

Union Calendar No. 721

118TH CONGRESS
2D SESSION

H. R. 6494

[Report No. 118–884, Part I]

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2023

Mr. GRAVES of Missouri (for himself, Mr. LARSEN of Washington, Mr. NEHLS, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 16, 2024

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

DECEMBER 16, 2024

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on November 29, 2023]

A BILL

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, 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; TABLE OF CONTENTS; DEFINI-**
 4 **TION.**

5 (a) *SHORT TITLE.*—*This Act may be cited as the “Pro-*
 6 *moting Innovation in Pipeline Efficiency and Safety Act*
 7 *of 2023” or the “PIPES Act of 2023”.*

8 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 9 *this Act is as follows:*

- Sec. 1. Short title; table of contents; definition.*
- Sec. 2. Authorization of appropriations.*
- Sec. 3. Definitions.*
- Sec. 4. Workforce development.*
- Sec. 5. Regulatory updates.*
- Sec. 6. Incorporation by reference.*
- Sec. 7. Inspection activity reporting.*
- Sec. 8. Technical safety standards committees.*
- Sec. 9. Sense of Congress on PHMSA engagement prior to rulemaking activities.*
- Sec. 10. Office of Public Engagement.*
- Sec. 11. Class location changes.*
- Sec. 12. Pipeline operating status.*
- Sec. 13. Rights-of-way management.*
- Sec. 14. Study on composite materials for pipelines.*
- Sec. 15. Competitive Academic Agreement Program.*
- Sec. 16. Geohazard mitigation study.*
- Sec. 17. Special permit program.*
- Sec. 18. Excavation damage prevention.*
- Sec. 19. Integrity management study.*
- Sec. 20. Hydrogen study.*
- Sec. 21. Penalty for causing a defect in or disrupting operation of pipeline infra-*
structure.
- Sec. 22. Civil penalties.*
- Sec. 23. Liquefied natural gas regulatory coordination.*
- Sec. 24. Pipeline safety voluntary information-sharing system.*
- Sec. 25. Carbon dioxide pipelines.*
- Sec. 26. Opportunity for formal hearing.*
- Sec. 27. State pipeline safety grants reporting.*
- Sec. 28. Inspection of in-service breakout tanks.*
- Sec. 29. Disclosure of safety information assessment.*
- Sec. 30. Assessment of certain pipeline safety definitions.*
- Sec. 31. Report assessing the costs of pipeline failures.*
- Sec. 32. Study on localized emergency alert system for pipeline facilities inci-*
dents.
- Sec. 33. Maximum allowable operating pressure.*

1 (c) *STATE DEFINED.*—*In this Act, the term “State”*
 2 *has the meaning given such term in section 60101(a) of title*
 3 *49, United States Code.*

4 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) *GAS AND HAZARDOUS LIQUID.*—*Section 60125 of*
 6 *title 49, United States Code, is amended by striking sub-*
 7 *section (a) and inserting the following:*

8 “(a) *GAS AND HAZARDOUS LIQUID.*—

9 “(1) *IN GENERAL.*—*From fees collected under*
 10 *section 60301, there are authorized to be appropriated*
 11 *to the Secretary to carry out section 12 of the Pipe-*
 12 *line Safety Improvement Act of 2002 (49 U.S.C.*
 13 *60101 note; Public Law 107–355) and the provisions*
 14 *of this chapter relating to gas and hazardous liquid—*

15 “(A) *\$181,400,000 for fiscal year 2024, of*
 16 *which—*

17 “(i) *\$9,000,000 shall be used to carry*
 18 *out section 12 of the Pipeline Safety Im-*
 19 *provement Act of 2002 (49 U.S.C. 60101*
 20 *note; Public Law 107–355); and*

21 “(ii) *\$73,000,000 shall be used for*
 22 *making grants;*

23 “(B) *\$189,800,000 for fiscal year 2025, of*
 24 *which—*

1 “(i) \$9,000,000 shall be used to carry
2 out section 12 of the Pipeline Safety Im-
3 provement Act of 2002 (49 U.S.C. 60101
4 note; Public Law 107–355); and

5 “(ii) \$75,000,000 shall be used for
6 making grants;

7 “(C) \$198,200,000 for fiscal year 2026, of
8 which—

9 “(i) \$9,000,000 shall be used to carry
10 out section 12 of the Pipeline Safety Im-
11 provement Act of 2002 (49 U.S.C. 60101
12 note; Public Law 107–355); and

13 “(ii) \$77,000,000 shall be used for
14 making grants; and

15 “(D) \$206,600,000 for fiscal year 2027, of
16 which—

17 “(i) \$9,000,000 shall be used to carry
18 out section 12 of the Pipeline Safety Im-
19 provement Act of 2002 (49 U.S.C. 60101
20 note; Public Law 107–355); and

21 “(ii) \$79,000,000 shall be used for
22 making grants.

23 “(2) TRUST FUND AMOUNTS.—In addition to the
24 amounts authorized to be appropriated under para-
25 graph (1), there are authorized to be appropriated

1 *from the Oil Spill Liability Trust Fund established*
2 *by section 9509(a) of the Internal Revenue Code of*
3 *1986 to carry out section 12 of the Pipeline Safety*
4 *Improvement Act of 2002 (49 U.S.C. 60101 note;*
5 *Public Law 107–355) and the provisions of this chap-*
6 *ter relating to hazardous liquid—*

7 “(A) \$30,000,000 for fiscal year 2024, of
8 *which—*

9 “(i) \$2,000,000, pursuant to the au-
10 *thority in section 12(f) of the Pipeline Safe-*
11 *ty Improvement Act of 2002 (49 U.S.C.*
12 *60101 note; Public Law 107–355), shall be*
13 *used to carry out section 12 of such Act;*
14 *and*

15 “(ii) \$11,000,000 shall be used for
16 *making grants;*

17 “(B) \$30,500,000 for fiscal year 2025, of
18 *which—*

19 “(i) \$2,000,000, pursuant to the au-
20 *thority in section 12(f) of the Pipeline Safe-*
21 *ty Improvement Act of 2002 (49 U.S.C.*
22 *60101 note; Public Law 107–355), shall be*
23 *used to carry out section 12 of such Act;*
24 *and*

1 “(ii) \$11,500,000 shall be used for
2 making grants;

3 “(C) \$31,000,000 for fiscal year 2026, of
4 which—

5 “(i) \$2,000,000, pursuant to the au-
6 thority in section 12(f) of the Pipeline Safe-
7 ty Improvement Act of 2002 (49 U.S.C.
8 60101 note; Public Law 107–355), shall be
9 used to carry out section 12 of such Act;
10 and

11 “(ii) \$12,000,000 shall be used for
12 making grants; and

13 “(D) \$31,500,000 for fiscal year 2027, of
14 which—

15 “(i) \$2,000,000, pursuant to the au-
16 thority in section 12(f) of the Pipeline Safe-
17 ty Improvement Act of 2002 (49 U.S.C.
18 60101 note; Public Law 107–355), shall be
19 used to carry out section 12 of such Act;
20 and

21 “(ii) \$12,500,000 shall be used for
22 making grants.

23 “(3) UNDERGROUND NATURAL GAS STORAGE FA-
24 CILITY SAFETY ACCOUNT.—From fees collected under
25 section 60302, there is authorized to be appropriated

1 *to the Secretary to carry out section 60141 \$7,000,000*
 2 *for each of fiscal years 2024 through 2027.*

3 *“(4) RECRUITMENT AND RETENTION.—From*
 4 *amounts made available to the Secretary under para-*
 5 *graphs (1) and (2), the Secretary shall use, to carry*
 6 *out section 104(a) of the PIPES Act of 2023 and sec-*
 7 *tion 102(c) of the Protecting our Infrastructure of*
 8 *Pipelines and Enhancing Safety Act of 2020 (Public*
 9 *Law 116–260)—*

10 *“(A) \$3,400,000 for fiscal year 2024, of*
 11 *which—*

12 *“(i) \$2,890,000 shall be from amounts*
 13 *made available under paragraph (1)(A);*
 14 *and*

15 *“(ii) \$510,000 shall be from amounts*
 16 *made available under paragraph (2)(A);*

17 *“(B) \$5,100,000 for fiscal year 2025, of*
 18 *which—*

19 *“(i) \$4,335,000 shall be from amounts*
 20 *made available under paragraph (1)(B);*
 21 *and*

22 *“(ii) \$765,000 shall be from amounts*
 23 *made available under paragraph (2)(B);*

24 *“(C) \$6,800,000 for fiscal year 2026, of*
 25 *which—*

1 “(i) \$5,780,000 shall be from amounts
 2 made available under paragraph (1)(C);
 3 and

4 “(ii) \$1,020,000 shall be from amounts
 5 made available under paragraph (2)(C);
 6 and

7 “(D) \$8,500,000 for fiscal year 2027, of
 8 which—

9 “(i) \$7,225,000 shall be from amounts
 10 made available under paragraph (1)(D);
 11 and

12 “(ii) \$1,275,000 shall be from amounts
 13 made available under paragraph (2)(D).”.

14 (b) *OPERATIONAL EXPENSES.*—Section 2(b) of the
 15 *PIPES Act of 2016 (Public Law 114–183; 130 Stat. 515)*
 16 *is amended by striking paragraphs (1) through (3) and in-*
 17 *serting the following:*

18 “(1) \$31,000,000 for fiscal year 2024.

19 “(2) \$32,000,000 for fiscal year 2025.

20 “(3) \$33,000,000 for fiscal year 2026.

21 “(4) \$34,000,000 for fiscal year 2027.”.

22 (c) *ONE-CALL NOTIFICATION PROGRAMS.*—Section
 23 6107 of title 49, United States Code, is amended by striking
 24 “\$1,058,000 for each of fiscal years 2021 through 2023” and

1 inserting “\$2,000,000 for each of fiscal years 2024 through
2 2027”.

3 (d) *EMERGENCY RESPONSE GRANTS*.—Section
4 60125(b)(2) of title 49, United States Code, is amended by
5 striking “fiscal years 2021 through 2023” and inserting
6 “fiscal years 2024 through 2027”.

7 (e) *PIPELINE SAFETY INFORMATION GRANTS TO COM-*
8 *MUNITIES*.—Section 60130(c)(1) of title 49, United States
9 Code, is amended by striking “\$2,000,000 for each of fiscal
10 years 2021 through 2023 to carry out this section.” and
11 inserting the following: “, to carry out this section, the fol-
12 lowing:

13 (A) \$2,250,000 for fiscal year 2024.

14 (B) \$2,500,000 for fiscal year 2025.

15 (C) \$2,750,000 for fiscal year 2026.

16 (D) \$3,000,000 for fiscal year 2027.”.

17 (f) *IMPROVING TECHNICAL ASSISTANCE*.—Section
18 60130(c)(2) of title 49, United States Code, is amended—

19 (1) by striking “each fiscal year, the Secretary
20 shall award \$1,000,000” and inserting “, the Sec-
21 retary shall award”; and

22 (2) by striking the period at the end and insert-
23 ing the following: “the following amounts:

24 (A) \$1,250,000 for fiscal year 2024.

25 (B) \$1,500,000 for fiscal year 2025.

1 “(C) \$1,750,000 for fiscal year 2026.

2 “(D) \$2,000,000 for fiscal year 2027.”.

3 (g) *DAMAGE PREVENTION PROGRAMS.*—Section
4 60134(i) of title 49, United States Code, is amended in the
5 first sentence by striking “\$1,500,000 for each of fiscal years
6 2021 through 2023” and inserting “\$2,000,000 for each of
7 fiscal years 2024 through 2027”.

8 (h) *PIPELINE INTEGRITY PROGRAM.*—Section 12(f) of
9 the Pipeline Safety Improvement Act of 2002 (49 U.S.C.
10 60101 note) is amended—

11 (1) by striking “\$3,000,000” and inserting
12 “\$2,000,000”; and

13 (2) by striking “2021 through 2023” and insert-
14 ing “2024 through 2027”.

