the Secretary, by the op-
7 erator of a gas pipeline emergency involving a re-
8 lease of gas from a distribution system of that oper-
9 ator that results in—

10 “(A) a fire related to an unintended re-
11 lease of gas;

12 “(B) an explosion;

13 “(C) 1 or more fatalities; or

14 “(D) the unscheduled release of gas and
15 shutdown of gas service to a significant number
16 of customers, as determined by the Secretary;

17 “(2) establishing general public communication
18 through an appropriate channel—

19 “(A) as soon as practicable, as determined
20 by the Secretary, after a gas pipeline emergency
21 involving a release of gas that results in—

22 “(i) a fire related to an unintended re-
23 lease of gas;

24 “(ii) an explosion;

25 “(iii) 1 or more fatalities; or

1 “(iv) the unscheduled shutdown of gas
2 service to a significant number of cus-
3 tomers, as determined by the Secretary;
4 and

5 “(B) that provides information regard-
6 ing—

7 “(i) the emergency described in sub-
8 paragraph (A); and

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

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

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

15 Section 60102 of title 49, United States Code (as
16 amended by section 203), is amended by adding at the
17 end the following:

18 “(s) OPERATIONS AND MAINTENANCE MANUALS.—

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

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

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

8 “(A) be applied to significant technology,
9 equipment, procedural, and organizational
10 changes to the distribution system; and

11 “(B) ensure that relevant qualified per-
12 sonnel, such as an engineer with a professional
13 engineer licensure, subject matter expert, or
14 other employee who possesses the necessary
15 knowledge, experience, and skills regarding nat-
16 ural gas distribution systems, review and certify
17 construction plans for accuracy, completeness,
18 and correctness.”.

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

20 (a) IN GENERAL.—Not later than 3 years after the
21 date of enactment of this Act, the Secretary shall submit
22 to the Committee on Commerce, Science, and Transpor-
23 tation of the Senate and the Committees on Transpor-
24 tation and Infrastructure and Energy and Commerce of
25 the House of Representatives a report describing—

1 (1) the number of operators of natural gas dis-
2 tribution systems who have implemented a pipeline
3 safety management system in accordance with the
4 standard established by the American Petroleum In-
5 stitute entitled “Pipeline Safety Management Sys-
6 tem Requirements” and numbered American Petro-
7 leum Institute Recommended Practice 1173;

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

12 (3) the feasibility of an operator of a natural
13 gas distribution system implementing a pipeline
14 safety management system described in paragraph
15 (1) based on the size of the operator as measured
16 by—

17 (A) the number of customers the operator
18 has; and

19 (B) the amount of natural gas the operator
20 transports.

21 (b) REQUIREMENTS.—As part of the report required
22 under subsection (a), the Secretary shall provide guidance
23 or recommendations that would further the adoption of
24 safety management systems in accordance with the stand-
25 ard established by the American Petroleum Institute enti-

1 tled “Pipeline Safety Management System Requirements”
2 and numbered American Petroleum Institute Rec-
3 ommended Practice 1173.

4 (c) EVALUATION AND PROMOTION OF SAFETY MAN-
5 AGEMENT SYSTEMS.—The Secretary and the relevant
6 State authority with a certification in effect under section
7 60105 of title 49, United States Code, as applicable,
8 shall—

9 (1) promote and assess pipeline safety manage-
10 ment systems frameworks developed by operators of
11 natural gas distribution systems and described in
12 the report under subsection (a), including—

13 (A) if necessary, using independent third-
14 party evaluators; and

15 (B) through a system that promotes self-
16 disclosure of—

17 (i) errors; and

18 (ii) deviations from regulatory stand-
19 ards; and

20 (2) if a deviation from a regulatory standard is
21 identified during the development and application of
22 a pipeline safety management system, certify that—

23 (A) due consideration will be given to fac-
24 tors such as flawed procedures, honest mis-
25 takes, or lack of understanding; and

1 (B) the operators and regulators use the
2 most appropriate tools to fix the deviation, re-
3 turn to compliance, and prevent the recurrence
4 of the deviation, including—

5 (i) root cause analysis; and

6 (ii) training, education, or other ap-
7 propriate improvements to procedures or
8 training programs.

