

Union Calendar No. 110

119TH CONGRESS
1ST SESSION

H. R. 1182

[Report No. 119–141]

To require the Secretary of Transportation to promulgate regulations relating to the approval of foreign manufacturers of cylinders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2025

Mr. BALDERSON (for himself, Mr. KRISHNAMOORTHY, and Mr. TAYLOR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JUNE 5, 2025

Additional sponsors: Mr. NEHLS and Mr. WIED

JUNE 5, 2025

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

A BILL

To require the Secretary of Transportation to promulgate regulations relating to the approval of foreign manufacturers of cylinders, 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 “Compressed Gas Cyl-
5 inder Safety and Oversight Improvements Act of 2025”.

6 **SEC. 2. REGULATION OF FOREIGN MANUFACTURERS OF**
7 **CYLINDERS USED IN TRANSPORTING HAZ-**
8 **ARDOUS MATERIALS.**

9 (a) DEFINITIONS.—In this section:

10 (1) CYLINDER.—The term “cylinder” means
11 any cylinder specified under any of sections 178.36
12 through 178.68 of title 49, Code of Federal Regula-
13 tions (or successor regulations).

14 (2) FOREIGN MANUFACTURER OF CYLINDERS;
15 FMOC.—The term “foreign manufacturer of cyl-
16 inders” or “FMOC” means an entity that manufac-
17 tures cylinders outside of the United States that are
18 intended to be represented, marked, certified, or sold
19 as qualified for use in transporting a hazardous ma-
20 terial in commerce in the United States.

21 (3) IN GOOD STANDING.—The term “in good
22 standing”, with respect to an FMOC, means that
23 the FMOC—

1 (A) is approved by the Secretary pursuant
2 to section 107.807 of title 49, Code of Federal
3 Regulations (or a successor regulation); and

4 (B) has demonstrated 3 years of compli-
5 ance with—

6 (i) part 107 of title 49, Code of Fed-
7 eral Regulations (or successor regulations);
8 and

9 (ii) chapter 51 of title 49, United
10 States Code.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of Transportation.

13 (b) APPROVAL OF FOREIGN MANUFACTURERS OF
14 CYLINDERS.—

15 (1) IN GENERAL.—The Secretary shall promul-
16 gate regulations to provide that an approval pro-
17 vided to an FMOC pursuant to section 107.807 of
18 title 49, Code of Federal Regulations (or a successor
19 regulation), shall be for a period of not longer than
20 1 year, except as provided under paragraph (2).

21 (2) 5-YEAR APPROVAL.—The Secretary may
22 provide a 5-year approval of an FMOC pursuant to
23 section 107.807 of title 49, Code of Federal Regula-
24 tions (or a successor regulation), if the following re-
25 quirements are met:

1 (A) The FMOC attests that none of the
2 cylinders made by the FMOC are prohibited
3 from entry to the United States under section
4 307 of the Tariff Act of 1930 (19 U.S.C.
5 1307).

6 (B) The FMOC certifies that—

7 (i) the information provided pursuant
8 to subsection (e) is accurate; and

9 (ii) the FMOC has a proactive respon-
10 sibility to inform the Secretary if any such
11 information materially changes.

12 (C) The Secretary determines that the
13 FMOC is in good standing.

14 (3) FACILITY INSPECTIONS.—

15 (A) DEFINITION OF OBSTRUCTS.—In this
16 paragraph, the term “obstructs” means taking
17 actions that are known, or reasonably should be
18 known, to prevent, hinder, or impede an inspec-
19 tion.

20 (B) PENALTIES.—The Secretary may sus-
21 pend or terminate an approval of an FMOC if
22 the FMOC obstructs or prevents the Secretary
23 from carrying out an inspection under section
24 107.807(c) of title 49, Code of Federal Regula-
25 tions (or a successor regulation).

1 (4) INTERACTION WITH OTHER STATUTES,
2 AGREEMENTS, REGULATIONS.—Nothing in this sec-
3 tion may be construed to prevent the harmonization
4 of cylinder standards otherwise authorized by law.

5 (5) OTHER CAUSE FOR SUSPENSION OR TERMI-
6 NATION.—The Secretary may suspend or terminate
7 an approval of an FMOC on determination that the
8 FMOC knowingly or intentionally misrepresented re-
9 sponses to the Secretary required by law, including
10 under subsection (e).

11 (c) REEVALUATION BY REQUEST FOR RELATED VIO-
12 LATIONS.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary
15 shall promulgate such regulations as are necessary
16 to establish a process, as determined by the Sec-
17 retary, for any interested party to request a reevalu-
18 ation of the approval of FMOC cylinders under sec-
19 tion 107.807 of title 49, Code of Federal Regula-
20 tions (or a successor regulation), to review the accu-
21 racy and safety of the actions of the FMOC.