15 **SEC. 3. DEFINITIONS.**

16 Section 60101(a) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (8)(B) by inserting “and car-
19 bon dioxide” after “hazardous liquid”;

20 (2) in paragraph (18) by inserting “, a carbon
21 dioxide pipeline facility,” after “gas pipeline facil-
22 ity”;

23 (3) in paragraph (19) by inserting “, trans-
24 porting carbon dioxide,” after “transporting gas”;

1 (4) in paragraph (24) by inserting “, carbon di-
2 oxide,” after “a gas”;

3 (5) in paragraph (25) by striking “and” at the
4 end;

5 (6) by redesignating paragraphs (1), (2), (3),
6 (4), (5), (6), (9), (7), (10), (8), (11), (12), (13), (14),
7 (15), (16), (17), (18), (19), (23), (24), (25), (20), (21),
8 (22), and (26) as paragraphs (4), (5), (6), (7), (8),
9 (11), (12), (13), (14), (15), (16), (17), (18), (19), (20),
10 (21), (23), (24), (25), (27), (28), (29), (30), (32), (33),
11 and (35), respectively, and transferring the para-
12 graphs so as to appear in numerical order;

13 (7) by inserting before paragraph (4), as so re-
14 designated, the following:

15 “(1) ‘carbon dioxide’ means a product stream
16 consisting of more than 50 percent carbon dioxide
17 molecules in any state of matter except solid;

18 “(2) ‘carbon dioxide pipeline facility’—

19 “(A) means a pipeline, a right of way, a fa-
20 cility, a building, or equipment used, or in-
21 tended to be used, in transporting carbon dioxide
22 or treating carbon dioxide during the transpor-
23 tation of such carbon dioxide; but

1 “(B) does not include any storage facility,
2 piping, or equipment covered by the exclusion in
3 section 60102(i)(3)(B)(ii);

4 “(3) ‘de-identified’ means the process by which
5 all information that is likely to establish the identity
6 of the specific persons, organizations, or entities sub-
7 mitting reports, data, or other information is removed
8 from reports, data, or other information;”;

9 (8) by inserting after paragraph (8), as so redes-
10 ignated, the following:

11 “(9) ‘interstate carbon dioxide pipeline facility’
12 means a carbon dioxide pipeline facility used to
13 transport carbon dioxide in interstate or foreign com-
14 merce;

15 “(10) ‘intrastate carbon dioxide pipeline facility’
16 means a carbon dioxide pipeline facility that is not
17 an interstate carbon dioxide facility;”;

18 (9) by inserting after paragraph (21), as so re-
19 designated, the following:

20 “(22) ‘non-public pipeline safety data and infor-
21 mation’ means any pipeline safety data or informa-
22 tion, regardless of form or format, that a company
23 does not disclose, disseminate, or make available to
24 the public or that is not otherwise in the public do-
25 main;”;

1 (10) by inserting after paragraph (25), as so re-
2 designated, the following:

3 “(26) ‘public information’ means any data or
4 information, regardless of form or format, that a com-
5 pany discloses, disseminates, or makes available to the
6 public or that is otherwise in the public domain;”;

7 (11) by inserting after paragraph (30), as so re-
8 designated, the following:

9 “(31) ‘transporting carbon dioxide’ means the
10 movement of carbon dioxide or the storage of carbon
11 dioxide incidental to the movement of carbon dioxide
12 by pipeline, in or affecting interstate or foreign com-
13 merce;” and

14 (12) by inserting after paragraph (33), as so re-
15 designated, the following:

16 “(34) ‘Tribal’ means relating to Indian Tribes,
17 as such term is defined in section 102 of the Federally
18 Recognized Indian Tribe List Act of 1994 (25 U.S.C.
19 5130); and”.

20 **SEC. 4. WORKFORCE DEVELOPMENT.**

21 (a) *ADDITIONAL FULL-TIME EQUIVALENT EMPLOY-*
22 *EES.*—In addition to the personnel level authorized for the
23 Pipeline and Hazardous Materials Safety Administration
24 as of the date of enactment of this Act, the Administrator
25 of such Administration may increase the number of full-

1 *time equivalent employees in the Office of Pipeline Safety*
2 *by not more than 30 positions for employees who have ad-*
3 *vanced engineering, scientific, or other technical expertise*
4 *(or equivalent experience) to—*

5 *(1) develop and implement pipeline safety poli-*
6 *cies and regulations; and*

7 *(2) fulfill congressional rulemaking mandates.*

8 *(b) REPORT REQUIRED.—Not later than 1 year after*
9 *the date of enactment of this Act, the Secretary of Transpor-*
10 *tation shall submit to Congress a report on—*

11 *(1) any progress made on implementation of*
12 *subsection (a);*

13 *(2) the implementation of the recruitment and*
14 *retention incentives authorized in section 102 of the*
15 *PIPES Act of 2020 (Public Law 116–260);*

16 *(3) barriers and challenges to hiring and reten-*
17 *tion at the Administration;*

18 *(4) staffing levels of inspection and enforcement*
19 *personnel of the Administration; and*

20 *(5) any additional workforce needs of the Ad-*
21 *ministration.*

22 *(c) EFFECT ON EXISTING REGULATION.—Section*
23 *102(c) of the PIPES Act of 2020 (49 U.S.C. 60101 note)*
24 *is amended by striking paragraph (3) and inserting the fol-*
25 *lowing:*

1 “(3) *EFFECT ON EXISTING REGULATION.*—*In im-*
 2 *plementing the incentives described in paragraph (1),*
 3 *the Secretary, in consultation with the Administrator*
 4 *of the Pipeline and Hazardous Materials Safety Ad-*
 5 *ministration, may waive existing regulations.*”.

6 **SEC. 5. REGULATORY UPDATES.**

7 (a) *DEFINITION OF OUTSTANDING MANDATE.*—*In this*
 8 *section, the term “outstanding mandate” means—*

9 (1) *a final rule required to be issued under the*
 10 *Pipeline Safety, Regulatory Certainty, and Job Cre-*
 11 *ation Act of 2011 (Public Law 112–90) that has not*
 12 *been published in the Federal Register;*

13 (2) *a final rule required to be issued under the*
 14 *PIPES Act of 2016 (Public Law 114–183) that has*
 15 *not been published in the Federal Register;*

16 (3) *a final rule required to be issued under the*
 17 *PIPES Act of 2020 (Public Law 116–260) that has*
 18 *not been published in the Federal Register; and*

19 (4) *any other final rule regarding gas or haz-*
 20 *ardous liquid pipeline facilities that—*

21 (A) *has not been published in the Federal*
 22 *Register; and*

23 (B) *is required to be issued under this Act*
 24 *or any other Act.*

25 (b) *REQUIREMENTS.*—

1 (1) *PERIODIC UPDATES*.—Not later than 30 days
2 after the date of enactment of this Act, and every 30
3 days thereafter until each outstanding mandate is
4 published in the Federal Register, the Secretary of
5 Transportation shall publish on a publicly available
6 website of the Department of Transportation an up-
7 date regarding the status of each such mandate in ac-
8 cordance with subsection (c).

9 (2) *NOTIFICATION OF CONGRESS*.—On publica-
10 tion of a final rule in the Federal Register for an out-
11 standing mandate, the Secretary shall submit to the
12 Committee on Transportation and Infrastructure and
13 the Committee on Energy and Commerce of the House
14 of Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate a notifica-
16 tion of such publication.

17 (c) *CONTENTS*.—An update published or a notification
18 submitted under subsection (b)(1) shall contain, as applica-
19 ble—

20 (1) with respect to information relating to the
21 Administration—

22 (A) a description of the work plan for each
23 outstanding mandate;

24 (B) an updated rulemaking timeline for
25 each outstanding mandate;

1 (C) the staff allocations with respect to each
2 outstanding mandate;

3 (D) any resource constraints affecting the
4 rulemaking process for each outstanding man-
5 date;

6 (E) any other details associated with the de-
7 velopment of each outstanding mandate that af-
8 fect the progress of the rulemaking process with
9 respect to that outstanding mandate; and

10 (F) a description of all rulemakings regard-
11 ing gas or hazardous liquid pipeline facilities
12 published in the Federal Register that are not
13 identified under subsection (b)(2); and

14 (2) with respect to information relating to the
15 Office of the Secretary—

16 (A) the date that the outstanding mandate
17 was submitted to the Office of the Secretary for
18 review;

19 (B) the reason that the outstanding man-
20 date is under review beyond 45 days;

21 (C) the staff allocations within the Office of
22 the Secretary with respect to each outstanding
23 mandate;

24 (D) any resource constraints affecting re-
25 view of the outstanding mandate;

1 (E) an estimated timeline of when review of
 2 the outstanding mandate will be complete, as of
 3 the date of the update;

4 (F) if applicable, the date that the out-
 5 standing mandate was returned to the Adminis-
 6 tration for revision and the anticipated date for
 7 resubmission to the Office of the Secretary;

8 (G) the date that the outstanding mandate
 9 was submitted to the Office of Management and
 10 Budget for review; and

11 (H) a statement of whether the outstanding
 12 mandate remains under review by the Office of
 13 Management and Budget.

14 **SEC. 6. INCORPORATION BY REFERENCE.**

15 (a) *IN GENERAL*.—Section 60102 of title 49, United
 16 States Code, is amended by striking subsection (l) and in-
 17 serting the following:

18 “(l) *UPDATING STANDARDS*.—

19 “(1) *IN GENERAL*.—Not less frequently than once
 20 every 4 years, or if an interested person otherwise pe-
 21 titions in accordance with section 190.331 of title 49,
 22 Code of Federal Regulations (or successor regulation),
 23 the Secretary shall review, and update as necessary,
 24 incorporated industry standards that have been
 25 adopted, either partially or in full, as part of the

1 *Federal pipeline safety regulatory program under this*
2 *chapter that are modified and published by a stand-*
3 *ards development organization, as such term is de-*
4 *finied in section 2(a) of the National Cooperative Re-*
5 *search and Production Act of 1993 (15 U.S.C.*
6 *4301(a)).*

7 “(2) *DISCRETION IN ADOPTING INDUSTRY STAND-*
8 *ARDS.—The Secretary may decline to adopt an indus-*
9 *try standard that is inconsistent with applicable law*
10 *or otherwise impracticable, including in cir-*
11 *cumstances where the use of an industry standard*
12 *would not serve the needs of the Federal pipeline safe-*
13 *ty regulatory program, or would impose undue bur-*
14 *dens.*

15 “(3) *LIST OF INDUSTRY STANDARDS.—The Sec-*
16 *retary shall—*

17 “(A) *maintain a publicly available list of*
18 *all industry standards considered for adoption*
19 *under this chapter and the agency’s adjudication*
20 *of each considered standard;*

21 “(B) *include the reasoning for not adopting*
22 *an industry standard, whether in full or in part,*
23 *on the list under subparagraph (A); and*

24 “(C) *submit to the Committee on Transpor-*
25 *tation and Infrastructure and the Committee on*

1 *Energy and Commerce of the House of Rep-*
2 *resentatives and the Committee on Commerce,*
3 *Science, and Transportation of the Senate such*
4 *list not later than—*

5 “(i) 30 days after completion of such
6 list; and

7 “(ii) 30 days after the date of any sub-
8 sequent revisions to such list.

9 “(4) *PUBLIC ACCESSIBILITY.*—Any industry
10 standards incorporated by reference, or portions
11 thereof, shall be made available by the entity that de-
12 veloped such standards free of charge for viewing on
13 a publicly available website.”.

14 (b) *GAO REPORT.*—Not later than 2 years after the
15 date of enactment of this Act, the Comptroller General of
16 the United States shall—

17 (1) conduct a review to determine compliance
18 with section 60102(l)(4) of title 49, United States
19 Code; and

20 (2) submit to the Committee on Transportation
21 and Infrastructure and the Committee on Energy and
22 Commerce of the House of Representatives and the
23 Committee on Commerce, Science, and Transpor-
24 tation of the Senate a report on the review conducted
25 under paragraph (1).

