H. R._____

To amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DeFazio (for himself and Mr. Pallone) introduced the following bill; which was referred to the Committee on ________________

A BILL

To amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes.

1  Be it enacted by the Senate and House of Representa-
2  tives of the United States of America in Congress assembled,
3  SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
4  (a) SHORT TITLE.—This Act may be cited as the
5  “Safe, Accountable, Fair, and Environmentally Respon-
6  sible Pipelines Act of 2019” or the “SAFER Pipelines Act
7  of 2019”.

(Original Signature of Member)
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Authorization of appropriations.
Sec. 3. Purpose and general authority.
Sec. 4. State pipeline safety program certifications.
Sec. 5. State pipeline safety grants.
Sec. 6. Inspection and maintenance.
Sec. 7. Risk analysis and integrity management programs.
Sec. 8. Community right-to-know and emergency preparedness.
Sec. 9. Cost recovery for design reviews.
Sec. 10. Actions by private persons.
Sec. 11. Civil penalties.
Sec. 12. Criminal penalties.
Sec. 13. Emergency response grants.
Sec. 14. Verification of pipeline qualification programs.
Sec. 15. National pipeline mapping system.
Sec. 16. Congressional access to oil spill response plans.
Sec. 17. Leak detection technology.
Sec. 18. Gas pipeline repair criteria.
Sec. 19. Methane release mitigation.
Sec. 20. Unusually sensitive areas.
Sec. 21. User fees for underground natural gas storage facilities.
Sec. 22. Seismicity.
Sec. 23. Pipeline safety testing.
Sec. 24. Workforce.
Sec. 25. Hiring report.
Sec. 26. Plan to combine State damage prevention and one-call notification programs.
Sec. 27. Gas gathering lines.
Sec. 28. Regulatory updates.
Sec. 29. Component verification.
Sec. 30. Codification of final rule.

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 $60,000,000 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 $61,800,000 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 $63,650,000 shall be expended for making grants; and

"(D) $175,700,000 for fiscal year 2023, of which $10,000,000 shall be expended for carrying out such section 12 and $65,560,000 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 car-
rying 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”.

(e) 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(e) of title 49, United
1 States Code, is amended by striking “section 2(b) of the
2 PIPES Act of 2016, the Secretary shall expend
3 $1,500,000 for each of fiscal years 2016 through 2019
4 to carry out this section. Such amounts shall not be de-
5 rived from user fees collected under section 60301” and
6 inserting “section 2(a) of the SAFER Pipelines Act of
7 2019, the Secretary shall expend $2,000,000 for each of
8 fiscal years 2020 through 2023 to carry out this section”.
9
10 (e) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
11 tion 60134(i) of title 49, United States Code, is amended
12 by striking “$1,500,000 for each of fiscal years 2012
13 through 2015” and inserting “$2,000,000 for each of fis-
14 cal years 2020 through 2023”.
15
16 (f) ONE-CALL NOTIFICATION PROGRAMS.—Section
17 6107 of title 49, United States Code, is amended by strik-
18 ing “$1,058,000 for each of fiscal years 2016 through
19 2019” and inserting “$2,000,000 for each of fiscal years
20 2020 through 2023”.

21 SEC. 3. PURPOSE AND GENERAL AUTHORITY.
22
23 (a) COST-BENEFIT ANALYSIS.—Section 60102(b) of
24 title 49, United States Code, is amended—
25
26 (1) in paragraph (2)—
27
28 (A) by striking subparagraphs (C) through
29
30 (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-RELATED CONDITION REPORTING.—
(1) AVAILABILITY OF INFORMATION TO FIRST RESPONDERS.—Section 60102(h) of title 49, United States Code, is amended—
(A) in paragraph (2) by striking "Notice of the condition shall be given concurrently to appropriate State authorities."; and
(B) by adding at the end the following:
"(3)(A) Notice of the condition of an intrastate or interstate pipeline facility shall be given concurrently to appropriate State authorities.
"(B) The Secretary shall require that, upon receipt of a report on a safety-related condition submitted under this section, a State agency shall provide the report, upon request, to any relevant State emergency response commission, tribal emergency response commission, tribal emergency planning committee, local emergency planning committee, local government, or public agency responsible for emergency response, including any updates to the report received by the State agency."
(2) EXEMPTION REMOVAL.—Section 60102(h) of title 49, United States Code, is further amended by adding at the end the following:

"(4) Regulations prescribed by the Secretary under this section may not exempt a condition from being subject to reporting requirements if the exemption of such condition would reduce or eliminate the value of the reports as leading indicators of safety or environmental hazards."