9 **SEC. 206. PIPELINE SAFETY PRACTICES.**

10 Section 60102 of title 49, United States Code (as
11 amended by section 204), is amended by adding at the
12 end the following:

13 “(t) OTHER PIPELINE SAFETY PRACTICES.—

14 “(1) RECORDS.—Not later than 2 years after
15 the date of enactment of this subsection, the Sec-
16 retary shall promulgate regulations to require an op-
17 erator of a distribution system—

18 “(A) to identify and manage traceable, re-
19 liable, and complete records, including maps
20 and other drawings, critical to ensuring proper
21 pressure controls for a gas distribution system,
22 and updating these records as needed, while col-
23 lecting and identifying other records necessary
24 for risk analysis on an opportunistic basis; and

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

3 “(i) accessible to all personnel respon-
4 sible for performing or overseeing relevant
5 construction or engineering work; and

6 “(ii) submitted to, or made available
7 for inspection by, the Secretary or the rel-
8 evant State authority with a certification
9 in effect under section 60105.

10 “(2) PRESENCE OF QUALIFIED EMPLOYEES.—

11 “(A) IN GENERAL.—Not later than 180
12 days after the date of enactment of this sub-
13 section, the Secretary shall promulgate regula-
14 tions to require that not less than 1 agent of
15 an operator of a distribution system who is
16 qualified to perform relevant covered tasks (as
17 defined in section 192.801(b) of title 49, Code
18 of Federal Regulations (or a successor regula-
19 tion)) shall monitor gas pressure at the district
20 regulator station or at an alternative site with
21 equipment capable of ensuring proper pressure
22 controls and have the capability to promptly
23 shut down the flow of gas or control over pres-
24 surization at a district regulator station during
25 any construction project that has the potential

1 to cause a hazardous overpressurization at that
2 station, including tie-ins and abandonment of
3 distribution lines and mains, based on an eval-
4 uation, conducted by the operator, of threats
5 that could result in unsafe operation.

6 “(B) EXCLUSION.—In promulgating regu-
7 lations under subparagraph (A), the Secretary
8 shall ensure that those regulations do not apply
9 to a district regulating station that has a moni-
10 toring system and the capability for remote or
11 automatic shutoff.

12 “(3) DISTRICT REGULATOR STATIONS.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this subsection,
15 the Secretary shall promulgate regulations to
16 require that each operator of a distribution sys-
17 tem assesses and upgrades, as appropriate,
18 each district regulator station of the operator to
19 ensure that—

20 “(i) the risk of the gas pressure in the
21 distribution system exceeding, by a com-
22 mon mode of failure, the maximum allow-
23 able operating pressure (as described in
24 section 192.623 of title 49, Code of Fed-
25 eral Regulations (or a successor regula-

1 tion)) allowed under Federal law (including
2 regulations) is minimized;

3 “(ii) the gas pressure of a low-pres-
4 sure distribution system is monitored, par-
5 ticularly at or near the location of critical
6 pressure-control equipment;

7 “(iii) the regulator station has sec-
8 ondary or backup pressure-relieving or
9 overpressure-protection safety technology,
10 such as a relief valve or automatic shutoff
11 valve, or other pressure-limiting devices ap-
12 propriate for the configuration and siting
13 of the station and, in the case of a regu-
14 lator station that employs the primary and
15 monitor regulator design, the operator
16 shall eliminate the common mode of failure
17 or provide backup protection capable of ei-
18 ther shutting the flow of gas, relieving gas
19 to the atmosphere to fully protect the dis-
20 tribution system from overpressurization
21 events, or there must be technology in
22 place to eliminate a common mode of fail-
23 ure; and

24 “(iv) if the Secretary determines that
25 it is not operationally possible for an oper-

1 ator to implement the requirements under
2 clause (iii), the Secretary shall require
3 such operator to identify actions in their
4 plan that minimize the risk of an over-
5 pressurization event.”.