

116TH CONGRESS
1ST SESSION

H. R. 3699

To codify the Transportation Security Administration’s responsibility relating to securing pipelines against cybersecurity threats, acts of terrorism, and other nefarious acts that jeopardize the physical security or cybersecurity of pipelines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

Mr. CLEAVER introduced the following bill; which was referred to the
Committee on Homeland Security

A BILL

To codify the Transportation Security Administration’s responsibility relating to securing pipelines against cybersecurity threats, acts of terrorism, and other nefarious acts that jeopardize the physical security or cybersecurity of pipelines, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pipeline Security Act”.

5 **SEC. 2. PIPELINE SECURITY RESPONSIBILITIES.**

6 Subsection (f) of section 114 of title 49, United
7 States Code, is amended—

1 (1) in paragraph (15), by striking “and” after
2 the semicolon at the end;

3 (2) by redesignating paragraph (16) as para-
4 graph (17); and

5 (3) by inserting after paragraph (15) the fol-
6 lowing new paragraph:

7 “(16) maintain responsibility, in coordination
8 with the Director of the Cybersecurity and Infra-
9 structure Security Agency, as appropriate, relating
10 to securing pipeline transportation and pipeline fa-
11 cilities (as such terms are defined in section 60101
12 of this title) against cybersecurity threats (as such
13 term is defined in section 102 of the Cybersecurity
14 Information Sharing Act of 2015 (Public Law 114–
15 113; 6 U.S.C. 1501)), an act of terrorism (as such
16 term is defined in section 3077 of title 18), and
17 other nefarious acts that jeopardize the physical se-
18 curity or cybersecurity of such transportation or fa-
19 cilities; and”.

20 **SEC. 3. PIPELINE SECURITY SECTION.**

21 (a) IN GENERAL.—Title XII of the Implementing
22 Recommendations of the 9/11 Commission Act of 2007 is
23 amended by adding at the end the following new section:

1 **“SEC. 1209. PIPELINE SECURITY SECTION.**

2 “(a) ESTABLISHMENT.—There is within the Trans-
3 portation Security Administration a pipeline security sec-
4 tion to carry out pipeline security programs in furtherance
5 of section 114(f)(16) of title 49, United States Code.

6 “(b) MISSION.—The mission of the section referred
7 to in subsection (a) is to oversee, in coordination with the
8 the Cybersecurity and Infrastructure Security Agency of
9 the Department of Homeland Security, the security of
10 pipeline transportation and pipeline facilities (as such
11 terms are defined in section 60101 of title 49, United
12 States Code) against cybersecurity threats (as such term
13 is defined in section 102 of the Cybersecurity Information
14 Sharing Act of 2015 (Public Law 114–113; 6 U.S.C.
15 1501)), an act of terrorism (as such term is defined in
16 section 3077 of title 18, United States Code), and other
17 nefarious acts that jeopardize the physical security or cy-
18 bersecurity of such transportation or facilities.

19 “(c) LEADERSHIP; STAFFING.—The Administrator of
20 the Transportation Security Administration shall appoint
21 as the head of the section an individual with knowledge
22 of the pipeline industry and security best practices, as de-
23 termined appropriate by the Administrator. The section
24 shall be staffed by a workforce that includes personnel
25 with cybersecurity expertise.

1 “(d) RESPONSIBILITIES.—The section shall be re-
2 sponsible for carrying out the duties of the section as di-
3 rected by the Administrator of the Transportation Secu-
4 rity Administration, acting through the head appointed
5 pursuant to subsection (c). Such duties shall include the
6 following:

7 “(1) Developing, in consultation with relevant
8 Federal, State, local, Tribal, territorial entities and
9 public and private sector stakeholders, guidelines for
10 improving the security of pipeline transportation and
11 pipeline facilities against cybersecurity threats, an
12 act of terrorism, and other nefarious acts that jeop-
13 ardize the physical security or cybersecurity of such
14 transportation or facilities.

15 “(2) Updating such guidelines as necessary
16 based on intelligence and risk assessments, but not
17 less frequently than every three years.

18 “(3) Sharing of such guidelines and, as appro-
19 priate, intelligence and information regarding such
20 security threats to pipeline transportation and pipe-
21 line facilities, as appropriate, with relevant Federal,
22 State, local, Tribal, and territorial entities and pub-
23 lic and private sector stakeholders.