(c) AUTOMATIC OR REMOTE-CONTROLLED SHUT-OFF VALVES.—Section 60102(n)(1) of title 49, United States Code, is amended to read as follows:

"(1) HIGH CONSEQUENCE AREAS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the SAFER Pipelines Act of 2019, the Secretary shall issue regulations to require operators of transmission pipeline facilities to install and use automatic or remote-controlled shut-off valves for such pipeline facilities that are located in high consequence areas (as defined in part 192 or 195 of title 49, Code of Federal Regulations, as applicable).

"(B) OTHER AREAS.—The Secretary may issue regulations to require operators of trans-
mission pipeline facilities to install and use
automatic or remote-controlled shut-off valves
for such pipeline facilities that are not located
in areas described in subparagraph (A).”.

(d) CRACK MANAGEMENT.—Section 60102 of title
49, United States Code, is amended by adding at the end
the following:

“(q) CRACK MANAGEMENT.—

“(1) IN GENERAL.—

“(A) HIGH CONSEQUENCE AREAS.—Not
later than 2 years after the date of enactment
of this subsection, the Secretary shall issue reg-
ulations to require operators of gas pipeline fa-
cilities and hazardous liquid pipeline facilities
that are located in high consequence areas (as
defined in part 192 or 195 of title 49, Code of
Federal Regulations, as applicable) to address
and repair cracks in such facilities.

“(B) OTHER AREAS.—The Secretary may
issue regulations to require operators of gas
pipeline facilities and hazardous liquid pipeline
facilities that are not located in areas described
in subparagraph (A) to address and repair
cracks in such facilities.
“(2) REQUIREMENTS.—Regulations issued under paragraph (1) shall specify—

“(A) under what conditions an engineering assessment of cracks, including environmentally assisted cracks, must be performed;

“(B) acceptable methods for performing an engineering assessment on a pipeline, including the assessment of cracks coinciding with corrosion;

“(C) criteria for determining whether the excavation of a pipeline segment is required due to a probable crack, and deadlines for completing any excavation so required;

“(D) pressure restriction limits for pipelines for which a determination is made to excavate such pipeline pursuant to the requirements of subparagraph (C); and

“(E) acceptable methods for determining crack growth for any cracks not required to be repaired under the regulations, including growth caused by fatigue, corrosion fatigue, or stress corrosion cracking, as applicable.”.
SEC. 4. STATE PIPELINE SAFETY PROGRAM CERTIFICATIONS.

Section 60105(e) of title 49, United States Code, is amended—

(1) by inserting "In carrying out this subsection, the Secretary may request that a State authority provide records of any inspection of a pipeline facility made by the State authority or any investigation described in subsection (c)(1)(B)." after "with the certification."; and

(2) by inserting after "under this subsection" the following: "including, upon request by the Secretary, by authorizing the Secretary to participate in such an inspection or investigation".

SEC. 5. STATE PIPELINE SAFETY GRANTS.

Section 60107 of title 49, United States Code, is amended by adding at the end the following:

"(f) GRANTS FOR RENDERING AID.—The Secretary may make an additional payment, to a State receiving a payment under subsection (a), to pay the costs incurred by the State in rendering aid to another State to respond to a natural disaster or major pipeline incident.".

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 of title 49, United States Code, is amended by adding at the end the following:
“(f) Pipeline Construction Project Data Collection.—The Secretary may require the owner or operator of a pipeline facility to provide to the Secretary information the Secretary determines appropriate regarding construction of the pipeline facility, including relating to any shutdown of such construction.”.

