

Union Calendar No. 60

117TH CONGRESS
1ST SESSION

H. R. 3243

[Report No. 117-85]

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

MAY 14, 2021

Mr. CLEAVER (for himself, Mr. THOMPSON of Mississippi, Mr. KATKO, Mrs. WATSON COLEMAN, Ms. CLARKE of New York, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. CORREA, Mr. GREEN of Texas, Mr. SWALWELL, Ms. TITUS, Ms. BARRAGÁN, Mrs. LURIA, Mr. TORRES of New York, and Mr. GIMENEZ) introduced the following bill; which was referred to the Committee on Homeland Security

JULY 13, 2021

Additional sponsors: Mr. VAN DREW and Mrs. AXNE

JULY 13, 2021

Reported with amendments, 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 PIPELINE SECURITY**
 4 ***DIVISION.***

5 (a) IN GENERAL.—Title XVI of the Homeland Secu-
 6 rity Act of 2002 (6 U.S.C. 561 et seq.) is amended by
 7 adding at the end the following:

8 **“Subtitle D—Pipeline Security**

9 **“SEC. 1631. PIPELINE SECURITY SECTION PIPELINE SECU-**
 10 ***RITY DIVISION.***

11 “(a) ESTABLISHMENT.—There is within the Admin-
 12 istration a ~~pipeline security section~~ *pipeline security divi-*
 13 *sion* to carry out pipeline security programs in furtherance
 14 of section 114(f)(16) of title 49, United States Code.

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

1 jeopardize the physical security or cybersecurity of such
2 transportation or facilities.

3 “(c) LEADERSHIP; STAFFING.—The Administrator
4 shall appoint as the head of the ~~section~~ *division* an indi-
5 *vidual in the executive service of the Administration* with
6 knowledge of the pipeline industry and security best prac-
7 tices, as determined appropriate by the Administrator.
8 The ~~section~~ *division* shall be staffed by a workforce that
9 includes personnel with cybersecurity expertise.

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

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

1 lines pursuant to section 2(c)(15) of the National
2 Institute for Standards and Technology Act (15
3 U.S.C. 272(c)(15)).

4 “(2) Updating such guidelines as necessary
5 based on intelligence and risk assessments, but not
6 less frequently than every three years, *unless such*
7 *guidelines are superseded by directives or regulations.*

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

14 “(4) Conducting voluntary security assessments
15 based on such guidelines ~~to provide recommenda-~~
16 ~~tions~~, *or mandatory security assessments if required*
17 *by superseding directives or regulations, to provide*
18 *recommendations or requirements* for the improve-
19 ment of the security of pipeline transportation and
20 pipeline facilities against cybersecurity threats, an
21 act of terrorism, and other nefarious acts that jeop-
22 ardize the physical security or cybersecurity of such
23 transportation or facilities, including the security
24 policies, plans, practices, and training programs

1 maintained by owners and operators of pipeline fa-
2 cilities.

3 “(5) Carrying out a program through which the
4 Administrator identifies and ranks the relative risk
5 of pipelines and inspects pipeline facilities des-
6 ignated by owners and operators of such facilities as
7 critical based on such guidelines *or superseding di-*
8 *rectives or regulations.*

9 ~~“(6) Preparing notice and comment regulations~~
10 ~~for publication, if determined necessary by the Ad-~~
11 ~~ministrator.~~

12 “(6) *Supporting the development and implemen-*
13 *tation of a security directive or regulation when the*
14 *Administrator issues such a directive or regulation.*

15 “(e) DETAILS.—In furtherance of the ~~section’s~~ *divi-*
16 *sion’s* mission, as set forth in subsection (b), the Adminis-
17 trator and the Director of the Cybersecurity and Infra-
18 structure Security Agency may detail personnel between
19 their components to leverage expertise. Personnel detailed
20 from the Cybersecurity and Infrastructure Security Agen-
21 cy may be considered as fulfilling the cybersecurity exper-
22 tise requirements in referred to in subsection (c).”.

23 (b) UPDATED GUIDELINES.—Not later than one year
24 after the date of the enactment of this Act, the ~~pipeline~~
25 ~~security section~~ *pipeline security division* of the Transpor-

1 tation Security Administration established pursuant to
 2 section 1631 of the Homeland Security Act of 2002, as
 3 added by subsection (a), shall publish updated guidelines
 4 described in subsection (d) of such section, *except to the*
 5 *extent such guidelines have been superseded by directives*
 6 *or regulations.*

7 (c) CLERICAL AMENDMENTS.—The table of contents
 8 in section 1(b) of the Homeland Security Act of 2002 is
 9 amended by—

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

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

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

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

14 (3) inserting after the item relating to section
 15 1621 the following:

“Subtitle D—Pipeline Security

“Sec. 1631. ~~Pipeline security section~~ *Pipeline security division.*”.

16 **SEC. 4. PERSONNEL STRATEGY.**

17 (a) IN GENERAL.—Not later than 180 days after the
 18 date of the enactment of this Act, the Administrator of
 19 the Transportation Security Administration, in coordina-
 20 tion with the Director of the Cybersecurity and Infrastruc-
 21 ture Security Agency of the Department of Homeland Se-
 22 curity, shall develop a personnel strategy for enhancing

1 operations within the ~~pipeline security section~~ *pipeline se-*
2 *curity division* of the Transportation Security Administra-
3 tion established pursuant to section 1631 of the Homeland
4 Security Act of 2002, as added by section 3.

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

8 (1) The Transportation Security Administration
9 National Strategy for Transportation Security.

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

12 (3) The Transportation Security Administration
13 Cybersecurity Roadmap.

14 (4) The Department of Homeland Security Bal-
15 anced Workforce Strategy.

16 (5) The Department of Homeland Security
17 Quadrennial Homeland Security Review.

18 (c) *CYBERSECURITY EXPERTISE*.—*The strategy shall*
19 *include an assessment of the cybersecurity expertise deter-*
20 *mined necessary by the Administrator of the Transpor-*
21 *tation Security Administration and a plan for developing*
22 *such expertise within the Administration.*

23 ~~(d)~~ (d) RESOURCES.—The strategy shall include an
24 assessment of resources determined necessary by the Ad-

1 administrator of the Transportation Security Administration
2 to carry out such strategy.

3 ~~(d)~~ (e) SUBMISSION TO CONGRESS.—Upon develop-
4 ment of the strategy, the Administrator of the Transpor-
5 tation Security Administration shall provide to the Com-
6 mittee on Homeland Security of the House of Representa-
7 tives and the Committee on Commerce, Science, and
8 Transportation of the Senate a copy of such strategy.

9 **SEC. 5. OVERSIGHT.**

10 (a) REPORT TO CONGRESS.—The Administrator of
11 the Transportation Security Administration shall report to
12 the Committee on Homeland Security of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate not less than
15 annually on activities of the ~~pipeline security section~~ *pipe-*
16 *line security division* of the Administration established
17 pursuant to section 1631 of the Homeland Security Act
18 of 2002, as added by section 3, including information with
19 respect to guidelines, *directives*, *regulations*, security as-
20 sessments, and inspections under such section. Each such
21 report shall include a determination by the Administrator
22 regarding whether there is a need for new regulations or
23 non-regulatory initiatives and the basis for such deter-
24 mination.

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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