22 (2) PETITION FOR REEVALUATION.—The regu-
23 lations promulgated under paragraph (1) shall allow
24 an interested party to file a petition if that party
25 has evidence of inaccurate, changed, or fraudulent

1 attestations or responses made by an FMOC to the
2 Secretary under subsection (e).

3 (d) NOTICE AND COMMENT FOR APPLICATIONS BY
4 FOREIGN MANUFACTURERS OF CYLINDERS.—On receipt
5 of an application for approval under section 107.807 of
6 title 49, Code of Federal Regulations (or a successor regu-
7 lation), the Secretary shall—

8 (1) timely publish notification of the application
9 on the website of the Pipeline and Hazardous Mate-
10 rials Safety Administration; and

11 (2) provide 30 days for public comment on the
12 application prior to approval.

13 (e) ADDITIONAL QUESTIONS TO ENSURE SAFETY
14 AND COMPLIANCE WITH DOT PROCESSES.—

15 (1) ADDITIONAL QUESTIONS.—The Secretary
16 shall require, as part of an application for approval
17 pursuant to section 107.807 of title 49, Code of
18 Federal Regulations (or a successor regulation), that
19 the applicant answer the following questions:

20 (A) Whether the FMOC applying, or any
21 entity controlling more than 10 percent of that
22 FMOC, has ever been subject to a civil mone-
23 etary penalty under title 49, United States Code,
24 relating to any actions carried out as an ap-

1 proved FMOC or during the application for ap-
2 proval under that section.

3 (B) Whether the FMOC applying, or any
4 entity controlling more than 10 percent of that
5 FMOC, has been delinquent in the payment of
6 any civil monetary penalties or other fines or
7 fees under title 49, United States Code.

8 (C) Whether the FMOC applying, or any
9 entity controlling more than 10 percent of that
10 FMOC, is subject to the Do Not Pay Initiative
11 established under section 3354 of title 31,
12 United States Code, as of the date of the appli-
13 cation.

14 (D) Whether the FMOC applying, or any
15 entity controlling more than 10 percent of that
16 FMOC, is listed in the Military End User List
17 of the Department of Commerce as of the date
18 of the application.

19 (E) Whether the FMOC applying, or any
20 entity controlling more than 10 percent of that
21 FMOC, is identified by the Department of De-
22 fense as an entity listed under section 1237 of
23 the Strom Thurmond National Defense Author-
24 ization Act for Fiscal Year 1999 (50 U.S.C.

1 1701 note; Public Law 105–261) as of the date
2 of application.

3 (F) Whether the FMOC applying, or any
4 entity controlling more than 10 percent of that
5 FMOC, has been found guilty of a criminal
6 penalty or assessed a civil penalty under section
7 1760 of division A of the John S. McCain Na-
8 tional Defense Authorization Act for Fiscal
9 Year 2019 (50 U.S.C. 4819).

10 (G) Whether the FMOC applying, or any
11 entity controlling more than 10 percent of that
12 FMOC, is subject to a final antidumping or
13 countervailing duty order from the Department
14 of Commerce as of the date of application.

15 (2) DENIAL OF APPLICATION.—The Secretary
16 may deny under section 107.709 of title 49, Code of
17 Federal Regulations (or a successor regulation), an
18 application for approval under section 107.807 of
19 that title (or a successor regulation) based on the re-
20 sponses to the questions required under paragraph
21 (1).

22 (f) FOREIGN MANUFACTURERS LISTING APPROV-
23 ALS.—Not later than 1 year after the date of enactment
24 of this Act, and annually thereafter, the Secretary shall
25 publish and maintain on the website of the Pipeline and

1 Hazardous Materials Safety Administration a list of ap-
2 proved foreign manufacturers of cylinders and the dura-
3 tion of those approvals.

4 (g) AUTHORIZING FOREIGN INSPECTIONS.—Not
5 later than 18 months after the date of enactment of this
6 Act, the Secretary shall revise section 107.807(d) of title
7 49, Code of Federal Regulations—

8 (1) to require that in any case in which the
9 Secretary determines there is good cause, an inspec-
10 tion under that section shall be carried out annually
11 for such duration as the Secretary determines appro-
12 priate;

13 (2) to specify that a refusal of inspection under
14 that section shall result in a loss of the status of in
15 good standing;

16 (3) to allow the Secretary to request, at the dis-
17 cretion of the Secretary—

18 (A) production of test and production
19 records; and

20 (B) random sample testing; and

21 (4) to allow for the recovery of all associated
22 costs of foreign inspections to include travel, time,
23 and other costs, as determined by the Secretary.

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