1 **SEC. 7. INSPECTION ACTIVITY REPORTING.**

2 (a) *INSPECTION AND ENFORCEMENT PRIORITIES.*—

3 *Not later than 1 year after the date of enactment of this*
4 *Act, the Secretary of Transportation shall establish, and*
5 *make available to the public in an electronically accessible*
6 *format, a report containing the inspection and enforcement*
7 *priorities of the Office of Pipeline Safety of the Pipeline*
8 *and Hazardous Materials Safety Administration for fiscal*
9 *years 2024 through 2027. Such report shall include a de-*
10 *scription of—*

11 (1) *how the Administrator will use the priorities*
12 *to guide the inspection program of such Office;*

13 (2) *how the inspection and enforcement prior-*
14 *ities will improve pipeline safety; and*

15 (3) *how the Administrator communicates and co-*
16 *ordinates the implementation of inspection and en-*
17 *forcement priorities with regional offices and State*
18 *inspectors operating under delegated authority.*

19 (b) *NOTICE AND COMMENT.*—*Prior to publication of*
20 *the inspection and enforcement priorities under subsection*
21 *(a), the Administrator shall solicit through notice in the*
22 *Federal Register public comment on such priorities.*

23 (c) *SUMMARY OF PIPELINE INSPECTIONS.*—*Not later*
24 *than June 1 of each year beginning with the year after the*
25 *date of enactment of this Act, the Administrator shall make*
26 *available to the public in an electronically accessible format*

1 *a summary of Federal and State pipeline inspections con-*
 2 *ducted under direct or delegated authority of title 49,*
 3 *United States Code, during the previous calendar year, to*
 4 *include—*

- 5 (1) *the date of the inspection;*
- 6 (2) *the name of the pipeline owner or operator;*
- 7 (3) *the pipeline system or segment inspected;*
- 8 (4) *the region or regions of the Pipeline and*
 9 *Hazardous Materials Safety Administration in which*
 10 *the inspected system or segment operates;*
- 11 (5) *the State or States in which the inspected*
 12 *system or segment operates; and*
- 13 (6) *any violations, or proposed violations, found*
 14 *as a result of pipeline inspections.*

15 **SEC. 8. TECHNICAL SAFETY STANDARDS COMMITTEES.**

16 (a) *COMMITTEE REPORTS ON PROPOSED STAND-*
 17 *ARDS.—Section 60115(c)(1) of title 49, United States Code,*
 18 *is amended—*

- 19 (1) *in subparagraph (A) by inserting “, if appli-*
 20 *cable” after “each proposed standard”; and*
- 21 (2) *in subparagraph (B) by inserting “, if appli-*
 22 *cable” after “each proposed standard”.*

23 (b) *REPORT.—Section 60115(c)(2) of title 49, United*
 24 *States Code, is amended by inserting “and provide written*
 25 *notification of such reasons to the Committee on Transpor-*

1 *tation and Infrastructure and the Committee on Energy*
 2 *and Commerce of the House of Representatives and the*
 3 *Committee on Commerce, Science, and Transportation of*
 4 *the Senate at the time a final rulemaking relating to the*
 5 *standard is issued” after “publish the reasons”.*

6 (c) *FREQUENCY OF MEETINGS.*—Section 60115(e) of
 7 title 49, United States Code, is amended by striking “up
 8 to 4” and inserting “2”.

9 **SEC. 9. SENSE OF CONGRESS ON PHMSA ENGAGEMENT**
 10 **PRIOR TO RULEMAKING ACTIVITIES.**

11 *It is the sense of Congress that—*

12 (1) *the Secretary of Transportation should en-*
 13 *gage with pipeline stakeholder groups, including State*
 14 *pipeline safety programs with an approved certifi-*
 15 *cation under section 60105 of title 49, United States*
 16 *Code, and the public during predrafting stages of*
 17 *rulemaking activities and use, to the greatest extent*
 18 *practicable, properly docketed ex parte discussions*
 19 *during rulemaking activities in order to—*

20 (A) *inform the work of the Secretary;*

21 (B) *assist the Administrator of the Pipeline*
 22 *and Hazardous Materials Safety Administration*
 23 *in developing the scope of a rule; and*

24 (C) *reduce the timeline for issuance of pro-*
 25 *posed and final rules; and*

1 (2) *when it would reduce the time required for*
2 *the Secretary to adjudicate public comments, the Ad-*
3 *ministrator should publicly provide information de-*
4 *scribing the rationale behind a regulatory decision in-*
5 *cluded in proposed regulations in order to better*
6 *allow for the public to provide clear and informed*
7 *comments on such regulations.*

8 **SEC. 10. OFFICE OF PUBLIC ENGAGEMENT.**

9 (a) *IN GENERAL.*—*Not later than 1 year after the date*
10 *of enactment of this Act, the Secretary of Transportation*
11 *shall rename the Community Liaison Services within the*
12 *Office of Pipeline Safety of the Pipeline and Hazardous*
13 *Materials Safety Administration as the Office of Public En-*
14 *gagement (hereinafter in this section referred to as the “Of-*
15 *fice”).*

16 (b) *DUTIES.*—*The duties of the Office are to—*

17 (1) *proactively engage with pipeline stakeholders,*
18 *including the public, pipeline operators, public safety*
19 *organizations, and government officials, to raise*
20 *awareness of pipeline safety practices;*

21 (2) *promote the adoption and increased use of*
22 *safety programs and activities;*

23 (3) *inform the public of pipeline safety regula-*
24 *tions and best practices; and*

1 (4) *assist the public with inquiries regarding*
 2 *pipeline safety.*

3 (c) *PUBLIC ACCESS.*—*The Office shall ensure that ac-*
 4 *tivities carried out by the Office and information products*
 5 *developed by the Office are accessible to the public.*

6 (d) *COMMUNITY LIAISONS.*—*The Office shall incor-*
 7 *porate positions known as “community liaisons” under the*
 8 *Community Liaison Services.*

9 (e) *REPORT.*—*Not later than 18 months after the date*
 10 *of enactment of this Act, the Secretary shall submit to Con-*
 11 *gress a report on the implementation of this section.*

12 **SEC. 11. CLASS LOCATION CHANGES.**

13 *Not later than 90 days after the date of enactment of*
 14 *this Act, the Secretary of Transportation shall prescribe a*
 15 *final rule amending the safety standards for class location*
 16 *changes in parts 191 and 192 of title 49, Code of Federal*
 17 *Regulations, based on the notice of proposed rulemaking*
 18 *published by the Pipeline and Hazardous Materials Safety*
 19 *Administration on October 14, 2020, titled “Pipeline Safe-*
 20 *ty: Class Location Change Requirements” (85 Fed. Reg.*
 21 *65142), including consideration of all documents in Docket*
 22 *No. PHMSA–2017–0151.*

23 **SEC. 12. PIPELINE OPERATING STATUS.**

24 *Section 60143(b) of title 49, United States Code, is*
 25 *amended—*

1 (1) *by striking paragraph (1) and inserting the*
 2 *following:*

3 “(1) *IN GENERAL.—Not later than 180 days*
 4 *after the date of enactment of the PIPES Act of 2023,*
 5 *the Secretary shall issue a notice of proposed rule-*
 6 *making prescribing the applicability of the pipeline*
 7 *safety requirements to idled natural gas or other gas*
 8 *transmission and hazardous liquid pipelines.”; and*

9 (2) *in paragraph (2) by adding at the end the*
 10 *following:*

11 “(E) *CONSIDERATION.—In promulgating*
 12 *regulations under this section, the Secretary*
 13 *shall consider the adoption of industry consensus*
 14 *standards.”.*

15 **SEC. 13. RIGHTS-OF-WAY MANAGEMENT.**

16 *Section 60108(a) of title 49, United States Code, is*
 17 *amended by adding at the end the following:*

18 “(4) *ALTERNATIVE METHOD OF MAINTAINING*
 19 *RIGHTS-OF-WAY.—*

20 “(A) *IN GENERAL.—As part of the review con-*
 21 *ducted under paragraph (3), the Secretary shall allow*
 22 *for an alternative method of maintaining rights-of-*
 23 *way for pipelines and other pipeline facilities under*
 24 *a voluntary program carried out by the operator if*
 25 *such alternative method achieves a level of safety at*

1 *least equal to the level of safety required by regula-*
2 *tions issued under this chapter.*

3 “(B) *PURPOSE.*—*An operator considering imple-*
4 *menting an alternative method described under sub-*
5 *paragraph (A) may consider incorporating into the*
6 *plan for implementing such method 1 or more con-*
7 *servation practices, including—*

8 “(i) *integrated vegetation management*
9 *practices, including reduced mowing;*

10 “(ii) *the development of habitat and forage*
11 *for pollinators and other wildlife through seeding*
12 *or planting of diverse native forbs and grasses;*

13 “(iii) *practices relating to maintenance*
14 *strategies that promote early successional vegeta-*
15 *tion or limit disturbance during periods of high-*
16 *est use by target pollinator species and other*
17 *wildlife on pipeline or facilities rights-of-way,*
18 *including—*

19 “(I) *increasing mowing height;*

20 “(II) *reducing mowing frequency; and*

21 “(III) *refraining from mowing mon-*
22 *arch and other pollinator habitat during*
23 *periods in which monarchs or other polli-*
24 *nators are present;*

1 “(iv) an integrated vegetation management
 2 plan that may include approaches such as me-
 3 chanical tree and brush removal and targeted
 4 and judicious use of herbicides and mowing to
 5 address incompatible or undesirable vegetation
 6 while promoting compatible and beneficial vege-
 7 tation on pipeline and facilities rights-of-way;

8 “(v) planting or seeding of deeply rooted,
 9 regionally appropriate perennial grasses and
 10 wildflowers, including milkweed, to enhance
 11 habitat;

12 “(vi) removing shallow-rooted grasses from
 13 planting and seeding mixes, except for use as
 14 nurse or cover crops; or

15 “(vii) obtaining expert training or assist-
 16 ance on wildlife and pollinator-friendly prac-
 17 tices, including—

18 “(I) native plant identification;

19 “(II) establishment and management of
 20 regionally appropriate native plants;

21 “(III) land management practices; and

22 “(IV) integrated vegetation manage-
 23 ment.

24 “(C) SAVINGS CLAUSE.—Nothing in this section
 25 exempts an operator from compliance with the appli-

1 *cable requirements under this chapter or any applica-*
 2 *ble regulations promulgated under this chapter.*

3 “(D) *CONSULTATION.*—

4 “(i) *AVAILABLE GUIDANCE.*—*In developing*
 5 *such alternative methods, an operator shall con-*
 6 *sult any available guidance issued by—*

7 “(I) *the Secretary; or*

8 “(II) *an applicable State agency car-*
 9 *rying out compliance activities on behalf of*
 10 *the Secretary in accordance with section*
 11 *60105.*

12 “(ii) *LEADING INDUSTRY PRACTICES.*—*In*
 13 *the absence of the guidance described in clause*
 14 *(i), an operator may consult leading industry*
 15 *practices and guidance to develop and imple-*
 16 *ment such alternative methods.”.*

17 **SEC. 14. STUDY ON COMPOSITE MATERIALS FOR PIPE-**
 18 **LINES.**

19 (a) *STUDY ON USE OF COMPOSITE MATERIALS.*—*Not*
 20 *later than 18 months after the date of enactment of this*
 21 *Act, the Secretary of Transportation shall complete a study*
 22 *assessing the potential and existing use of pipelines con-*
 23 *structed with composite materials to safely transport hydro-*
 24 *gen and hydrogen blended with natural gas.*

1 (b) *STUDY CONSIDERATIONS.*—*In completing the*
2 *study under subsection (a), the Secretary shall consider—*

3 (1) *any commercially available composite pipe-*
4 *line materials;*

5 (2) *any completed or ongoing tests and data re-*
6 *garding composite pipeline materials available to the*
7 *Secretary or other Federal agencies; and*

8 (3) *any recommended standards, including con-*
9 *sensus standards, and Federal agency authorizations*
10 *relating to use of composite pipeline materials.*

11 (c) *PUBLIC PARTICIPATION.*—*To ensure adequate pub-*
12 *lic participation in completing the study under subsection*
13 *(a), the Secretary shall—*

14 (1) *hold a public meeting with interested stake-*
15 *holders, including the affected industries, interest*
16 *groups, and other individuals with relevant expertise;*

17 (2) *release a draft version of the study for public*
18 *comment for a period of not less than 60 days; and*

19 (3) *address any substantive comments submitted*
20 *by the public during the public comment period under*
21 *paragraph (2) in preparing the final study.*

22 (d) *PUBLIC MEETING.*—*Not later than 60 days after*
23 *the closing of the public comment period under subsection*
24 *(c)(2), the Secretary shall hold a public meeting to present*

1 *the findings of the study under this section and any re-*
 2 *sponses to public comments received under such subsection.*

3 *(e) RULEMAKING.—Not later than 18 months after the*
 4 *meeting described in subsection (d), the Secretary shall*
 5 *issue a rulemaking that includes a Notice of Proposed Rule-*
 6 *making to allow for the use of composite materials for pipe-*
 7 *line transportation of hydrogen and hydrogen blended with*
 8 *natural gas.*

