

of the complainant, shall assess against the person or persons against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding \$1,000.

(D) DE NOVO REVIEW.—

(i) IN GENERAL.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision by the date that is 210 days after the date on which the complaint was filed, and if the delay is not due to the bad faith of the employee who filed the complaint, that employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to the action, be tried by the court with a jury.

(ii) BURDENS OF PROOF.—An original action described in clause (i) shall be governed by the same legal burdens of proof specified in paragraph (2)(B) for review by the Secretary of Labor.

(4) REVIEW.—

(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate re-

lief, including, but not to be limited to, injunctive relief and compensatory damages.

(6) ENFORCEMENT OF ORDER BY PARTIES.—

(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person or persons to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award of costs is appropriate.

(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an action of an employee of an employer who, acting without direction from the employer (or such employer's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

(e) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—The rights and remedies provided under this section may not be waived by any agreement, policy, form, or condition of employment, including by a predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—No provision of a predispute arbitration agreement shall be valid or enforceable if the provision requires arbitration of a dispute arising under subsection (a)(1).

(Added Pub. L. 107-355, §6(a), Dec. 17, 2002, 116 Stat. 2989; amended Pub. L. 116-260, div. R, title I, § 116, Dec. 27, 2020, 134 Stat. 2233.)

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-260, §116(1), substituted "current or former employee with" for "employee with" in introductory provisions.

Subsec. (b)(3)(D). Pub. L. 116-260, §116(2), added subpar. (D).

Subsec. (e). Pub. L. 116-260, §116(3), added subsec. (e).

§ 60130. Pipeline safety information grants to communities

(a) GRANT AUTHORITY.—

(1) IN GENERAL.—The Secretary of Transportation may make grants for technical assistance to local communities, Indian Tribes, and groups of individuals (not including for-profit entities) relating to the safety of pipeline facilities in local communities, other than facilities regulated under Public Law 93-153 (43 U.S.C. 1651 et seq.). No grants may be awarded under section 60114(g) until the Secretary has established competitive procedures for awarding grants under this section and criteria for

selecting grant recipients. Except as provided in subsection (c)(2), the amount of any grant under this section may not exceed \$100,000 for a single grant recipient. The Secretary shall establish appropriate procedures to ensure the proper use of funds provided under this section.

(2) DEMONSTRATION GRANTS.—At least the first 3 grants awarded under this section shall be demonstration grants for the purpose of demonstrating and evaluating the utility of grants under this section. Each such demonstration grant shall not exceed \$25,000.

(3) DISSEMINATION OF TECHNICAL FINDINGS.—Each recipient of a grant under this section shall ensure that—

(A) the technical findings made possible by the grants are made available to the relevant operators; and

(B) open communication between the grant recipients, local operators, local communities, and other interested parties is encouraged.

(b) PROHIBITED USES.—Funds provided under this section to grant recipients and their contractors may not be used for lobbying, for direct advocacy for or against a pipeline construction or expansion project, or in direct support of litigation.

(c) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), out of amounts made available under section 2(b) of the PIPES Act of 2016 (Public Law 114-183; 130 Stat. 515), the Secretary shall use \$2,000,000 for each of fiscal years 2021 through 2023 to carry out this section.

(2) IMPROVING TECHNICAL ASSISTANCE.—From the amounts used to carry out this section under paragraph (1) each fiscal year, the Secretary shall award \$1,000,000 to an eligible applicant through a competitive selection process for the purpose of improving the quality of technical assistance provided to communities or individuals under this section.

(3) LIMITATION.—Any amounts used to carry out this section shall not be derived from user fees collected under section 60301.

(d) DEFINITIONS.—In this section:

(1) TECHNICAL ASSISTANCE.—The term “technical assistance” means engineering, research, and other scientific analysis of pipeline safety issues, including the promotion of public participation on technical pipeline safety issues in proceedings related to this chapter.

(2) ELIGIBLE APPLICANT.—The term “eligible applicant” means a nonprofit entity that—

(A) is a public safety advocate;

(B) has pipeline safety expertise;

(C) is able to provide individuals and communities with technical assistance; and

(D) was established with funds designated for the purpose of community service through the implementation of section 3553 of title 18 relating to violations of this chapter.