SEC. 7. RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.

Section 60109(e) of title 49, United States Code, is amended by adding at the end the following:

“(12) USE OF DIRECT ASSESSMENTS.—

“(A) Transmission pipeline facilities regulation.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall issue regulations for appropriate methods of assessment of transmission pipeline facilities under paragraph (3) that prioritize methods that provide a greater level of safety than direct assessment, including the use of internal inspection devices or pressure testing.

“(B) Distribution pipelines study.— Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committees on Energy and Commerce and Transportation and Infrastructure of
the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

“(i) the results of a study of methods of assessment of distribution pipelines that may be used under paragraph (3), other than direct assessment, to determine whether any such methods—

“(I) would provide a greater level of safety than direct assessment of such pipelines; and

“(II) are feasible; and

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

SEC. 8. 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 system prior to excavation and other damage prevention 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 subsection, 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, Local, and Tribal 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) any State entity with responsibility for pipeline emergency response in each State in which the pipeline facility is located;

“(B) the appropriate local emergency planning entity in each emergency planning district in which the pipeline facility is located; and

“(C) any Tribal entity with responsibility for pipeline emergency response or planning in the area in which the pipeline facility is located.

“(2) Communities Without Local or Tribal Emergency Planning or Response Entities.—

In a community for which a local or Tribal entity
described in paragraph (1) does not exist, the operator of a gas or hazardous liquid pipeline facility shall liaise, to the extent practicable, with the local fire, police, and other emergency response entities.

"(3) AVAILABILITY OF INFORMATION.—

"(A) EVALUATION.—Not later than 2 years after the date of enactment of the SAFER Pipelines Act of 2019, and based on the consultation required under subparagraph (C), the Secretary shall conduct an evaluation and determine whether State, local, and Tribal entities described in paragraphs (1) and (2) have sufficient access to pipeline emergency response information.

"(B) REGULATION.—If the Secretary determines under subparagraph (A) that State, local, and Tribal entities described in paragraphs (1) and (2) do not have sufficient access to pipeline emergency response information, the Secretary shall issue regulations not later than 3 years after the date of enactment of the SAFER Pipelines Act of 2019 specifying relevant emergency response information and requiring each operator of a gas or hazardous liquid pipeline facility to make such information
available to the applicable State, local, and
Tribal entities described in paragraphs (1) and
(2).

"(C) CONSULTATION.—In conducting the
evaluation under subparagraph (A), the Secre-
try shall consult with national organizations
representing State, local, and Tribal entities de-
described in paragraphs (1) and (2) and the tech-
nical safety standards committees described in
section 60115."

(b) CONFORMING AMENDMENT.—The table of sec-
tions for chapter 601 of title 49, United States Code, is
amended by striking the item relating to section 60116
and inserting the following:

"60116. Community right-to-know and emergency preparedness."

SEC. 9. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117(n)(1)(B)(i) of title 49, United States
Code, is amended by striking ""$2,500,000,000"" and in-
serting ""$250,000,000"".

SEC. 10. 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
1 under this chapter that the Secretary has failed to per-
2 form.”.

3 SEC. 11. CIVIL PENALTIES.
4 Section 60122(a) of title 49, United States Code, is
5 amended—
6 (1) in paragraph (1)—
7 (A) by striking “$200,000” and inserting
8 “$20,000,000”; and
9 (B) by striking “The maximum civil pen-
10 alty under this paragraph for a related series of
11 violations is $2,000,000.”; and
12 (2) in paragraph (2) by striking “$50,000” and
13 inserting “$20,000,000”.

14 SEC. 12. CRIMINAL PENALTIES.
15 Section 60123(a) of title 49, United States Code, is
16 amended by striking “knowingly and willfully” and insert-
17 ing “knowingly or recklessly”.

18 SEC. 13. EMERGENCY RESPONSE GRANTS.
19 Section 60125(b)(1) of title 49, United States Code,
20 is amended by striking “and local governments in high
21 consequence areas, as defined by the Secretary,” and in-
22 serting “local, and Tribal governments, and nonprofit or-
23 ganizations providing pipeline emergency response train-
24 ing,”.
SEC. 14. VERIFICATION OF PIPELINE QUALIFICATION PROGRAMS.