9 **SEC. 15. COMPETITIVE ACADEMIC AGREEMENT PROGRAM.**

10 *(a) FEDERAL SHARE.—*

11 *(1) IN GENERAL.—In carrying out the Competi-*
 12 *tive Academic Agreement Program pursuant to sec-*
 13 *tion 60117(l) of title 49, United States Code, the Sec-*
 14 *retary of Transportation may allow for a 100-percent*
 15 *Federal share of financial assistance for a project car-*
 16 *ried out by small and mid-sized institutions.*

17 *(2) WRITTEN REQUEST REQUIRED.—The Sec-*
 18 *retary may only allow the use of a 100-percent Fed-*
 19 *eral share under paragraph (1) if the applicable in-*
 20 *stitution has provided a written request to the Sec-*
 21 *retary prior to the award of Federal assistance under*
 22 *such Program.*

23 *(3) SMALL AND MID-SIZED INSTITUTIONS DE-*
 24 *FINED.—In this subsection, the term “small and mid-*
 25 *sized institutions” means academic institutions eligi-*

1 *ble for a grant under the Competitive Academic*
 2 *Agreement Program with a current total enrollment*
 3 *of 17,500 students or less, including graduate and un-*
 4 *dergraduate as well as full- and part-time students.*

5 *(b) REPORT.—Following any award of grants under*
 6 *the Competitive Academic Agreement Program, the Sec-*
 7 *retary shall provide to Congress a written report detail-*
 8 *ing—*

9 *(1) the recipients of such grants; and*

10 *(2) any grantees that were provided a 100-per-*
 11 *cent Federal share under this section.*

12 **SEC. 16. GEOHAZARD MITIGATION STUDY.**

13 *(a) IN GENERAL.—Not later than 1 year after the date*
 14 *of enactment of this Act, the Comptroller General of the*
 15 *United States shall prepare a report containing—*

16 *(1) the results of a study that—*

17 *(A) evaluates Federal and State, as applica-*
 18 *ble, requirements for gas, hazardous liquid, and*
 19 *carbon dioxide pipeline facility design, siting,*
 20 *construction, operation and maintenance, and*
 21 *integrity management relating to geohazards, in-*
 22 *cluding seismicity, land subsidence, landslides,*
 23 *slope instability, frost heave, soil settlement, ero-*
 24 *sion, river scour, washouts, floods, unstable soil,*
 25 *water currents, hurricanes, dynamic geologic*

1 *conditions, tsunamis, tornados, wildfires, floods,*
2 *ice storms, or other hazards that may cause a*
3 *pipeline to move or be affected by abnormal ex-*
4 *ternal loads;*

5 *(B) evaluates any industry consensus stand-*
6 *ards or best practices related to the requirements*
7 *described in subparagraph (A);*

8 *(C) evaluates the implementation by opera-*
9 *tors of Federal and State regulations related to*
10 *geohazards and application of recommendations*
11 *included in the Advisory Bulletin of the Pipeline*
12 *and Hazardous Materials Safety Administration*
13 *titled “Pipeline Safety: Potential for Damage to*
14 *Pipeline Facilities Caused by Earth Movement*
15 *and Other Geological Hazards”, issued on May*
16 *2, 2019 (PHMSA–019–0087);*

17 *(D) identifies any discrepancies in the re-*
18 *quirements described in subparagraph (A) and*
19 *advisories, industry consensus standards, or best*
20 *practices for operators of gas, hazardous liquid,*
21 *and carbon dioxide pipeline facilities; and*

22 *(E) identifies any areas relating to*
23 *geohazards not addressed under subparagraphs*
24 *(A) through (D); and*

1 (2) *any recommendations of the Government Ac-*
 2 *countability Office based on the results of the study*
 3 *under paragraph (1).*

4 (b) *REPORT TO CONGRESS.*—Upon completion of the
 5 *report under subsection (a), the Comptroller General shall*
 6 *submit to the Secretary of Transportation, the Committee*
 7 *on Transportation and Infrastructure and the Committee*
 8 *on Energy and Commerce of the House of Representatives,*
 9 *and the Committee on Commerce, Science, and Transpor-*
 10 *tation of the Senate the report.*

11 **SEC. 17. SPECIAL PERMIT PROGRAM.**

12 (a) *COMPLIANCE AND WAIVERS.*—Section 60118(c)(1)
 13 *of title 49, United States Code, is amended by adding at*
 14 *the end the following:*

15 “(C) *LIMITATION ON TERMS.*—The Sec-
 16 *retary shall impose no terms on a waiver under*
 17 *this paragraph that do not apply to known pipe-*
 18 *line safety risks applicable to the standard being*
 19 *waived under subparagraph (A).*

20 “(D) *PUBLICATION.*—Upon completion of
 21 *the application requirements under section*
 22 *190.341 of title 49, Code of Federal Regulations,*
 23 *or successor regulations, the Secretary shall pub-*
 24 *lish notice of the application in the Federal Reg-*
 25 *ister.*

1 “(E) *REVIEW OF APPLICATION.*—*The Sec-*
2 *retary shall complete a review of each such ap-*
3 *plication not later than 18 months after pub-*
4 *lishing a notice in the Federal Register described*
5 *in subparagraph (D) with respect to the applica-*
6 *tion.*”.

7 (b) *REPORT TO CONGRESS.*—

8 (1) *IN GENERAL.*—*Not later than 2 years after*
9 *the date of enactment of this Act, the Secretary of*
10 *Transportation shall submit to the Committee on*
11 *Transportation and Infrastructure and Committee on*
12 *Energy and Commerce of the House of Representa-*
13 *tives and the Committee on Commerce, Science, and*
14 *Transportation of the Senate a report on the imple-*
15 *mentation by the Administrator of the Pipeline and*
16 *Hazardous Materials Safety Administration of the*
17 *amendment made by subsection (a).*

18 (2) *CONTENTS.*—*The report required under*
19 *paragraph (1) shall include—*

20 (A) *a listing of each special permit applica-*
21 *tion applied for under section 60118(c)(1) of title*
22 *49, United States Code;*

23 (B) *a brief summary of the purpose of each*
24 *such special permit;*

1 (C) the date on which each such application
2 was received;

3 (D) the date on which each such application
4 was completed or, in the absence of completion,
5 the status of the application;

6 (E) the date on which the Secretary issued
7 a determination on the application; and

8 (F) the explanation of the Secretary for any
9 decision made outside the review period identi-
10 fied in section 60118(c)(1)(E) of title 49, United
11 States Code, if applicable.

12 (c) *GAO REPORT.*—Not later than 1 year after the
13 submission of the report under subsection (b), the Comp-
14 troller General of the United States shall submit to the Com-
15 mittee on Transportation and Infrastructure and the Com-
16 mittee on Energy and Commerce of the House of Represent-
17 atives and the Committee on Commerce, Science, and
18 Transportation of the Senate a report assessing the Sec-
19 retary’s implementation of, and compliance with, subpara-
20 graphs (C) through (E) of section 60118(c)(1) of title 49,
21 United States Code.

22 **SEC. 18. EXCAVATION DAMAGE PREVENTION.**

23 (a) *GRANTS TO STATES.*—Section 6106 of title 49,
24 United States Code, is amended—

1 (1) *in subsection (b) by inserting “adoption or*
 2 *progress toward adoption of the leading practices list-*
 3 *ed in subsection (b) and” before “legislative and regu-*
 4 *latory”;*

5 (2) *by redesignating subsections (b) and (c) as*
 6 *subsections (d) and (e), respectively;*

7 (3) *by inserting after subsection (a) the fol-*
 8 *lowing:*

9 “(b) *LEADING PRACTICES.—A State one-call program*
 10 *shall implement leading practices that—*

11 “(1) *identify the size and scope of a one-call tick-*
 12 *et for standard locate requests, including process ex-*
 13 *ceptions for special large project tickets;*

14 “(2) *restrict the longevity of a one-call ticket for*
 15 *standard locate requests, which may include process*
 16 *exceptions for special large project tickets;*

17 “(3) *examine and limit exemptions to one-call*
 18 *programs to prevent common excavation damage inci-*
 19 *dents, including—*

20 “(A) *excavation or demolition performed by*
 21 *the owner of a single-family residential property;*

22 “(B) *any excavation of 18 inches or less*
 23 *when maintenance activities are performed;*

1 “(C) repairing, connecting, adjusting, or
2 conducting routine maintenance of a private or
3 public underground utility facility; and

4 “(D) municipalities, public works organiza-
5 tions, and State departments of transportation
6 for road maintenance;

7 “(4) specify tolerance zone horizontal dimensions
8 and requirements for hand-dig, hydro, vacuum exca-
9 vation, and other nonintrusive methods;

10 “(5) specify emergency excavation notification
11 requirements, including defining emergency exca-
12 vation and identifying the notification requirements
13 for an emergency excavation;

14 “(6) specify the responsibilities of the excavator,
15 including the reporting of damages due to excavation
16 activities;

17 “(7) define who is an excavator and what is con-
18 sidered excavation;

19 “(8) require the use of white lining or electronic
20 white lining, allowing for exceptions for special large-
21 project tickets;

22 “(9) require a positive response, such as the util-
23 ity, municipality, or other entity placing the marks
24 positively responds to the notification center and the

1 *excavator checks for a positive response before begin-*
2 *ning excavation;*

3 “(10) *require newly installed underground facili-*
4 *ties to be locatable;*

5 “(11) *require the marking of lines and laterals,*
6 *including sewer lines and laterals;*

7 “(12) *require training programs and require-*
8 *ments for third-party excavators performing exca-*
9 *vation activities that are not subject to pipeline con-*
10 *struction requirements under part 192 or part 195 of*
11 *title 49, Code of Federal Regulations;*

12 “(13) *require training for locate professionals;*
13 *and*

14 “(14) *require the use of commercially available*
15 *technologies to locate underground facilities, such as*
16 *geographic information systems and enhanced posi-*
17 *tive response.*

18 “(c) *REPORT TO CONGRESS.—*

19 “(1) *INITIAL REPORT.—Not later than 3 years*
20 *after the implementation of subsection (b), the Sec-*
21 *retary shall submit to the Committee on Transpor-*
22 *tation and Infrastructure and the Committee on En-*
23 *ergy and Commerce of the House of Representatives*
24 *and the Committee on Commerce, Science, and Trans-*
25 *portation of the Senate a report detailing—*

1 “(A) the implementation of the leading
2 practices described in such subsection;

3 “(B) recommendations to increase the adop-
4 tion of such leading practices and recommenda-
5 tions for the reduction of excavation damage in-
6 cidents; and

7 “(C) the number of underground facility
8 damages per 1,000 one-call tickets in each State
9 for the reporting year.

10 “(2) *ADDITIONAL REPORTS.*—Not later than once
11 every 2 years after the submittal of the report under
12 paragraph (1), the Secretary shall submit to the Com-
13 mittee on Transportation and Infrastructure and the
14 Committee on Energy and Commerce of the House of
15 Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate a report
17 detailing—

18 “(A) the implementation of the leading
19 practices described in subsection (b);

20 “(B) recommendations to increase the adop-
21 tion of such leading practices and recommenda-
22 tions for the reduction of excavation damage in-
23 cidents; and

1 “(C) the number of underground facility
2 damages per 1,000 one-call tickets in each state
3 for each year covered by the report.”; and

4 (4) by adding at the end the following:

5 “(f) SAVINGS CLAUSE.—Nothing in this section shall
6 make a grant award to a State by the Secretary pursuant
7 to section 60107 or section 60134 for a State program cer-
8 tified under section 60105 or section 60106 contingent on
9 compliance by the State with all leading practices described
10 in subsection (b).”.