(Added Pub. L. 107-355, §9(a), Dec. 17, 2002, 116 Stat. 2994; amended Pub. L. 109-468, §5, Dec. 29, 2006, 120 Stat. 3490; Pub. L. 112-90, §32(e), Jan. 3, 2012, 125 Stat. 1923; Pub. L. 113-188, title XV, §1501(c), Nov. 26, 2014, 128 Stat. 2024; Pub. L.

114-183, §2(d), 20(a), June 22, 2016, 130 Stat. 516, 527; Pub. L. 116-260, div. R, title I, §101(e), Dec. 27, 2020, 134 Stat. 2213.)

REFERENCES IN TEXT

Public Law 93-153, referred to in subsec. (a)(1), is Pub. L. 93-153, Nov. 16, 1973, 87 Stat. 576, as amended. Title II of the Act, known as the Trans-Alaska Pipeline Authorization Act, is classified generally to chapter 34 (§1651 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1651 of Title 43 and Tables.

Section 2(b) of the PIPES Act of 2016, referred to in subsec. (c)(1), is section 2(b) of Pub. L. 114-183, June 22, 2016, 130 Stat. 515, which is not classified to the Code.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-260, §101(e)(1)(A), substituted “to local communities, Indian Tribes, and groups of individuals (not including for-profit entities)” for “to local communities and groups of individuals (not including for-profit entities)” in first sentence and “Except as provided in subsection (c)(2), the amount” for “The amount” in third sentence.

Subsec. (a)(4). Pub. L. 116-260, §101(e)(1)(B), struck out par. (4). Text read as follows: “In this subsection, the term ‘technical assistance’ means engineering and other scientific analysis of pipeline safety issues, including the promotion of public participation on technical pipeline safety issues in official proceedings conducted under this chapter.”

Subsec. (c). Pub. L. 116-260, §101(e)(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “Of the amounts made available under section 2(b) of the PIPES Act of 2016, the Secretary shall expend \$1,500,000 for each of fiscal years 2016 through 2019 to carry out this section. Such amounts shall not be derived from user fees collected under section 60301.”

Subsec. (d). Pub. L. 116-260, §101(e)(3), added subsec. (d).

2016—Subsec. (a)(4). Pub. L. 114-183, §20(a), inserted “on technical pipeline safety issues” after “public participation”.

Subsec. (c). Pub. L. 114-183, §2(d), substituted “Of the amounts made available under section 2(b) of the PIPES Act of 2016, the Secretary shall expend \$1,500,000 for each of fiscal years 2016 through 2019 to carry out this section.” for “There is authorized to be appropriated to the Secretary of Transportation for carrying out this section \$1,500,000 for each of fiscal years 2012 through 2015.”

2014—Subsecs. (c), (d). Pub. L. 113-188 redesignated subsec. (d) as (c) and struck out former subsec. (c) which required annual reports on grants made under this section.

2012—Subsec. (a)(1). Pub. L. 112-90, §32(e)(1), substituted “\$100,000” for “\$50,000”.

Subsec. (b). Pub. L. 112-90, §32(e)(2), inserted “to grant recipients and their contractors” after “this section” and “, for direct advocacy for or against a pipeline construction or expansion project,” after “for lobbying”.

Subsec. (d). Pub. L. 112-90, §32(e)(3), substituted “\$1,500,000 for each of fiscal years 2012 through 2015” for “\$1,000,000 for each of the fiscal years 2003 through 2010”.

2006—Subsec. (a)(1). Pub. L. 109-468, §5(1), substituted “No grants may be awarded under section 60114(g) until the Secretary has established competitive” for “The Secretary shall establish competitive”.

Subsec. (a)(2) to (4). Pub. L. 109-468, §5(2), (3), added pars. (2) and (3) and redesignated former par. (2) as (4).

Subsec. (d). Pub. L. 109-468, §5(4), substituted “2010” for “2006”.

§ 60131. Verification of pipeline qualification programs

(a) IN GENERAL.—Subject to the requirements of this section, the Secretary of Transportation