

Section 116 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 as enacted in the Consolidated Appropriations Act for 2021, available at <https://www.congress.gov/bill/116th-congress/house-bill/133/text>

SEC. 116. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

Section 60129 of title 49, United States Code, is amended--

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "employee with" and inserting "current or former employee with";

(2) in subsection (b)(3), by adding at the end the following:

“(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.”; and

(3) by adding at the end the following:

“(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).”.