11 (b) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
12 tion 60134(c) of title 49, United States Code, is amended—

13 (1) by striking “In making grants” and insert-
14 ing the following:

15 “(1) IN GENERAL.—In making grants”; and

16 (2) by adding at the end the following:

17 “(2) CONSIDERATIONS.—In evaluating criteria
18 for determining the effectiveness of the damage pre-
19 vention program of a State, the Secretary shall con-
20 sider whether the State has, at a minimum—

21 “(A) effective, active, and consistent enforce-
22 ment of State one-call laws (including consist-
23 ency in the application of enforcement resources,
24 fines, and penalties to all relevant stakeholders,
25 such as operators, locators, and excavators);

1 “(B) data reporting requirements such as
2 those—

3 “(i) to the local one-call center for ex-
4 cavation damage events on pipelines and
5 other underground facilities, that are not
6 privately owned, including (if available at
7 the time of reporting)—

8 “(I) information about the nature
9 of the incident, including the facility
10 damaged and the apparent cause of
11 such damage (with supporting docu-
12 mentation);

13 “(II) the organizations or entities
14 involved;

15 “(III) the impact to public safety,
16 utility operations, and customer serv-
17 ice; and

18 “(IV) the impact to the environ-
19 ment; and

20 “(ii) to a nationally focused nonprofit
21 organization specifically established for the
22 purpose of reducing construction-related
23 damages to underground facilities, of dam-
24 ages and near-miss events to underground
25 facilities from excavation damages, includ-

1 *ing potential contributing factors, facility*
 2 *damaged, type of excavator, work per-*
 3 *formed, equipment type, and State;*

4 *“(C) data reporting requirements, to a non-*
 5 *profit organization specifically established for the*
 6 *purpose of reducing construction-related damage*
 7 *to underground facilities, of damage and near-*
 8 *miss events to underground facilities from exca-*
 9 *vation damage, including root cause, facility*
 10 *damaged, type of excavator, work performed,*
 11 *equipment type, and State; and*

12 *“(D) performance measures to determine the*
 13 *effectiveness of excavation damage prevention ef-*
 14 *forts.”.*

15 **SEC. 19. INTEGRITY MANAGEMENT STUDY.**

16 *(a) IN GENERAL.—Not later than 45 days after the*
 17 *date of enactment of this Act, the Secretary of Transpor-*
 18 *tation shall enter into an agreement with the National*
 19 *Academies under which the National Academies shall con-*
 20 *duct a study of the effectiveness of integrity management*
 21 *regulations applicable to natural gas and hazardous liquid*
 22 *pipeline facilities.*

23 *(b) DATA SOURCES.—In carrying out the study under*
 24 *subsection (a), the National Academies shall—*

1 (1) use publicly available data from the Pipeline
2 and Hazardous Materials Safety Administration,
3 State pipeline regulatory agencies, and other public
4 sources; and

5 (2) consult with pipeline stakeholders in the de-
6 velopment of findings under the study, including
7 State and Federal regulators, pipeline operators, pub-
8 lic safety organizations, and environmental organiza-
9 tions.

10 (c) *ELEMENTS.*—The study described under subsection
11 (a) shall include—

12 (1) a review of previous assessments of integrity
13 management program implementation produced by or
14 for the Secretary or the National Transportation
15 Safety Board;

16 (2) a review of the implementation and enforce-
17 ment by the Secretary of integrity management regu-
18 lations and any modifications of the regulations
19 issued by the Secretary pursuant to section 60109 of
20 title 49, United States Code;

21 (3) a trend analysis and assessment of pipeline
22 safety incidents, accidents, and repairs for high con-
23 sequence and non-high consequence areas, including
24 comparing—

1 (A) the frequency of such incidents, acci-
 2 dents, and repairs before and after the imple-
 3 mentation of the Federal integrity management
 4 requirements described in subsection (a); and

5 (B) the frequency of such incidents, acci-
 6 dents, and repairs during the period of time such
 7 integrity management requirements have been in
 8 effect;

9 (4) development of metrics to gauge the effective-
 10 ness of the implementation and enforcement of such
 11 integrity management regulations;

12 (5) an assessment of how integrity management
 13 informs operator activities, including planning and
 14 completion of repairs, and whether the implementa-
 15 tion of integrity management regulations by operators
 16 of pipeline facilities has had a demonstrable effect on
 17 improving gas and hazardous liquid pipeline safety;
 18 and

19 (6) identification of areas where pipeline safety
 20 has improved and where it has not improved due to
 21 integrity management.

22 (d) *REPORT TO CONGRESS.*—The Secretary shall—

23 (1) require the National Academies to submit to
 24 the Secretary a report on the results of the study
 25 under subsection (a); and

1 (2) *not later than 2 years after the date of enact-*
 2 *ment of this Act, submit to the Committee on Trans-*
 3 *portation and Infrastructure and the Committee on*
 4 *Energy and Commerce of the House of Representa-*
 5 *tives and the Committee on Commerce, Science, and*
 6 *Transportation of the Senate such report.*

7 **SEC. 20. HYDROGEN STUDY.**

8 (a) *IN GENERAL.*—*The Comptroller General of the*
 9 *United States shall conduct a study on existing natural gas*
 10 *pipeline systems that, as a result of hydrogen-natural gas*
 11 *blending, contain a percentage of hydrogen that is greater*
 12 *than 5 percent by volume to identify the changes that opera-*
 13 *tors have implemented, including—*

14 (1) *modifications or alternatives to—*
 15 (A) *odorants and leak-detection methods;*
 16 (B) *pipeline materials; and*
 17 (C) *operational standards; and*
 18 (2) *modifications to pipeline infrastructure.*

19 (b) *ADDITIONAL CONTENTS.*—*The study under sub-*
 20 *section (a) shall include—*

21 (1) *an identification of any technical challenges*
 22 *with repurposing existing natural gas infrastructure*
 23 *to allow such infrastructure to be used for hydrogen-*
 24 *natural gas blended service; and*

1 (2) *an examination of hydrogen-natural gas*
2 *blended pipeline systems currently operating, includ-*
3 *ing in the United States, the United Kingdom, Can-*
4 *ada, Europe, Australia, and Hong Kong.*

5 (c) *CONSIDERATIONS.—In conducting the study under*
6 *subsection (a), the Comptroller General shall consider—*

7 (1) *any changes that domestic and international*
8 *operators of natural gas pipeline systems have imple-*
9 *mented to the processes, pipeline materials, metering,*
10 *and operational standards used by such operators to*
11 *account for the operation and integrity of natural gas*
12 *pipeline systems that use a hydrogen content at vari-*
13 *able percentages above 5 percent by volume; and*

14 (2) *how such operators have taken into account*
15 *the effects of hydrogen-natural gas blending on dif-*
16 *ferent types of—*

17 (A) *natural gas pipeline systems materials,*
18 *including cast iron, steel, composite pipe, and*
19 *plastic pipe; and*

20 (B) *components of such systems, including*
21 *valves and meters.*

22 (d) *REPORT.—Not later than 1 year after the date of*
23 *enactment of this Act, the Comptroller General shall submit*
24 *to the Committee on Transportation and Infrastructure and*
25 *the Committee on Energy and Commerce of the House of*

1 *Representatives and the Committee on Commerce, Science,*
 2 *and Transportation of the Senate a report on the results*
 3 *of the study conducted under subsection (a).*

4 (e) *RULEMAKING.*—*The results of the study under sub-*
 5 *section (a) should inform the rulemaking efforts of the Sec-*
 6 *retary relating to hydrogen-natural gas blending. The Sec-*
 7 *retary may determine that rulemaking efforts related to hy-*
 8 *drogen should be advanced before completion of the study*
 9 *under subsection (a).*

10 (f) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
 11 *tion shall be construed to prohibit or otherwise limit the*
 12 *authority of the Secretary to issue regulations relating to*
 13 *hydrogen prior to the submission of the report under sub-*
 14 *section (d).*

15 **SEC. 21. PENALTY FOR CAUSING A DEFECT IN OR DIS-**
 16 **RUPTING OPERATION OF PIPELINE INFRA-**
 17 **STRUCTURE.**

18 Section 60123 of title 49, United States Code, is
 19 amended by adding at the end the following:

20 “(e) *PENALTY FOR CAUSING A DEFECT IN OR DIS-*
 21 *RUPTING OPERATION OF PIPELINE INFRASTRUCTURE.*—

22 “(1) *IN GENERAL.*—*A person shall be fined*
 23 *under title 18, imprisoned for not more than 10*
 24 *years, or both, if the person knowingly and will-*
 25 *fully—*

1 “(A) causes a defect in a pipe, pump, com-
 2 pressor, or valve in the possession of a pipeline
 3 operator to be used in construction of any pipe-
 4 line facility described in subsection (b) that
 5 would affect the integrity or safe operation of
 6 any such facility; or

7 “(B) disrupts the operation of any pipeline
 8 facility described in subsection (b) by causing or
 9 undertaking the unauthorized or unplanned
 10 turning or manipulation of a valve.

11 “(2) *DEFINITION.*—In this subsection, the term
 12 ‘in the possession of a pipeline operator’ means, with
 13 respect to a pipe, pump, compressor, or valve, that
 14 such pipe, pump, compressor, or valve is—

15 “(A) in transit to a pipeline component
 16 staging site or construction site;

17 “(B) at a pipeline component staging site;

18 or

19 “(C) at a construction site.”.

20 **SEC. 22. CIVIL PENALTIES.**

21 Section 60122(a)(1) of title 49, United States Code,
 22 is amended by striking “\$2,000,000” and inserting
 23 “\$2,500,000”.

1 **SEC. 23. LIQUEFIED NATURAL GAS REGULATORY COORDI-**
2 **NATION.**

3 (a) *ESTABLISHMENT AND PURPOSE.*—*The Secretary of*
4 *Transportation shall establish and convene a Liquefied Nat-*
5 *ural Gas Regulatory Safety Working Group (in this section*
6 *referred to as the “Working Group”) through the National*
7 *Center of Excellence for Liquefied Natural Gas Safety to*
8 *clarify the authority of Federal agencies in the authorizing*
9 *and oversight of LNG facilities, other than peak shaving*
10 *facilities, and improve coordination of the authority of such*
11 *agencies.*

12 (b) *MEMBERSHIP.*—

13 (1) *IN GENERAL.*—*The Working Group shall con-*
14 *sist of certain representatives of the Federal govern-*
15 *ment, as such term is defined in clauses (i) through*
16 *(v) of section 111(a)(3)(F) of the PIPES Act of 2020*
17 *(Public Law 116–260), as designated by the Secretary*
18 *of Transportation or appropriate Federal agency*
19 *leadership.*

20 (2) *CHAIR.*—*The Administrator of the Pipeline*
21 *and Hazardous Materials Safety Administration or a*
22 *designee of the Administrator shall serve as chair of*
23 *the Working Group, unless an alternate member of the*
24 *working group is selected by unanimous consent of the*
25 *Working Group.*

1 (3) *RESPONSIBILITIES OF CHAIR.*—*The Chair of*
 2 *the Working Group shall establish an agenda and*
 3 *schedule for the Working Group to accomplish the ob-*
 4 *jectives described in subsection (c).*

5 (c) *EVALUATION.*—

6 (1) *IN GENERAL.*—*The Working Group shall*
 7 *evaluate individual Federal agency authorities per-*
 8 *taining to the siting and design, construction, oper-*
 9 *ation and maintenance, and operational and process*
 10 *safety regulations of LNG facilities.*

11 (2) *NEGOTIATION.*—*The Working Group shall*
 12 *negotiate Federal agency agreements pursuant to sub-*
 13 *section (d) to establish procedures for—*

14 (A) *the application of the respective au-*
 15 *thorities of each Federal agency in ensuring safe-*
 16 *ty in a manner to ensure effective regulation of*
 17 *LNG facilities in the public interest;*

18 (B) *resolving conflicts concerning overlap-*
 19 *ping jurisdiction among the Federal agencies;*
 20 *and*

21 (C) *avoiding, to the extent possible and if*
 22 *appropriate, conflicting or duplicative regula-*
 23 *tion, inspection protocols, and reporting obliga-*
 24 *tions.*

1 (d) *MEMORANDUM OF UNDERSTANDING AND INTER-*
 2 *AGENCY AGREEMENTS.*—*Not later than 2 years after the*
 3 *date of enactment of this Act, the agencies represented on*
 4 *the Working Group shall enter into interagency agreements*
 5 *or memorandums of understanding regarding best practices*
 6 *and individual agency safety oversight enforcement respon-*
 7 *sibilities regarding LNG facilities, other than peak shaving*
 8 *facilities.*