Section 60131(g) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

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

"(3) with respect to any pipeline facility, means a construction task that is performed on the pipeline facility.".

SEC. 15. NATIONAL PIPELINE MAPPING SYSTEM.

(a) INFORMATION TO BE PROVIDED.—Section 60132(a) of title 49, United States Code, is amended—

(1) by striking "Not later than 6 months after the date of enactment of this section, the" and inserting "The"; and

(2) by striking "(except distribution lines and gathering lines)" and inserting ", including a distribution line or a gathering line (but not including any gathering lines that are not regulated under part 192 or part 195 of title 49, Code of Federal Regulations),"."
(b) REQUIREMENTS FOR PROVISION OF INFORMATION.—Section 60132 of title 49, United States Code, is amended—

1. (1) in subsection (b) by striking "under subsection (a)" and inserting "under this section for inclusion in the National Pipeline Mapping System";
2. (2) in subsection (f), by striking "to subsection (a)" and inserting "to this section for inclusion in the National Pipeline Mapping System"; and
3. (3) by adding at the end the following:

"(g) REQUIREMENTS FOR COVERED FACILITIES.—Not later than 1 year after a pipeline facility described in subsection (a) becomes covered by such subsection, the operator of such facility shall provide to the Secretary the information required under paragraphs (1) through (4) of such subsection with respect to such facility.

(h) ADDITIONAL INFORMATION ON DISTRIBUTION LINES.—Not later than 2 years after a distribution line becomes covered by subsection (a), the operator of such distribution line shall provide to the Secretary, in addition to the information required under paragraphs (1) through (4) of subsection (a), information on the distribution systems that could lead to a point of failure, including—

1. sensing lines;
2. regulator stations;
automatic or remote-controlled shut-off valves; and

"(4) any other distribution pipeline technology or feature that the Secretary determines is appropriate to ensure safety.

"(i) UPDATE TO SYSTEM.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection—

"(A) the Secretary shall determine whether the inclusion of additional information in the National Pipeline Mapping System would improve the preparation and response efforts of emergency responders with access to the System; and

"(B) if the Secretary determines under subparagraph (A) that inclusion of additional information in the National Pipeline Mapping System would improve the preparation and response efforts of emergency responders with access to the System, the Secretary shall issue regulations—

"(i) identifying such additional information as the Secretary determines would improve emergency preparedness and response efforts; and
"(ii) requiring each person providing
information under subsection (a) to pro-
vide such additional information.

"(2) CONSIDERATIONS.—In carrying out para-
graph (1), the Secretary shall consider inclusion, to
the extent practicable, of the following information:

"(A) A description of the pipeline facility,
including the length of the facility and origin
and termination points.

"(B) A 5-year incident, and inspection and
enforcement, history for the pipeline facility.

"(C) If applicable, a summary of any in-
tegrity management program activities related
to the pipeline facility.”.

(c) ADDITIONAL INFORMATION ON DISTRIBUTION
LINES.—Not later than 1 year after the date of enactment
of this Act, the Secretary shall issue such regulations as
are necessary to specify the information required to be
provided pursuant to section 60132(h) of title 49, United
States Code.

SEC. 16. CONGRESSIONAL ACCESS TO OIL SPILL RESPONSE
PLANS.

Section 60138(a) of title 49, United States Code, is
amended—

(1) in paragraph (1) by striking “and”;
(2) in paragraph (2)(D) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) provide to a Member of Congress, upon request from such Member, a copy of any such plan, the contents of which the Secretary may not redact but may note, as the Secretary determines appropriate—

"(A) proprietary information; and

"(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.".

SEC. 17. LEAK DETECTION TECHNOLOGY.

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

§ 60142. Leak detection technology

"(a) LEAK DETECTION TECHNOLOGY.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring each operator of a gas pipeline facility to install and use advanced leak detection technology on all gas pipelines it operates.

