2019 Congressional Reauthorization of the Pipeline Safety Act
What is Reauthorization?

Every four years Congress reviews and reauthorizes the section of the statutes that make up the national Pipeline Safety Act. This includes:

- Authorizing spending levels for various PHMSA efforts, and where the money comes from
- Review of implementation of previous Congressional mandates
- Tweaking of statutes in need of revision
- New directives to PHMSA
Who is normally involved?

Three Congressional Committees
- Senate Commerce, Science, & Transportation Committee
- House Transportation & Infrastructure Committee
- House Energy & Commerce Committee

They normally seek witnesses and assistance from PHMSA, State Regulators, NTSB, GAO, the DOT Inspector General, the Pipeline Industry, Public Safety Advocates

Each committee normally produces their own bill and then there is a process to work out the differences between bills to come up with a final version.
Where we at as of today?

• The Senate Committee has passed a bill which is S.2299 - Protecting Our Infrastructure of Pipelines Enhancing Safety (PIPFES) Act of 2019

• Neither House Committee has yet passed a bill. House Energy introduced one for possible markup, but that never happened and it is now being reworked.
Some Interesting Issues that have come up this year for consideration

Changing the Civil and Criminal Penalty Sections

Civil

- Increase PHMSA’s authority to fine companies
- Make pipeline failures illegal

Criminal

- Make it easier to prosecute pipeline companies criminally
- Make it easier to prosecute protestors harming pipelines criminally
Some Interesting Issues that have come up this year for consideration

- Removal of Cost-Benefit requirements from the statute

- Addition of a Mandamus Clause

  M A N D A M U S .—A person may bring a civil action in an appropriate district court of the United States to compel the Secretary to perform a nondiscretionary duty under this chapter that the Secretary has failed to perform.
Some Interesting Issues that have come up this year for consideration

Changes to Reporting Requirements

**Strengthening** – Reduce the amount of natural gas that can be released down from the current 3 million cubic feet

**Weakening** – Increase reporting threshold for the amount of property damage that is allowed
Some Interesting Issues that have come up this year for consideration

- Attempts to get some sort of regulatory control of the 435,000 miles of unregulated gathering lines.
- Making unintended releases from pipelines illegal.
Some Interesting Issues that have come up this year for consideration

- Automated shutoff valves and Leak Detection
- More prescriptive rules for gas distribution operations, construction and integrity management from lessons learned in the Merrimack Valley tragedy
Next Steps – Unconfirmed Rumors

Expect to see both House committees introduce, markup, and pass very similar bills, with the hope of full House passage by the end of the year.

Expect to see full Senate passage of their bill near the end of the year. Still unclear whether any Senators will try to block it.

Expect to see the House and Senate form a conference committee to work out differences and something to pass in early 2020.