9 (e) *REPORT TO CONGRESS.*—*Not later than 1 year*
 10 *after entering into interagency agency agreements or memo-*
 11 *randum of understanding under subsection (d), the Sec-*
 12 *retary shall submit to the Committee on Transportation*
 13 *and Infrastructure and the Committee on Energy and Com-*
 14 *merce of the House of Representatives and the Committee*
 15 *on Commerce, Science, and Transportation of the Senate*
 16 *a report on the memorandum of understanding or inter-*
 17 *agency agreements and how such memorandum or agree-*
 18 *ments have contributed to improved safety and enforcement*
 19 *oversight coordination of LNG facilities.*

20 (f) *LNG DEFINED.*—*In this section, the term “LNG”*
 21 *means liquefied natural gas.*

22 **SEC. 24. PIPELINE SAFETY VOLUNTARY INFORMATION-**
 23 **SHARING SYSTEM.**

24 (a) *IN GENERAL.*—*Chapter 601 of title 49, United*
 25 *States Code, is amended by adding at the end the following:*

1 **“§ 60144. Voluntary information-sharing system**

2 “(a) *ESTABLISHMENT.*—

3 “(1) *IN GENERAL.*—*The Secretary shall establish*
4 *a confidential voluntary information-sharing system*
5 *(referred to in this section as ‘VIS’) to encourage the*
6 *sharing of pipeline safety data and information in a*
7 *non-punitive context in order to improve the safety of*
8 *gas, carbon dioxide, and hazardous liquid gathering,*
9 *transmission, and distribution pipelines and facili-*
10 *ties, including storage facilities.*

11 “(2) *PURPOSE.*—*The purpose of the VIS is to es-*
12 *tablish a comprehensive, systematic, and integrated*
13 *structure to gather, evaluate, and quantify critical*
14 *pipeline safety data and information and to share*
15 *recommended remediation measures and lessons*
16 *learned across the pipeline industry in an effort to*
17 *improve pipeline safety, including damage prevention*
18 *efforts, while protecting participant confidentiality.*

19 “(3) *IMPLEMENTATION AND MANAGEMENT.*—*In*
20 *establishing the VIS under this section, the Secretary*
21 *shall implement and manage such VIS based on the*
22 *Pipeline Safety Voluntary Information-Sharing Sys-*
23 *tem Recommendation Report prepared pursuant to*
24 *section 10 of the Protecting Our Infrastructure of*
25 *Pipelines and Enhancing Safety Act of 2016 (49*
26 *U.S.C. 60108 note).*

1 “(4) *INAPPLICABILITY OF FACA.*—*The VIS shall*
 2 *not be considered a Federal advisory committee and*
 3 *shall not be subject to the requirements of chapter 10*
 4 *of title 5.*

5 “(b) *GOVERNANCE.*—

6 “(1) *IN GENERAL.*—*A Governing Board, a Pro-*
 7 *gram Manager, a Third-Party Information Manager,*
 8 *and Issue Analysis Teams shall govern the VIS.*

9 “(2) *GOVERNING BOARD.*—

10 “(A) *IN GENERAL.*—*Not later than 180*
 11 *days after the date of enactment of this section,*
 12 *the Administrator of the Pipeline and Haz-*
 13 *ardous Materials Safety Administration shall*
 14 *appoint a Governing Board after consulting with*
 15 *public and private pipeline safety stakeholders.*

16 “(B) *COMPOSITION OF THE BOARD.*—*The*
 17 *Governing Board shall be comprised of at least*
 18 *9 members and shall represent a balanced cross-*
 19 *section of pipeline safety stakeholders with pipe-*
 20 *line safety knowledge or experience as follows:*

21 “(i) *At least 3 individuals shall be se-*
 22 *lected from departments, agencies, instru-*
 23 *mentalities of the Federal Government, Ter-*
 24 *ritories, State governments, or local govern-*

ments, 1 of which shall be the Administrator.

“(ii) At least 3 individuals shall be selected from the gas, carbon dioxide, or hazardous liquid industries, such as operators, trade associations, inspection technology, coating, and cathodic protection vendors, and pipeline inspection organizations.

“(iii) At least 3 individuals shall be selected from public safety advocate organizations, such as pipeline safety and environmental advocacy groups, public safety-focused research institutions, or labor and worker safety representatives.

“(C) BOARD TERMS.—

“(i) IN GENERAL.—Each member of the Governing Board shall be appointed for a term of 3 years, with the terms of 3 of the members expiring each year.

“(ii) TERM EXPIRATION.—The term of at least 1 member of each of the 3 stakeholder groups established in subparagraph (B) shall expire each year.

“(iii) INITIAL APPOINTMENT.—In the initial appointment of members, terms of 1,

1 2, and 3 years shall be established to allow
 2 the terms of 3 members to expire thereafter
 3 each year.

4 “(iv) *REAPPOINTMENT.*—Each member
 5 may be reappointed for consecutive 3-year
 6 terms.

7 “(D) *CO-CHAIRS.*—

8 “(i) *IN GENERAL.*—The Governing
 9 Board shall be co-chaired by—

10 “(I) the Administrator;

11 “(II) a representative of the stake-
 12 holder group described in subpara-
 13 graph (B)(ii), who shall be appointed
 14 with advice and consent of the Gov-
 15 erning Board; and

16 “(III) a representative of the
 17 stakeholder group described in sub-
 18 paragraph (B)(iii), who shall be ap-
 19 pointed with advice and consent of the
 20 Governing Board.

21 “(ii) *RESPONSIBILITIES.*—The co-
 22 chairs of the Governing Board shall be
 23 jointly responsible for organizing and con-
 24 ducting meetings of the Governing Board.

1 “(E) *AUTHORITY.*—*The Governing Board*
2 *shall make decisions by a super-majority of two-*
3 *thirds plus 1 of the Governing Board members*
4 *and shall have the authority to—*

5 “(i) *govern and provide strategic over-*
6 *sight to the VIS;*

7 “(ii) *develop governance documents,*
8 *including a Governing Board charter that*
9 *is made available to the public, and that de-*
10 *scribes the scope of the authority and objec-*
11 *tives of the Board;*

12 “(iii) *select a Third-Party Data Man-*
13 *ager described in paragraph (4) with exper-*
14 *tise in data protection, aggregation, and*
15 *analytics and geographic information sys-*
16 *tems;*

17 “(iv) *approve the criteria and proce-*
18 *dures governing how the Third-Party Data*
19 *Manager described in paragraph (4) will*
20 *receive and accept pipeline safety data and*
21 *information and who will have the author-*
22 *ity to view VIS data;*

23 “(v) *establish and appoint members to*
24 *Issue Analysis Teams described in para-*

1 graph (5) that consist of technical and sub-
2 ject matter experts;

3 “(vi) collaborate with Issue Analysis
4 Teams described in paragraph (5) to iden-
5 tify the issues and topics to be analyzed;

6 “(vii) collaborate with Issue Analysis
7 Teams described in paragraph (5) to specify
8 the type of de-identified pipeline safety data
9 and information that Issue Analysis Teams
10 need in order to analyze the issues identi-
11 fied under clause (vi) and topics;

12 “(viii) determine the information to be
13 disseminated;

14 “(ix) determine the reports to be dis-
15 seminated;

16 “(x) at least once per year, issue a re-
17 port to the public on VIS processes, mem-
18 bership of the Governing Board, issues or
19 topics being investigated and analyzed,
20 pipeline safety data and information that
21 the VIS has requested for submission to the
22 VIS, and safety trends identified; and

23 “(xi) perform other functions as the
24 Governing Board decides are necessary or

1 *appropriate consistent with the purpose of*
2 *the VIS.*

3 “(3) *PROGRAM MANAGER.*—*The Administrator*
4 *shall provide the day-to-day program management*
5 *and administrative support for the VIS, including*
6 *oversight of the Third-Party Data Manager described*
7 *in paragraph (4).*

8 “(4) *THIRD-PARTY DATA MANAGER.*—

9 “(A) *IN GENERAL.*—*A Third-Party Data*
10 *Manager shall provide data management and*
11 *data oversight services for the VIS.*

12 “(B) *RESPONSIBILITIES.*—*In fulfilling the*
13 *responsibilities described in subparagraph (A),*
14 *the Third-Party Data Manager shall—*

15 “(i) *accept pipeline safety data and in-*
16 *formation submitted to the VIS that meets*
17 *the criteria and procedures established by*
18 *the Governing Board under paragraph*
19 *(2)(E)(iv);*

20 “(ii) *de-identify, securely store, and*
21 *manage pipeline safety data and informa-*
22 *tion that is accepted by the VIS;*

23 “(iii) *collaborate with Issue Analysis*
24 *Teams described in paragraph (5) to aggre-*
25 *gate and analyze de-identified pipeline safe-*

1 *ty data and information that is accepted by*
2 *the VIS;*

3 *“(iv) prepare reports as requested by*
4 *the Governing Board regarding the type of*
5 *pipeline safety data and information that is*
6 *managed by the VIS; and*

7 *“(v) make recommendations regarding*
8 *the management of pipeline safety data and*
9 *information, as appropriate.*

10 *“(5) ISSUE ANALYSIS TEAMS.—Issue Analysis*
11 *Teams of the VIS shall—*

12 *“(A) work with the Third-Party Data Man-*
13 *ager described in paragraph (4) to aggregate and*
14 *analyze de-identified pipeline safety data and*
15 *information accepted by the VIS;*

16 *“(B) collaborate with the Governing Board*
17 *to identify issues and topics for analysis and*
18 *submit internal reports and recommendations to*
19 *the Governing Board; and*

20 *“(C) prepare reports as requested by the*
21 *Governing Board regarding issues and topics*
22 *identified for additional research by the Gov-*
23 *erning Board.*

24 *“(6) PARTICIPATION.—*

1 “(A) *IN GENERAL.*—*The submission of pipe-*
2 *line safety data and information to the VIS by*
3 *any person shall be voluntary, with no person*
4 *compelled to participate in or submit data or in-*
5 *formation for inclusion in the VIS.*

6 “(B) *ACCEPTANCE OF INFORMATION.*—*The*
7 *VIS shall implement policies to ensure that all*
8 *operator data or information submitted has been*
9 *authorized by the operator for submission.*

10 “(C) *SHARING OF INFORMATION.*—*The Gov-*
11 *erning Board shall encourage the voluntary shar-*
12 *ing of pipeline safety data and information*
13 *among operators of gas, carbon dioxide, and haz-*
14 *ardous liquid gathering, transmission, and dis-*
15 *tribution pipelines and facilities, employees,*
16 *labor unions, contractors, in-line inspection serv-*
17 *ice providers, non-destructive evaluation experts,*
18 *the Pipeline and Hazardous Materials Safety*
19 *Administration, representatives of State pipeline*
20 *safety agencies, local and Tribal governments,*
21 *pipeline safety advocacy groups, manufacturers,*
22 *research and academic institutions, and other*
23 *pipeline stakeholders.*

24 “(c) *INFORMATION SHARING.*—

1 “(1) *INCLUSIONS.—Pipeline safety data and in-*
2 *formation accepted by the VIS may include—*

3 “(A) *pipeline integrity risk analysis infor-*
4 *mation;*

5 “(B) *lessons learned from accidents and*
6 *near misses;*

7 “(C) *process improvements;*

8 “(D) *technology deployment practices;*

9 “(E) *information obtained through VIS*
10 *pipeline safety surveys of pipeline operator em-*
11 *ployees, as long as such surveys are voluntarily*
12 *agreed to by the pipeline operator; and*

13 “(F) *pipeline safety data and information*
14 *which may lead to the identification of pipeline*
15 *safety risks.*

16 “(d) *CONFIDENTIALITY.—*

17 “(1) *IN GENERAL.—*

18 “(A) *CONFIDENTIALITY.—To facilitate the*
19 *sharing of otherwise non-public pipeline safety*
20 *data and information (hereinafter known as*
21 *‘non-public information’) in the VIS, non-public*
22 *information accepted by the VIS and which may*
23 *be analyzed, stored, or managed by the VIS shall*
24 *be kept confidential by the VIS.*

1 “(B) *RULE OF CONSTRUCTION.*—Subpara-
 2 *graph (A) shall not be construed to apply to pub-*
 3 *lic information that may be submitted to the*
 4 *VIS or to non-public information that is re-*
 5 *quired to be submitted to any Federal, State,*
 6 *local, or Tribal agency under any other provi-*
 7 *sion of law.*