24 “(4) Conducting security assessments based on
25 the guidelines developed pursuant to paragraph (1)

1 to provide recommendations for the improvement of
2 the security of pipeline transportation and pipeline
3 facilities against cybersecurity threats, an act of ter-
4 rorism, and other nefarious acts that jeopardize the
5 physical security or cybersecurity of such transpor-
6 tation or facilities, including the security plans,
7 practices, and training programs maintained by own-
8 ers and operators of pipeline facilities.

9 “(5) Carrying out a program to inspect pipeline
10 transportation and pipeline facilities, including in-
11 spections of pipeline facilities determined critical by
12 the Administrator based on a risk assessment con-
13 ducted in consultation with relevant Federal, State,
14 local, Tribal, and territorial entities and public and
15 private sector stakeholders.

16 “(6) Preparing notice and comment regulations
17 for publication, if determined necessary by the Ad-
18 ministrator.

19 “(e) DETAILS.—In furtherance of the section’s mis-
20 sion, as set forth in subsection (b), the Administrator and
21 the Director of the Cybersecurity and Infrastructure Secu-
22 rity Agency may detail personnel between their compo-
23 nents to leverage expertise.”.

24 (b) UPDATED GUIDELINES.—Not later than March
25 31, 2021, the section shall publish updated guidelines pur-

1 suant to section 1209 of the Implementing Recommenda-
2 tions of the 9/11 Commission Act of 2007, as added by
3 subsection (a).

4 (c) CLERICAL AMENDMENT.—The table of contents
5 for the Implementing Recommendations of the 9/11 Com-
6 mission Act of 2007 is amended by inserting after the item
7 relating to section 1208 the following new item:

“Sec. 1209. Pipeline security section.”.

8 **SEC. 4. PERSONNEL STRATEGY.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Administrator of
11 the Transportation Security Administration, in coordina-
12 tion with the Director of the Cybersecurity and Infrastruc-
13 ture Security Agency of the Department of Homeland Se-
14 curity, shall develop a personnel strategy for enhancing
15 operations within the pipeline security section of the
16 Transportation Security Administration, as established
17 pursuant to section 1209 of the Implementing Rec-
18 ommendations of the 9/11 Commission Act of 2007, as
19 added by section 3.

20 (b) CONTENTS.—The strategy required under sub-
21 section (a) shall take into consideration the most recently
22 published versions of each of the following documents:

23 (1) The Transportation Security Administration
24 National Strategy for Transportation Security.

1 (2) The Department of Homeland Security Cy-
2 bersecurity Strategy.

3 (3) The Transportation Security Administration
4 Cybersecurity Roadmap.

5 (4) The Department of Homeland Security Bal-
6 anced Workforce Strategy.

7 (5) The Department of Homeland Security
8 Quadrennial Homeland Security Review.

9 (c) RESOURCES.—The strategy shall include an as-
10 sessment of additional resources determined necessary by
11 the Administrator.

12 (d) SUBMISSION TO CONGRESS.—Upon development
13 of the strategy, the Administrator of the Transportation
14 Security Administration shall provide to the Committee on
15 Homeland Security of the House of Representatives and
16 the Committee on Commerce, Science, and Transportation
17 of the Senate a copy of such strategy.

18 **SEC. 5. OVERSIGHT.**

19 (a) REPORT TO CONGRESS.—The Administrator of
20 the Transportation Security Administration shall report to
21 the Committee on Homeland Security of the House of
22 Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate not less than
24 annually on activities of the pipeline security section of
25 the Administration, as established pursuant to section

1 1209 of the Implementing Recommendations of the 9/11
2 Commission Act of 2007, as added by section 3, including
3 information with respect to guidelines, security assess-
4 ments, and inspections. Each such report shall include a
5 determination by the Administrator regarding whether
6 there is a need for new regulations or non-regulatory ini-
7 tiatives and the basis for such determination.

8 (b) GAO REVIEW.—Not later than two years after
9 the date of the enactment of this Act, the Comptroller
10 General of the United States shall conduct a review of the
11 implementation of this Act and the amendments made by
12 this Act.

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