"(b) REQUIREMENTS.—The advanced leak detection technology required under subsection (a) shall, at a minimum—
“(1) have a high accuracy of identifying leak location;

“(2) be capable of measuring methane concentrations in parts per billion; and

“(3) be capable of correlating methane concentration measurements to data produced by geographic information systems technology.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 601 of title 49, United States Code, is amended by adding at the end the following new item:

“60142. Leak detection technology.”.

SEC. 18. GAS PIPELINE REPAIR CRITERIA.

(a) IN GENERAL.—Chapter 601 of title 49, United States Code, is further amended by adding at the end the following:

§ 60143. Gas pipeline repair criteria

“(a) LEAK REPAIR FOR LARGE LOSS EVENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring each operator of a gas pipeline facility to—

“(1) immediately repair a leak in a gas pipeline facility it operates that results in a large loss event; and

“(2) report information to the Secretary with respect to such large loss event, including—

“(A) the location of such large loss event;
“(B) the total estimated volume of gas released during such event;

“(C) the cause of the failure; and

“(D) the time from the detection of a gas leak to the completion of the repair of such leak.

“(b) LARGE LOSS EVENT DEFINED.—In this section, the term ‘large loss event’ means the loss of 300,000 cubic feet or more of gas.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 601 of title 49, United States Code, is further amended by adding at the end the following new item:

“60143. Gas pipeline repair criteria.”.

SEC. 19. METHANE RELEASE MITIGATION.

(a) IN GENERAL.—Chapter 601 of title 49, United States Code, is further amended by adding at the end the following:

§ 60144. Methane release mitigation

“(a) METHANE CAPTURE FROM ROUTINE OPERATIONS OR MAINTENANCE.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring each operator of a gas pipeline facility to use the best available technology to capture gas released when performing routine operations or maintenance on the pipeline facility.
“(b) REGULATIONS.—In issuing regulations under subsection (a), the Secretary shall establish—

“(1) requirements for the capture of gas released from routine operations, including venting to relieve pressure;

“(2) requirements for the capture of gas released from maintenance operations, including blowdowns; and

“(3) procedures for emergency situations that result in a release of gas.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 601 of title 49, United States Code, is further amended by adding at the end the following new item:

“60144. Methane release mitigation.”.

SEC. 20. UNUSUALLY SENSITIVE AREAS.

(a) COASTAL WATERS; COASTAL BEACHES.—Section 19 of the PIPES Act of 2016 (49 U.S.C. 60109 note) is amended—

(1) in subsection (b) by striking “marine coastal waters” and inserting “coastal waters”; and

(2) by adding at the end the following:

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) COASTAL BEACHES.—The term ‘coastal beaches’ means the land between high and low water marks of coastal waters.
"(2) COASTAL WATERS.—The term 'coastal waters' has the meaning given such term in section 4101 of the Shore Protection Act of 1988 (33 U.S.C. 2601).”.

(b) COASTAL WATERS.—Section 60109(b)(2) of title 49, United States Code, is amended by striking “marine coastal waters” and inserting “coastal waters”.

(c) UPDATES.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall complete the revision required under section 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note), as amended by this section.

SEC. 21. USER FEES FOR UNDERGROUND NATURAL GAS STORAGE FACILITIES.

Section 60302 of title 49, United States Code, is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(C) may only be used to the extent provided in advance in an appropriations Act.”;
(2) by striking paragraph (3) of subsection (c);

and

(3) by adding at the end the following:

"(d) LIMITATIONS.—Fees imposed under subsection (a) shall be sufficient to pay for the costs of activities described in subsection (c), except that the total amount collected for a fiscal year may not be more than 105 percent of the total amount of the appropriations made for the fiscal year activities to be financed by fees."

SEC. 22. SEISMICITY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation, in consultation with the Federal Energy Regulatory Commission, shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall prepare a report containing—

(1) the results of a study that—

(A) evaluates the current Federal requirements for pipeline facility design, siting, construction, operation and maintenance, and integrity management, relating to seismicity, land subsidence, landslides, slope instability, frost heave, soil settlement, erosion, and other dynamic geologic conditions that may pose a safety risk;
(B) identifies any discrepancy in such requirements that apply to operators of gas pipeline facilities and hazardous liquid pipeline facilities; and

(C) identifies any deficiencies in industry practices related to such requirements; and

(2) any recommendations of the National Academy of Sciences based on such results.

