

Congress Must Protect First Amendment Rights in PHMSA Reauthorization Bill

September 15, 2026

The Honorable Ted Cruz
167 Russell Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
511 Hart Senate Office Building
Washington, DC 20510

The Honorable Brett Guthrie
2161 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
2107 Rayburn House Office Building
Washington, DC 20515

The Honorable Sam Graves
1135 Longworth House Office Building
Washington, DC 20515

The Honorable Rick Larsen
2163 Rayburn House Office Building
Washington, DC 20515

Dear Chairs and Ranking Members of Senate Commerce, Science, & Transportation Committee; House Energy & Commerce Committee; and House Transportation & Infrastructure Committee

As you negotiate a deal to reauthorize the Pipeline and Hazardous Material Safety Administration's (PHMSA) pipeline safety programs, the undersigned organizations are asking you to oppose the inclusion of dangerous language that risks criminalizing protected protest activities in violation of the First Amendment, while failing to prioritize community safety for pipelines.

Congress has the opportunity to pass pipeline safety legislation that improves the safety of hazardous liquid and gas pipelines that run through communities' backyards, schools, parks, and waterways across America. Measures to do so include promoting community safety/transparency, investing in first-responder preparedness, and providing adequate funding for staffing and data collection needs.

Instead of focusing on real safety issues, however, Congress is at risk of creating a new tool to criminalize First Amendment rights to free speech, assembly, and the press, while redirecting attention away from the pipeline industry's own problematic safety record.

Corporate negligence, not protesters, is the real threat to pipeline safety.

Pipeline safety is an urgent issue, but the hazards that communities and pipeline workers face stem from pipeline operators themselves, not from protesters. [PHMSA data](#) indicates that in 2025, there were 609 pipeline safety incidents, which caused 11 fatalities and 37 injuries. Over the last 10 years, there were 6,246 pipeline safety incidents, which caused 106 deaths and 431 injuries. PHMSA lists corrosion, equipment failure, material failure, and incorrect operation as the incident cause for over two thirds of incidents in the last decade. There is no indication that protests or related activities caused any deaths or injuries.¹ And yet, PHMSA recently touted [\\$390 million in potential](#)

¹ According to [PHMSA data](#), all deaths and injuries stemming from the cause "Intentional Damage" over the last ten years were due to incidents at gas distribution sites and consisted of crimes by or against building occupants, such as arson.

[cost-savings](#) for industry in a proposed rulemaking rather than proposing and investing in solutions to hold pipeline operators accountable for this unacceptable number of pipeline-related deaths and injuries.

The fossil fuel industry has created a false narrative about “valve turning” protesters to justify inserting dangerous criminalization language into the bill.

The “valve turning” actions targeted by identical language in Sec. 6 of the Pipeline Safety Authorization Act of 2026 (H.R. 9338) and Sec. 21 of the PIPES Act of 2025 (H.R. 5301) are rare and already prohibited within existing law. The corresponding bill in the Senate, the PIPELINE Safety Act of 2025 (S. 2975), does not add new penalties, and passed the Senate in April by unanimous consent.

In the past decade, there have been only five instances of attempted valve turning, with the last incident taking place in 2019, and none causing known harm to pipelines or public safety.² [Pipeline damage](#), [vandalism](#), and [trespassing](#) are already illegal under federal and state law, making these proposed changes an unnecessary escalation. While protecting critical infrastructure is a legitimate government function, this sort of language clearly targets environmental and Indigenous activists and builds on the trespass, conspiracy, defamation, and RICO allegations the oil and gas industry has brought against nonprofits, activists, and concerned citizens. **These actions can have a chilling effect on peaceful protest and discourse about the public health and safety risks that oil and gas pipelines pose to communities.**

The industry’s purported concern for protester-related damage to pipelines appears to be fearmongering, rather than a good-faith or evidence-based effort to address the real safety problems posed by pipeline operation. Notably, all three PHMSA reauthorization bills contain a provision to slow accountability proceedings for pipeline safety incidents caused by companies through the use of hearings. As a result, this legislation would send a message to the American people that Congress considers protesters, not pipeline companies, to be the primary cause of safety risks — which the evidence does not support.

The proposed criminalization language is vague and open to abuse.

The ambiguous language in H.R. 9338 and H.R. 5301 creates a risk that it could be construed broadly by federal prosecutors to create undue suppression of protected First-Amendment protest activities. Adding easily manipulated language to U.S. Code is dangerous, especially in light of recent [media reporting](#) that the Department of Justice has been interpreting criminal laws expansively in order to target perceived ideological critics of the administration.

