

Union Calendar No. 224

116TH CONGRESS
1ST SESSION

H. R. 3699

[Report No. 116-279]

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

NOVEMBER 12, 2019

Additional sponsor: Mr. TAYLOR

NOVEMBER 12, 2019

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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—

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

10 (2) by redesignating paragraph (16) as para-
11 graph (17); and

12 (3) by inserting after paragraph (15) the fol-
13 lowing new paragraph:

14 “(16) maintain responsibility, in coordination
15 with the Director of the Cybersecurity and Infra-
16 structure Security Agency, as appropriate, relating
17 to securing pipeline transportation and pipeline fa-
18 cilities (as such terms are defined in section 60101
19 of this title) against cybersecurity threats (as such
20 term is defined in section 102 of the Cybersecurity
21 Information Sharing Act of 2015 (Public Law 114–
22 113; 6 U.S.C. 1501)), an act of terrorism (as such
23 term is defined in section 3077 of title 18), and
24 other nefarious acts that jeopardize the physical se-

1 security or cybersecurity of such transportation or fa-
2 cilities; and”.

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

4 (a) IN GENERAL.—Title XII of the Implementing
5 Recommendations of the 9/11 Commission Act of 2007
6 (Public Law 110–53) is amended by adding at the end
7 the following new section:

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

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

13 “(b) MISSION.—The mission of the section referred
14 to in subsection (a) is to oversee, in coordination with the
15 the Cybersecurity and Infrastructure Security Agency of
16 the Department of Homeland Security, the security of
17 pipeline transportation and pipeline facilities (as such
18 terms are defined in section 60101 of title 49, United
19 States Code) against cybersecurity threats (as such term
20 is defined in section 102 of the Cybersecurity Information
21 Sharing Act of 2015 (Public Law 114–113; 6 U.S.C.
22 1501)), an act of terrorism (as such term is defined in
23 section 3077 of title 18, United States Code), and other
24 nefarious acts that jeopardize the physical security or cy-
25 bersecurity of such transportation or facilities.

1 “(c) LEADERSHIP; STAFFING.—The Administrator of
2 the Transportation Security Administration shall appoint
3 as the head of the section an individual with knowledge
4 of the pipeline industry and security best practices, as de-
5 termined appropriate by the Administrator. The section
6 shall be staffed by a workforce that includes personnel
7 with cybersecurity expertise.

8 “(d) RESPONSIBILITIES.—The section shall be re-
9 sponsible for carrying out the duties of the section as di-
10 rected by the Administrator of the Transportation Secu-
11 rity Administration, acting through the head appointed
12 pursuant to subsection (c). Such duties shall include the
13 following:

14 “(1) Developing, in consultation with relevant
15 Federal, State, local, Tribal, territorial entities and
16 public and private sector stakeholders, guidelines for
17 improving the security of pipeline transportation and
18 pipeline facilities against cybersecurity threats, an
19 act of terrorism, and other nefarious acts that jeop-
20 ardize the physical security or cybersecurity of such
21 transportation or facilities, consistent with the Na-
22 tional Institute of Standards and Technology
23 Framework for Improvement of Critical Infrastruc-
24 ture Cybersecurity and any update to such guide-
25 lines pursuant to section 2(c)(15) of the National

1 Institute for Standards and Technology Act (15
2 U.S.C. 272(e)(15)).

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

6 “(3) Sharing of such guidelines and, as appro-
7 priate, intelligence and information regarding such
8 security threats to pipeline transportation and pipe-
9 line facilities, as appropriate, with relevant Federal,
10 State, local, Tribal, and territorial entities and pub-
11 lic and private sector stakeholders.

12 “(4) Conducting voluntary security assessments
13 based on the guidelines developed pursuant to para-
14 graph (1) to provide recommendations for the im-
15 provement of the security of pipeline transportation
16 and pipeline facilities against cybersecurity threats,
17 an act of terrorism, and other nefarious acts that
18 jeopardize the physical security or cybersecurity of
19 such transportation or facilities, including the secu-
20 rity policies, plans, practices, and training programs
21 maintained by owners and operators of pipeline fa-
22 cilities.

23 “(5) Carrying out a program through which the
24 Administrator identifies and ranks the relative risk
25 of pipelines and inspects pipeline facilities des-

1 ignated by owners and operators of such facilities as
2 critical based on the guidelines developed pursuant
3 to paragraph (1).

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

7 “(e) DETAILS.—In furtherance of the section’s mis-
8 sion, as set forth in subsection (b), the Administrator and
9 the Director of the Cybersecurity and Infrastructure Secu-
10 rity Agency may detail personnel between their compo-
11 nents to leverage expertise. Personnel detailed from the
12 Cybersecurity and Infrastructure Security Agency may be
13 considered as fulfilling the cybersecurity expertise require-
14 ments in referred to in subsection (e).”.

15 (b) UPDATED GUIDELINES.—Not later than March
16 31, 2021, the section shall publish updated guidelines pur-
17 suant to section 1209 of the Implementing Recommenda-
18 tions of the 9/11 Commission Act of 2007, as added by
19 subsection (a).

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

“Sec. 1209. Pipeline security section.”.

1 **SEC. 4. PERSONNEL STRATEGY.**

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

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

16 (1) The Transportation Security Administration
17 National Strategy for Transportation Security.

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

20 (3) The Transportation Security Administration
21 Cybersecurity Roadmap.

22 (4) The Department of Homeland Security Bal-
23 anced Workforce Strategy.

24 (5) The Department of Homeland Security
25 Quadrennial Homeland Security Review.

1 (c) RESOURCES.—The strategy shall include an as-
2 sessment of resources determined necessary by the Admin-
3 istrator.

4 (d) SUBMISSION TO CONGRESS.—Upon development
5 of the strategy, the Administrator of the Transportation
6 Security Administration shall provide to the Committee on
7 Homeland Security of the House of Representatives and
8 the Committee on Commerce, Science, and Transportation
9 of the Senate a copy of such strategy.

10 **SEC. 5. OVERSIGHT.**

11 (a) REPORT TO CONGRESS.—The Administrator of
12 the Transportation Security Administration shall report to
13 the Committee on Homeland Security of the House of
14 Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate not less than
16 annually on activities of the pipeline security section of
17 the Administration, as established pursuant to section
18 1209 of the Implementing Recommendations of the 9/11
19 Commission Act of 2007, as added by section 3, including
20 information with respect to guidelines, security assess-
21 ments, and inspections. Each such report shall include a
22 determination by the Administrator regarding whether
23 there is a need for new regulations or non-regulatory ini-
24 tiatives and the basis for such determination.

1 (b) GAO REVIEW.—Not later than two years after
2 the date of the enactment of this Act, the Comptroller
3 General of the United States shall conduct a review of the
4 implementation of this Act and the amendments made by
5 this Act.

6 **SEC. 6. STAKEHOLDER ENGAGEMENT.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the Administrator of the Transportation
9 Security Administration shall convene not less than two
10 industry days to engage with relevant pipeline transpor-
11 tation and pipeline facilities stakeholders on matters re-
12 lated to the security of pipeline transportation and pipeline
13 facilities (as such terms are defined in section 60101 of
14 title 49, United States Code).

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