(b) REPORT TO CONGRESS.—Upon completion of the report prepared pursuant to subsection (a), the National Academy of Sciences shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate the report.

(c) PIPELINE FACILITIES.—In this section, the term “pipeline facility” has the meaning given that term in section 60101 of title 49, United States Code.

SEC. 23. PIPELINE SAFETY TESTING.

(a) EVALUATION.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of
Representatives, and the Committee on Energy and Commerce of the House of Representatives a report that evaluates concepts for the development of a pipeline safety research and testing facility under the Department of Transportation.

(b) PURPOSE.—The purpose of the facility described in subsection (a) shall be to support the Department of Transportation and other governmental entities in product evaluation, personnel training, and research and development of technology and practices to improve the safety, security, efficiency, and environmental impact of—

(1) transporting hazardous liquids and gas by pipeline; and

(2) storing hazardous liquids or gas for transportation.

(c) USE OF EXISTING FACILITIES.—In conducting the evaluation pursuant to subsection (a), the Secretary shall examine the opportunity to use existing facilities operated by the Department of Transportation or other Federal agencies for research and testing.

(d) REPORT CONTENTS.—The report described in subsection (a) shall include—

(1) the projected costs to establish such a facility;
(2) the projected annual costs to operate such
a facility;

(3) recommendations for sharing or recovering
any establishment and operational expenses from
private-sector, non-profit, or academic entities that
may use the facility;

(4) an evaluation of the feasibility of a partner-
ship with a private-sector, non-profit, or academic
entity to manage or operate the facility;

(5) data and information management protocols
for test results; and

(6) potential benefits and opportunities for en-
hancing the training and development of pipeline
safety personnel.

SEC. 24. WORKFORCE.

(a) STAFFING.—

(1) IN GENERAL.—The Secretary of Transpor-
tation shall increase the number of full-time equiva-
 lent employees (as compared to the number of posi-
tions on the date of enactment of this Act) by—

(A) 8 full-time employees with subject mat-
ter expertise in pipeline safety, pipeline facili-
ties, and pipeline systems to finalize out-
standing rulemakings and fulfill mandates for
the Office of Pipeline Safety of the Pipeline and
Hazardous Materials Safety Administration;

and

(B) 3 full-time attorneys, with environmental expertise, in the Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration.

(2) PIPELINE INSPECTION AND ENFORCEMENT PERSONNEL.—The Secretary shall ensure that the number of positions for pipeline inspection and enforcement personnel in the Office of Pipeline Safety of the Pipeline and Hazardous Materials Safety Administration does not fall below the following:

(A) 222 for fiscal year 2020.

(B) 233 for fiscal year 2021.

(C) 245 for fiscal year 2022.

(D) 258 for fiscal year 2023.

(E) 272 for fiscal year 2024.

(b) RECRUITMENT AND RETENTION AUTHORITIES.—The Secretary shall request authority from the Office of Personnel Management to use incentives, as necessary, to recruit and retain a qualified workforce, including for inspection and enforcement personnel and subject matter experts dedicated to rulemaking activities in the Office of Pipeline Safety of the Pipeline and Hazardous Materials Safety Administration—
(1) special pay rates permitted under section 5305 of title 5, United States Code; and
(2) repayment of student loans accompanied by a continued service agreement, permitted under section 5379 of title 5, United States Code.

SEC. 25. HIRING 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.

SEC. 26. PLAN TO COMBINE STATE DAMAGE PREVENTION AND ONE-CALL NOTIFICATION PROGRAMS.
Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to combine the activities carried out by the Secretary under sections 6106 and 60134 of title 49, United States Code.
SEC. 27. GAS GATHERING LINES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations on gas gathering lines based on the notice of proposed rulemaking published on April 8, 2016, titled “Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines” (81 Fed. Reg. 20722).