For example, the bills’ proposed penalties for those who “cause” the acts described could be misapplied to target protest organizers, even if they have no control over individuals who commit any unlawful acts. By making it a felony to cause a defect that “would affect the integrity or safe operation” of a pipeline, the legislation creates the risk that prosecutors could target individuals

² According to PHMSA data, four additional pipeline safety incidents took place in 2018, 2024, and 2025 that might also be called “valve turning.” In each case, cattle apparently rubbed against valves, causing them to turn.

based on hypothetical, exaggerated, and unproven harms. Additionally, the legislation applies these penalties not only to existing pipelines, but also to construction sites and staging sites, even though the public safety risk profiles of such sites are substantially different from those of operational pipeline facilities. Prosecutors could also combine these charges with conspiracy charges to chill unrelated free speech activities.

Despite imposing harsh penalties of 10 years in prison or more, the language omits any requirements that the prosecution take into account the defendant's intent to cause harm and other circumstances of the alleged crime. The result is a blunt instrument that is open to abuse.

Protest criminalization does not belong in pipeline safety legislation.

Pipeline safety legislation should attend to real pipeline safety concerns, not criminalize protest under the guise of addressing already illegal and exceedingly rare activities. Instead of addressing pipeline safety, H.R. 9338 and H.R. 5301 serve the fossil fuel industry's broader agenda to evade accountability for its pipeline safety record, while painting dissent as dangerous. In contrast with these bills, the Senate Committee on Commerce, Science, and Transportation has shown it is possible to pass a version of this bill, S. 2975, without provisions criminalizing protest and dissent.

We strongly urge Congress to remove all criminalization language from PHMSA reauthorization legislation, and instead respond to the real safety concerns brought by communities living by pipelines across the nation.

Sincerely,

Original Signatories:

Bold Alliance	Institute for Policy Studies Climate Policy Program
Climate Justice Alliance	
EarthRights International	Science and Environmental Health Network
Eco-Justice Collaborative	Sierra Club
Food & Water Watch	The Alliance for Affordable Energy
FOR A BETTER BAYOU	Third Act
	Third Act Lawyers

National Signatories

Advocacy for Principled Action in Government	Center for Biological Diversity
Bold Alliance	Center for Constitutional Rights
Catch Fire Movement	Center for Oil & Gas Organizing

Center for Protest Law & Litigation @ PCJF

Climate Defenders

Climate Defense Project

Climate Justice Alliance

Defending Rights & Dissent

Earth Guardians

Earthjustice Action

Elders Climate Action

Endangered Species Coalition

Food & Water Watch

Grassroots Global Justice Alliance

Greenpeace USA

Institute for Policy Studies Climate Policy Program

League of Conservation Voters

National Lawyers Guild

Nuclear Information and Resource Service

Oil and Gas Action Network

Oil Change International

Oxfam America

Progressives for Climate

Property Rights and Pipeline Center

Rachel Carson Council

RapidShift

Science and Environmental Health Network

Sierra Club

The YEARS Project

Third Act

Third Act Lawyers

Tidelines Institute

Union of Concerned Scientists

Unitarian Universalists for a Just Economic Community

Unitarian Universalist Service Committee

Water Protector Legal Collective

198 methods

State and Regional Signatories

AL Against CCS

Animals Are Sentient Beings, Inc.

Beyond Extreme Energy

Breathe Project

Central Illinois Healthy Community Alliance

Central Jersey Coalition Against Endless War

Chispa Texas

Citizens Against Heartland Greenwashing Projects

Citizens Against Predatory Pipelines

Climate Reality Project Chicago Metro Chapter

Community And Family Aid Foundation

Concerned Health Professionals of Pennsylvania

CURE

Dakota Rural Action

Don't Gas the Meadowlands Coalition

Earth Action, inc.

EarthRights International

ECO Justice Collaborative

Education, Economics, Environmental,
Climate & Health Organization (EEECHO)

Fairbanks Climate Action Coalition

FOR A BETTER BAYOU

Fridays for Future USA

Habitat Recovery Project

HobokenRESIST!

Illinois Coalition to Stop CO2 Pipelines

Illinois Water Authority Association

Indivisible Gulf Coast

Iowa CCI

Iowa Citizens for Community Improvement

Just Ground

L&J Farms

LULAC Council #7259

M-W & Associates Environmental Policy

MARBE S.A.

Mississippi Grassroots United

Mississippi Rising Coalition

Montana Environmental Information Center

MoveOn.org HobokenRESIST!

NC WARN

New York Communities for Change (NYCC)

Occupy Bergen County

Ohio Valley Environmental Advocates

Our Revolution Hawaii

OVEA

Pelea Movement

Progressives for Democracy in America

Protect Our Water, Heritage, Rights (POWHR)

Public citizen

Putnam Progressives

Rivers & Mountains GreenFaith

Save Our Illinois Land

South Texas Environmental Justice Network

Southern Alliance for Clean Energy

Sunflower Alliance

The Alliance for Affordable Energy

The Alliance for Appalachia

The Enviro Show

The Raices Collab Project

Third Act NYC

Third Act SoCal

Turtle Island Restoration Network

Waterspirit

350 Bay Area Action

350 Chicago

350 Colorado

350 Conejo / San Fernando Valley

350 Eastside

350 Mass

350 Yakima Climate Action

350Hawaii

7 Directions of Service