8 “(2) *DISCLOSURE OF DE-IDENTIFIED, NON-PUB-*
 9 *LIC INFORMATION.*—

10 “(A) *IN GENERAL.*—Notwithstanding sub-
 11 *sections (e) and (f), the Governing Board may*
 12 *approve the disclosure of de-identified, non-pub-*
 13 *lic information by the VIS or by the Adminis-*
 14 *trator of the Pipeline and Hazardous Materials*
 15 *Safety Administration based on analysis of the*
 16 *de-identified information and any safety find-*
 17 *ings or recommendations that the Governing*
 18 *Board in the sole discretion of the Board deter-*
 19 *mines to publish or authorizes the Administrator*
 20 *to publish to improve pipeline safety.*

21 “(B) *PUBLIC REPORTS.*—In issuing public
 22 *reports under subsection (b)(2)(E)(x), the Gov-*
 23 *erning Board shall approve the disclosure of de-*
 24 *identified, non-public information by the VIS*
 25 *that the Governing Board determines is nec-*

1 *essary to adequately describe and illustrate the*
2 *issues and topics being investigated and ana-*
3 *lyzed by the VIS.*

4 “(3) *LIMITATION.—Except as provided in para-*
5 *graph (2), no person, including any VIS Governing*
6 *Board member, the Program Manager, the Third-*
7 *Party Data Manager described in subsection (b)(4),*
8 *an Issue Analysis Team member described in sub-*
9 *section (b)(5), or any Federal, State, local, or Tribal*
10 *agency, having or obtaining access to non-public in-*
11 *formation by virtue of the acceptance of such infor-*
12 *mation to the VIS, shall release or communicate VIS*
13 *held non-public information, in either an identified*
14 *or de-identified form, to any person that does not*
15 *have the authority to view VIS data.*

16 “(e) *APPLICABILITY OF FOIA.—Any non-public infor-*
17 *mation that is accepted by the VIS and which may be ana-*
18 *lyzed, stored, or managed by the VIS and subsequently ob-*
19 *tained by the Secretary or the Administrator by virtue of*
20 *the acceptance of such information to the VIS shall be ex-*
21 *empt from the requirements of section 552 of title 5 and*
22 *specifically exempt from release under subsection (b)(3) of*
23 *such section.*

24 “(f) *EXCLUSIONS.—*

1 “(1) *EXCLUDED EVIDENCE.*—*Except as provided*
2 *in paragraph (3), non-public information accepted by*
3 *the VIS and which may be analyzed, stored, or man-*
4 *aged by the VIS shall not be obtained from the VIS—*

5 “(A) *for use as evidence for any purpose in*
6 *any Federal, State, local, Tribal, or private liti-*
7 *gation, including any action or proceeding; or*

8 “(B) *to initiate any enforcement action or*
9 *civil litigation against a pipeline operator or*
10 *employees or contractors of such operator relat-*
11 *ing to a probable violation under this chapter*
12 *(including any regulation promulgated or order*
13 *issued under this chapter).*

14 “(2) *EXCLUSION FROM DISCOVERY.*—*Except as*
15 *provided in paragraph (3), non-public information*
16 *accepted by the VIS and which may be analyzed,*
17 *stored, or managed by the VIS shall not be subject to*
18 *discovery from the VIS in any Federal, State, local,*
19 *Tribal, or private litigation or other proceeding.*

20 “(3) *LIMITATIONS ON EXCLUSIONS.*—*The exclu-*
21 *sions described in paragraphs (1) and (2) shall not*
22 *apply to non-public information accepted by the VIS*
23 *that is—*

24 “(A) *evidence of a criminal violation;*

1 “(B) not related to the established purpose
2 of the VIS described in subsection (a)(2);

3 “(C) otherwise required to be reported to the
4 Secretary under part 191 (including information
5 about an incident or accident), part 192, part
6 194, part 195, or part 199 of title 49, Code of
7 Federal Regulations (or successor regulations), or
8 required to be reported under the requirements of
9 a State authority; or

10 “(D) developed or obtained from a source
11 other than the VIS, including through discovery
12 from a person or an entity other than the VIS
13 in an enforcement action or private litigation.

14 “(4) *ADDITIONAL LIMITATIONS ON EXCLU-*
15 *SIONS.—The exclusions described in paragraphs (1)*
16 *and (2) shall not apply to non-public information*
17 *that is submitted to but not accepted by the VIS.*

18 “(g) *EFFECT ON STATE LAW.—Nothing in this section*
19 *shall be construed to affect Federal, State, or local pipeline*
20 *safety law.*

21 “(h) *NO EFFECT ON DISCOVERY.—*

22 “(1) *RULE OF CONSTRUCTION.—Nothing in this*
23 *section or any rule, regulation, or amendment issued*
24 *pursuant to this section shall be construed to create*
25 *a defense to a discovery request or otherwise limit or*

1 *affect the discovery of pipeline safety data and infor-*
 2 *mation arising from a cause of action authorized*
 3 *under any Federal, State, or local law.*

4 “(2) *EXCEPTION.*—Paragraph (1) shall not
 5 *apply to exclusions from discovery from the VIS as*
 6 *described in subsection (f)(2).*

7 “(i) *EXPENSES.*—

8 “(1) *IN GENERAL.*—Members of the VIS Gov-
 9 *erning Board and Issue Analysis Teams may be paid*
 10 *expenses under section 5703 of title 5.*

11 “(2) *RULE OF CONSTRUCTION.*—A payment
 12 *under this subsection shall not be construed to make*
 13 *a member of the VIS Governing Board an officer or*
 14 *employee of the Federal Government.*

15 “(3) *FEDERAL EMPLOYEES.*—Paragraph (1)
 16 *shall not apply to members of the VIS Governing*
 17 *Board that are employees of the Federal Government.*

18 “(j) *REPORT ON VIS.*—Not later than 2 years after
 19 *the date of enactment of this section, the Secretary shall*
 20 *submit to the Committee on Transportation and Infrastruc-*
 21 *ture and the Committee on Energy and Commerce of the*
 22 *House of Representatives and the Committee on Commerce,*
 23 *Science, and Transportation of the Senate, and make pub-*
 24 *licly available, a report that includes—*

1 “(1) a detailed accounting of the allocation and
2 uses of expenditures authorized under this section;

3 “(2) an estimate of the annual cost to maintain
4 the VIS program, including an assessment and pro-
5 jection of costs associated with the Third-Party Data
6 Manager, data sourcing and storage, data governance,
7 data architecture, data consumption, and the VIS op-
8 erations and administration by the Pipeline and
9 Hazardous Materials Safety Administration;

10 “(3) the methodology for determining the esti-
11 mate under paragraph (2);

12 “(4) the number of expected participants in the
13 VIS program;

14 “(5) the number of Pipeline and Hazardous Ma-
15 terials Safety Administration positions needed to
16 maintain the VIS program;

17 “(6) the projected timeline for the implementa-
18 tion of the VIS program to meet the purposes under
19 subsection (a)(2); and

20 “(7) recommendations to ensure sufficient fund-
21 ing for the ongoing activities of the VIS program, in-
22 cluding a reasonable fee assessed on authorized par-
23 ticipants in the VIS program.

24 “(k) *AUTHORIZATION OF APPROPRIATIONS.*—There
25 are authorized to be appropriated for the establishment of

1 *a voluntary information-sharing program under this sec-*
 2 *tion—*

3 “(1) \$1,000,000 for fiscal year 2024;

4 “(2) \$10,000,000 for fiscal year 2025;

5 “(3) \$10,000,000 for fiscal year 2026; and

6 “(4) \$10,000,000 for fiscal year 2027.”.

7 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 8 *601 of title 49, United States Code, is amended by adding*
 9 *at the end the following:*

“60144. Voluntary information-sharing system.”.

10 **SEC. 25. CARBON DIOXIDE PIPELINES.**

11 (a) *PURPOSE AND GENERAL AUTHORITY.*—*Section*
 12 *60102 of title 49, United States Code, is amended—*

13 (1) *in subsection (b)—*

14 (A) *in subparagraph (1)(B)(i) by inserting*

15 “or carbon dioxide” after “hazardous liquids”;

16 and

17 (B) *in paragraph (2)(A)—*

18 (i) *by redesignating clause (ii) and*

19 (iii) *as clause (iii) and (iv), respectively;*

20 and

21 (ii) *by inserting after clause (i) the fol-*
 22 *lowing:*

23 “(ii) carbon dioxide pipeline safety in-

24 formation;”;

1 (2) in subsection (c) by inserting “or carbon di-
2 oxide pipeline facility” after “hazardous liquid pipe-
3 line facility”;

4 (3) in subsection (d)(2)—

5 (A) in subparagraph (A) by striking “and”
6 at the end;

7 (B) in subparagraph (B) by striking the
8 semicolon and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(C) major carbon dioxide pipeline facili-
11 ties of the operator;”;

12 (4) in subsection (e) by striking “transportation
13 of gas or hazardous liquid” and inserting “transporta-
14 tion of gas, hazardous liquid, or carbon dioxide”;

15 (5) in subsection (f)(1) by striking “natural gas
16 transmission pipeline or hazardous liquid pipeline fa-
17 cilities” and inserting “natural gas transmission
18 pipeline, hazardous liquid pipeline facilities, or car-
19 bon dioxide pipeline facilities” each place it appears;

20 (6) in subsection (i)—

21 (A) in paragraph (1) by striking “regulate
22 carbon dioxide” and all that follows through “by
23 such a facility” and inserting “prescribe stand-
24 ards related to pipeline facilities to ensure the

1 *safe transportation of carbon dioxide in a liquid*
 2 *or supercritical state by such facilities”;*

3 *(B) by striking paragraph (2)(B) and in-*
 4 *serting the following:*

5 *“(B) INCLUSION OF APPLICABLE STAND-*
 6 *ARDS.—The Secretary shall establish the min-*
 7 *imum safety standards in part 195 of title 49,*
 8 *Code of Federal Regulations, as applicable.”;*

9 *(C) in paragraph (3) by inserting “ pre-*
 10 *scribe the location of a carbon dioxide storage fa-*
 11 *cility or to” before “regulate piping”;*

12 *(D) by redesignating paragraph (3) as*
 13 *paragraph (4);*

14 *(E) by inserting after paragraph (2) the fol-*
 15 *lowing:*

16 *“(3) STORAGE OF CARBON DIOXIDE.—*

17 *“(A) MINIMUM SAFETY STANDARDS.—The*
 18 *Secretary shall prescribe minimum safety stand-*
 19 *ards for the injection, withdrawal, and storage of*
 20 *carbon dioxide incidental to pipeline transpor-*
 21 *tation.*

22 *“(B) STORAGE OF CARBON DIOXIDE INCI-*
 23 *DENTAL TO PIPELINE TRANSPORTATION.—In this*
 24 *paragraph, the term ‘storage of carbon dioxide*
 25 *incidental to pipeline transportation’—*

1 “(i) means the temporary receipt and
 2 storage of carbon dioxide transported by
 3 pipeline for continued transport; but

4 “(ii) does not include—

5 “(I) with respect to each State,
 6 the long-term containment of carbon
 7 dioxide in subsurface geologic forma-
 8 tions or other activity subject to the re-
 9 quirements of a State underground in-
 10 jection control program prescribed by
 11 the Administrator of the Environ-
 12 mental Protection Agency and applica-
 13 ble to the State, or adopted by the
 14 State and approved by the Adminis-
 15 trator, under part C of the Safe Drink-
 16 ing Water Act (42 U.S.C. 300h et seq.);
 17 or

18 “(II) the temporary storage of
 19 carbon dioxide in any excepted pipe-
 20 lines listed in paragraph (b) of section
 21 195.1 of title 49, Code of Federal Regu-
 22 lations, as of the date of enactment of
 23 the PIPES Act of 2023.”; and

24 (F) by adding at the end the following:

25 “(5) DISPERSION MODELING.—

1 “(A) *SAFETY STANDARDS.*—*The Secretary*
2 *shall prescribe minimum safety standards to re-*
3 *quire each operator of a carbon dioxide pipeline*
4 *facility to employ vapor dispersion modeling to*
5 *identify high consequence areas, as defined at*
6 *section 195.450 of title 49, Code of Federal Regu-*
7 *lations, and paragraph (7)(I)(A) of Appendix C*
8 *to part 195 of such title, that could be affected*
9 *by a release from such a pipeline.*

10 “(B) *CONSIDERATIONS.*—*In performing the*
11 *vapor dispersion modeling under subparagraph*
12 *(A), operators of a carbon dioxide pipeline facil-*
13 *ity shall consider—*