(b) REGULATIONS.—The final regulations issued under subsection (a) shall cover—

(1) all gas gathering lines in class 4, class 3, and class 2 locations, as classified in section 192.5 of title 49, Code of Federal Regulations; and

(2) gas gathering lines with a diameter of at least 8 inches that are located in a class 1 location, as classified in section 192.5 of title 49, Code of Federal Regulations.

SEC. 28. REGULATORY UPDATES.

(a) DEFINITION OF OUTSTANDING REGULATION.—In this section, the term “outstanding regulation” means—

(1) a final rule required to be issued under the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90; 125 Stat. 1904) that has not been published in the Federal Register;
(2) a final rule required to be issued under the
Protecting our Infrastructure of Pipelines and En-
hancing Safety Act of 2016 (Public Law 114–183;
130 Stat. 514) that has not been published in the
Federal Register; and

(3) any other final rule regarding gas or haz-
ardous liquid pipeline facilities required to be issued
under this Act or an Act enacted before the date of
enactment of this Act that has not been published
by the date required in such Act in the Federal Reg-
ister.

(b) REQUIREMENT.—Not later than 5 days after the
date of enactment of this Act, and every 30 days there-
after until an outstanding regulation is published in the
Federal Register, the Secretary of Transportation shall
provide an update on the status of each outstanding regu-
lation by—

(1) publishing on a publicly available website of
the Department of Transportation information re-
garding the status of each outstanding regulation;
and

(2) submitting notification to the Committee on
Transportation and Infrastructure of the House of
Representatives, the Committee on Energy and
Commerce of the House of Representatives, and the
Committee on Commerce, Science, and Transportation of the Senate.

(e) CONTENTS.—The information described in section (b)(1) shall include—

(1) with respect to an outstanding regulation under review by the Office of the Secretary for not more than 45 days—

(A) the date that such outstanding regulation was submitted to the Office of the Secretary for review; and

(B) the staff allocations within the Office of the Secretary with respect to each such outstanding regulation and any resource constraints affecting the review;

(2) with respect to an outstanding regulation under review by the Office of the Secretary for more than 45 days—

(A) the information described in paragraph (1);

(B) a description of why such outstanding regulation is under extended review;

(C) a work plan for finalizing review of such outstanding regulation; and

(D) the date of anticipated completion of such review;
(3) with respect to an outstanding regulation
that has been transmitted to neither the Office of
Management and Budget nor the Office of the Sec-
retary—

(A) a description of the work plan for such
outstanding regulation;

(B) the anticipated date on which such
regulation will be transmitted to the Office of
Management and Budget and the Office of the
Secretary;

(C) the staff allocations with respect to
such outstanding regulation;

(D) any resource constraints affecting the
rulemaking process for such outstanding regula-
tion; and

(E) any other details associated with the
development of such outstanding regulation
that affect the progress of the rulemaking proc-
ess with respect to such outstanding regulation;
and

(4) with respect to an outstanding regulation
that has been transmitted to the Office of Manage-
ment and Budget—
(A) the date such outstanding regulation
was submitted to the Office of Management and
Budget for review; and

(B) a statement of whether the out-
standing regulation remains under review by
the Office of Management and Budget or has
been transmitted for further review by the Of-
vice of the Secretary or the Administrator of the
Pipeline and Hazardous Materials Safety Ad-
ministration.

SEC. 29. COMPONENT VERIFICATION.

(a) In General.—Section 60102(e) of title 49,
United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as
subparagraphs (A) and (B);

(2) by striking "The Secretary shall" and in-
serting the following:

"(1) In General.—The Secretary shall";

(3) by adding at the end the following:

"(C) for facilities identified under subpara-
graphs (A) and (B), shall include, for all pipes
and related components for which the regula-
tions of the Pipeline and Hazardous Materials
Safety Administration require compliance with
a standard incorporated by reference for such
pipe or related component, documentation of verification that such pipe or related component meets such standard.

