AMENDMENT TO RULES

COMMITTEE PRINT 117–8

OFFERED BY MR. CLEAVER OF MISSOURI

Page 1510, after line 5, insert the following:

DIVISION H—PIPELINE SECURITY

SEC. 11101. SHORT TITLE.

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

SEC. 11102. PIPELINE SECURITY RESPONSIBILITIES.

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

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

(2) by redesignating paragraph (16) as paragraph (17); and

(3) by inserting after paragraph (15) the following new paragraph:

“(16) maintain responsibility, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate, relating to securing pipeline transportation and pipeline facilities (as such terms are defined in section 60101
of this title) against cybersecurity threats (as such term is defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (Public Law 114–113; 6 U.S.C. 1501)), an act of terrorism (as such term is defined in section 3077 of title 18), and other nefarious acts that jeopardize the physical security or cybersecurity of such transportation or facilities; and”.

SEC. 11103. PIPELINE SECURITY DIVISION.

(a) In General.—Title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding at the end the following:

“Subtitle D—Pipeline Security

“SEC. 1631. PIPELINE SECURITY DIVISION.

“(a) Establishment.—There is within the Administration a pipeline security division to carry out pipeline security programs in furtherance of section 114(f)(16) of title 49, United States Code.

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

“(c) LEADERSHIP; STAFFING.—The Administrator shall appoint as the head of the division an individual in the executive service of the Administration with knowledge of the pipeline industry and security best practices, as determined appropriate by the Administrator. The division shall be staffed by a workforce that includes personnel with cybersecurity expertise.

“(d) RESPONSIBILITIES.—The division shall be responsible for carrying out the duties of the division as directed by the Administrator, acting through the head appointed pursuant to subsection (c). Such duties shall include the following:

“(1) Developing, in consultation with relevant Federal, State, local, Tribal, and territorial entities and public and private sector stakeholders, guidelines for improving the security of pipeline transportation and pipeline facilities against cybersecurity threats, an act of terrorism, and other nefarious acts that jeopardize the physical security or cybersecurity
of such transportation or facilities, consistent with
the National Institute of Standards and Technology
Framework for Improvement of Critical Infrastruc-
ture Cybersecurity and any update to such guide-
lines pursuant to section 2(c)(15) of the National
Institute for Standards and Technology Act (15
U.S.C. 272(c)(15)).

“(2) Updating such guidelines as necessary
based on intelligence and risk assessments, but not
less frequently than every three years, unless such
guidelines are superseded by directives or regula-
tions.

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

“(4) Conducting voluntary security assessments
based on such guidelines, or mandatory security as-
sessments if required by superseding directives or
regulations, to provide recommendations or require-
ments for the improvement of the security of pipe-
line transportation and pipeline facilities against cy-
bersecurity threats, an act of terrorism, and other
nefarious acts that jeopardize the physical security or cybersecurity of such transportation or facilities, including the security policies, plans, practices, and training programs maintained by owners and operators of pipeline facilities.

“(5) Carrying out a program through which the Administrator identifies and ranks the relative risk of pipelines and inspects pipeline facilities designated by owners and operators of such facilities as critical based on such guidelines or superseding directives or regulations.

“(6) Supporting the development and implementation of a security directive or regulation when the Administrator issues such a directive or regulation.

“(e) DETAILS.—In furtherance of the division’s mission, as set forth in subsection (b), the Administrator and the Director of the Cybersecurity and Infrastructure Security Agency may detail personnel between their components to leverage expertise. Personnel detailed from the Cybersecurity and Infrastructure Security Agency may be considered as fulfilling the cybersecurity expertise requirements in referred to in subsection (e).”.

(b) UPDATED GUIDELINES.—Not later than one year after the date of the enactment of this Act, the pipeline
security division of the Transportation Security Administra-
tion established pursuant to section 1631 of the Homel-
land Security Act of 2002, as added by subsection (a),
shall publish updated guidelines described in subsection
(d) of such section, except to the extent such guidelines
have been superseded by directives or regulations.

(c) **Clerical Amendments.**—The table of contents
in section 1(b) of the Homeland Security Act of 2002 is
amended by—

(1) striking the item relating to section 1617
and inserting the following new item:

“Sec. 1617. Diversified security technology industry marketplace.”;

(2) by striking the item relating to section 1621
and inserting the following new item:

“Sec. 1621. Maintenance validation and oversight.”;

(3) inserting after the item relating to section
1621 the following:

“Subtitle D—Pipeline Security

“Sec. 1631. pipeline security division.”.

SEC. 11104. PERSONNEL STRATEGY.

(a) **In General.**—Not later than 180 days after the
date of the enactment of this Act, the Administrator of
the Transportation Security Administration, in coordina-
tion with the Director of the Cybersecurity and Infrastruc-
ture Security Agency of the Department of Homeland Se-
curity, shall develop a personnel strategy for enhancing
operations within the pipeline security division of the Transportation Security Administration established pursuant to section 1631 of the Homeland Security Act of 2002, as added by section 11103.

(b) CONTENTS.—The strategy required under subsection (a) shall take into consideration the most recently published versions of each of the following documents:

(3) The Transportation Security Administration Cybersecurity Roadmap.

cybersecurity expertise determined necessary by the Administrator of the Transportation Security Administration and a plan for developing such expertise within the Administration.

d) RESOURCES.—The strategy shall include an assessment of resources determined necessary by the Admin-

istrator of the Transportation Security Administration to carry out such strategy.

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

SEC. 11105. OVERSIGHT.

(a) REPORT TO CONGRESS.—The Administrator of the Transportation Security Administration shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not less than annually on activities of the pipeline security division of the Administration established pursuant to section 1631 of the Homeland Security Act of 2002, as added by section 11103, including information with respect to guidelines, directives, regulations, security assessments, and inspections under such section. Each such report shall include a determination by the Administrator regarding whether there is a need for new regulations or non-regulatory initiatives and the basis for such determination.

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

SEC. 11106. STAKEHOLDER ENGAGEMENT.

Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall convene not less than two industry days to engage with relevant pipeline transportation and pipeline facilities stakeholders on matters related to the security of pipeline transportation and pipeline facilities (as such terms are defined in section 60101 of title 49, United States Code).