"(2) VERIFICATION.—The verification described in paragraph (1)(C) shall be conducted by—

"(A) an independent third party on behalf of the operator;

"(B) the operator, so long as such operator does not pay, or receive payment from, a manufacturer, distributor, or supplier of a pipe or related component described in paragraph (1)(C) for such verification; or

"(C) a United States manufacturer of a pipe or related component described in paragraph (1)(C) that is accredited by the International Organization for Standardization.

"(3) DEFINITIONS.—In this subsection:

"(A) VERIFICATION.—The term ‘verification’ means sufficient testing and auditing to confirm that a standard has been met in the production of a pipe or related component.

"(B) INDEPENDENT THIRD PARTY.—The term ‘independent third party’ means an entity that—
"(i) does not have a commercial relationship with the manufacturer or supplier of a pipe or related component; and

"(ii) is accredited by the International Organization for Standardization."; and

(4) APPLICABILITY.—The amendments made by this subsection shall only apply to pipes and components that are—

(A) covered by the amendments made by such subsection; and

(B) purchased on or after the date of enactment of this Act.

(b) REVIEW OF COMPLIANCE OF FLANGES AND FITTINGS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall complete a review of the compliance of flanges and fittings of a pipeline facility (as such term is defined in section 60101 of title 49, United States Code) with Federal requirements.

(2) CONTENTS OF REVIEW.—The review required under paragraph (1) shall include—

(A) a compilation of the existing standards that are incorporated by reference in regula-
tions of the Pipeline and Hazardous Materials
Safety Administration and apply to the manu-
ufacturing, operation, and maintenance of such
flanges and fittings;

(B) a review of the existing oversight au-
thority of the Secretary of Transportation over
manufacturers and distributors of such flanges
and fittings and any lack of oversight authority
that could lead to incidents or accidents;

(C) an analysis of the degree of compliance
by such manufacturers and distributors with
the standards described in subparagraph (A),
the identification of any instances of non-com-
pliance with such standards, and the form, de-
gree, and scope of such non-compliance;

(D) a review of the extent to which
verification (as such term is defined in section
60102(e) of title 49, United States Code, as
added by this section) by operators of pipeline
facilities of whether such flanges and fittings of
pipeline facilities meet the applicable standards
described in subparagraph (A) is occurring;

(E) a review of the safety benefits of re-
quiring pipeline incident reports to include the
identification of the manufacturer of the flanges
and fittings involved in those incidents; and

(F) identification and recommendation of
any additional authorities or responsibilities for
the Secretary of Transportation, or additional
standards, necessary to improve the safety and
integrity of flanges and fittings through manu-
ufacturing and distribution.

(3) REPORT.—Not later than 210 days after
the date of enactment of this Act, the Comptroller
General shall submit to the Committee on Com-
merce, Science, and Transportation of the Senate,
the Committee on Transportation and Infrastructure
of the House of Representatives, and the Secretary
of Transportation a report containing the results of
the review completed under paragraph (1) and any
recommendations for legislation or changes to exist-
ing regulations.

(4) PUBLIC COMMENT PROCESS.—

(A) IN GENERAL.—Not later than 30 days
after submission of the report required under
paragraph (3) to the Secretary, the Secretary
shall provide a period of not fewer than 60 days
for public comment regarding such report.
(B) REPORT.—Not later than 180 days after the end of the public comment period described in subparagraph (A), the Secretary shall publish in the Federal Register a report responding to the public comments submitted.

(C) CONTENTS OF REPORT.—In the report described in subparagraph (B), the Secretary shall indicate any anticipated actions the Secretary will take with respect to flanges and fittings of a pipeline facility based on the comments submitted under this paragraph and the report under paragraph (3).

SEC. 30. CODIFICATION OF FINAL RULE.

The amendments to the Code of Federal Regulations made pursuant to the final rule of the Environmental Protection Agency, titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources” and published in the Federal Register on June 3, 2016 (81 Fed. Reg. 35824), shall have the same force and effect of law as if such amendments had been enacted by an Act of Congress, except that the Administrator of the Environmental Protection Agency may revise such regulations, as provided for under the Clean Air Act, if such revision would result in a reduction in gas release.