14 “(i) *the topography surrounding the*
15 *pipeline;*

16 “(ii) *atmospheric conditions that could*
17 *affect vapor dispersion;*

18 “(iii) *pipeline operating characteris-*
19 *tics; and*

20 “(iv) *additional substances present in*
21 *the pipeline that could affect vapor disper-*
22 *sion.*

23 “(C) *MAINTENANCE OF FILES.*—*The Sec-*
24 *retary shall require each operator of a carbon di-*
25 *oxide pipeline facility to maintain records docu-*

1 *menting the areas that could affect high con-*
2 *sequence areas, as determined using the vapor*
3 *dispersion modeling required pursuant to sub-*
4 *paragraph (A), in the manual of written proce-*
5 *dures for operating, maintaining, and handling*
6 *emergencies for such pipeline.*

7 *“(D) PROTECTION OF SENSITIVE INFORMA-*
8 *TION.—In responding to a public request for in-*
9 *formation regarding carbon dioxide dispersion*
10 *modeling, the Secretary may, taking into ac-*
11 *count public safety, security, and the need for*
12 *public access, exclude from disclosure (as the Sec-*
13 *retary determines appropriate)—*

14 *“(i) security sensitive information re-*
15 *lated to strategies for responding to worst-*
16 *case carbon dioxide release scenarios;*

17 *“(ii) security sensitive information re-*
18 *lated to carbon dioxide release plumes; and*

19 *“(iii) security sensitive information re-*
20 *lated to plans for responding to a carbon*
21 *dioxide release.*

22 *“(E) STATUTORY CONSTRUCTION.—Nothing*
23 *in this section may be construed to require dis-*
24 *closure of information or records that are exempt*
25 *from disclosure under section 552 of title 5.”.*

1 (b) *REGULATIONS REQUIRED.*—Not later than 1 year
 2 after the date of publishing a notice of proposed rulemaking
 3 titled “Pipeline Safety: Safety of Carbon Dioxide and Haz-
 4 ardous Liquid Pipelines” (or any other notice of proposed
 5 rulemaking covering substantially similar regulatory re-
 6 quirements), the Secretary shall issue a final rule based on
 7 such proposed rulemaking. The final rule shall include up-
 8 dates to such regulations as are necessary to implement sec-
 9 tion 60102(i) of title 49, United States Code, as amended
 10 by subsection (a), and other carbon dioxide safety issues
 11 identified by the Secretary.

12 (c) *STATE PIPELINE SAFETY PROGRAM CERTIFI-*
 13 *CATIONS.*—Section 60105(b)(9)(A) of title 49, United States
 14 Code, is amended by striking “natural gas and hazardous
 15 liquid” and inserting “natural gas, hazardous liquid, and
 16 carbon dioxide”.

17 (d) *STATE PIPELINE SAFETY GRANTS.*—Section
 18 60107(a)(2) of title 49, United States Code, is amended by
 19 inserting “or interstate carbon dioxide” after “interstate
 20 hazardous liquid”.

21 (e) *INSPECTION AND MAINTENANCE.*—Section 60108 of
 22 title 49, United States Code, is amended—

23 (1) in subsection (a)(1) by striking “gas pipeline
 24 facility or hazardous liquid pipeline facility” and in-

1 serting “gas pipeline facility, hazardous liquid pipe-
 2 line facility, or carbon dioxide pipeline facility”; and
 3 (2) in subsection (e)(1) by striking “gas or haz-
 4 ardous liquid pipeline facility” and inserting “gas
 5 pipeline facility, hazardous liquid pipeline facility, or
 6 carbon dioxide pipeline facility”.

7 (f) *HIGH-DENSITY POPULATION AREAS AND ENVIRON-*
 8 *MENTALLY SENSITIVE AREAS.*—Section 60109 of title 49,
 9 *United States Code*, is amended—

10 (1) in subsection (a)(1)(B)—

11 (A) by inserting “or carbon dioxide” after
 12 “by operators of hazardous liquid”;

13 (B) by inserting “and carbon dioxide” after
 14 “each hazardous liquid” each place it appears;
 15 and

16 (C) in clause (ii) by inserting “or carbon
 17 dioxide” after “there is a hazardous liquid”; and

18 (2) in subsection (b) by inserting “or carbon di-
 19 oxide” after “there is a hazardous liquid”; and

20 (3) in subsection (g)—

21 (A) in the heading by inserting “AND CAR-
 22 BON DIOXIDE” after “LIQUID”; and

23 (B) in paragraph (2) by inserting “or car-
 24 bon dioxide” after “underwater hazardous liq-
 25 uid”.

1 (g) *TECHNICAL SAFETY STANDARDS COMMITTEES.*—

2 Section 60115 of title 49, United States Code, is amended—

3 (1) in subsection (b)(2)—

4 (A) by striking “transporting hazardous liq-
5 uid or operating a hazardous liquid pipeline fa-
6 cility” and inserting “transporting hazardous
7 liquid, transporting carbon dioxide, operating a
8 hazardous liquid pipeline facility, or operating a
9 carbon dioxide pipeline facility” each place it
10 appears; and

11 (B) by striking “transporting hazardous
12 liquid and of hazardous liquid pipeline facili-
13 ties” and inserting “transporting hazardous liq-
14 uid or transporting carbon dioxide and of haz-
15 ardous liquid pipeline facilities or carbon diox-
16 ide pipeline facilities”;

17 (2) in subsection (b)(3)(B) by striking “the nat-
18 ural gas or hazardous liquid industry” and inserting
19 “the natural gas industry, the hazardous liquid in-
20 dustry, or the carbon dioxide industry”;

21 (3) in subsection (b)(4)(B) by striking “natural
22 gas pipelines or hazardous liquid pipeline facilities”
23 and inserting “natural gas pipelines, hazardous liq-
24 uid pipeline facilities, or carbon dioxide pipeline fa-
25 cilities”;

1 (4) in subsection (c)(1)(B) by striking “trans-
 2 porting hazardous liquid and for hazardous liquid
 3 pipeline facilities” and inserting “transporting car-
 4 bon dioxide, hazardous liquid pipeline facilities and
 5 carbon dioxide facilities”; and

6 (5) in subsection (d)(1) by striking “trans-
 7 porting hazardous liquid and for hazardous liquid
 8 pipeline facilities” and inserting “transporting haz-
 9 ardous liquid, transporting carbon dioxide, hazardous
 10 liquid pipeline facilities, and carbon dioxide pipeline
 11 facilities”.

12 (h) *PUBLIC EDUCATION PROGRAMS*.—Section 60116 of
 13 title 49, United States Code, is amended by striking “gas
 14 or hazardous liquid pipeline facility” and inserting “gas
 15 pipeline facility, hazardous liquid pipeline facility, or car-
 16 bon dioxide pipeline facility” each place that it appears.

17 (i) *ADMINISTRATIVE PROVISIONS*.—Section 60117 of
 18 title 49, United States Code, is amended—

19 (1) in subsection (o)(1)—

20 (A) in subparagraph (A) by striking “liquid
 21 pipeline facility or liquefied natural gas pipeline
 22 facility” and inserting “liquid pipeline facility,
 23 a liquefied natural gas pipeline facility, or a
 24 carbon dioxide pipeline facility”; and

1 (B) in subparagraph (B)(i)(II) by inserting
 2 “or carbon dioxide pipeline facility” after “haz-
 3 ardous liquid pipeline facility”; and
 4 (2) in subsection (p)—

5 (A) in paragraph (1) by striking “gas or
 6 hazardous liquid pipeline facilities” and insert-
 7 ing “gas pipeline facilities, hazardous liquid
 8 pipeline facilities, or carbon dioxide pipeline fa-
 9 cilities”; and

10 (B) in paragraph (8) by striking “gas or
 11 hazardous liquid pipeline facility” and inserting
 12 “gas pipeline facility, hazardous liquid pipeline
 13 facility, or carbon dioxide pipeline facility”.

14 (j) *CRIMINAL PENALTIES*.—Section 60123(b) of title
 15 49, United States Code, is amended by striking “an inter-
 16 state hazardous liquid pipeline facility, or either an intra-
 17 state gas pipeline facility or intrastate hazardous liquid
 18 pipeline facility” and inserting “an interstate hazardous
 19 liquid pipeline facility, an interstate carbon dioxide pipe-
 20 line facility, or either an intrastate gas pipeline facility,
 21 an intrastate hazardous liquid pipeline facility, or an
 22 intrastate carbon dioxide facility”.

23 (k) *EMERGENCY RESPONSE GRANTS*.—Section
 24 60125(b)(1) of title 49, United States Code, is amended by
 25 striking “gas or hazardous liquid pipelines” and inserting

1 “gas pipelines, hazardous liquid pipelines, or carbon diox-
 2 ide pipelines”.

3 (l) *DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.*—
 4 Section 60128(a) of title 49, United States Code, is amend-
 5 ed by striking “interstate gas pipeline facility or interstate
 6 hazardous liquid pipeline facility” and inserting “inter-
 7 state gas pipeline facility, interstate hazardous liquid pipe-
 8 line facility, or interstate carbon dioxide pipeline facility”.

9 (m) *VERIFICATION OF PIPELINE QUALIFICATION PRO-*
 10 *GRAMS.*—Section 60131(g) of title 49, United States Code,
 11 is amended—

12 (1) in paragraph (1) by striking “and” at the
 13 end;

14 (2) in paragraph (2) by striking the period at
 15 the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(3) with respect to a carbon dioxide pipeline fa-
 18 cility, activities equivalent to the activities described
 19 with respect to a hazardous liquid pipeline facility
 20 under section 195.501 of such title.”.

21 (n) *ENFORCEMENT TRANSPARENCY.*—Section
 22 60135(a)(1) of title 49, United States Code, is amended by
 23 striking “gas and hazardous liquid pipeline” and inserting
 24 “gas, hazardous liquid, and carbon dioxide pipeline”.

1 (o) *PIPELINE CONTROL ROOM MANAGEMENT*.—Sec-
 2 tion 60137 and title 49, United States Code, is amended—

3 (1) in subsection (a) by striking “gas or haz-
 4 ardous liquid pipeline” and inserting “gas, hazardous
 5 liquid, or carbon dioxide pipeline”;

6 (2) in subsection (d) by striking “gas or haz-
 7 ardous liquid pipeline” and inserting “gas, hazardous
 8 liquid, or carbon dioxide pipeline”; and

9 (3) in subsection (e) by striking “gas or haz-
 10 ardous liquid pipeline” and inserting “gas, hazardous
 11 liquid, or carbon dioxide pipeline”.

12 (p) *PIPELINE SAFETY ENHANCEMENT PROGRAMS*.—
 13 Section 60142 of title 49, United States Code, is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1) by striking “or” at
 16 the end;

17 (B) by redesignating paragraph (2) as
 18 paragraph (3); and

19 (C) by inserting after paragraph (1) the fol-
 20 lowing:

21 “(2) a carbon dioxide pipeline facility; or”;

22 (2) in subsection (k)(2)(A) by striking “inter-
 23 state gas or hazardous liquid pipeline facilities” and
 24 inserting “interstate gas pipeline facilities, interstate

1 *hazardous liquid pipeline facilities, or interstate car-*
 2 *bon dioxide pipeline facilities”; and*

3 (3) *in subsection (l)(1) by striking “interstate*
 4 *gas or hazardous liquid pipeline facilities” and in-*
 5 *serting “interstate gas pipeline facilities, interstate*
 6 *hazardous liquid pipeline facilities, or interstate car-*
 7 *bon dioxide pipeline facilities”.*

8 (q) *IDLED PIPELINES.*—Section 60143 of title 49,
 9 *United States Code, is amended—*

10 (1) *in subsection (a)(2) by inserting “carbon di-*
 11 *oxide,” after “hazardous liquid,”; and*

12 (2) *in subsection (b) by striking “gas trans-*
 13 *mission and hazardous liquid pipelines” and insert-*
 14 *ing “gas transmission, hazardous liquid, and carbon*
 15 *dioxide pipelines” each place it appears.*

16 (r) *USER FEES.*—Section 60301 of title 49, *United*
 17 *States Code, is amended—*

18 (1) *in subsection (a) by striking “natural gas*
 19 *and hazardous liquids” and inserting “natural gas,*
 20 *hazardous liquids, and carbon dioxide”;*

21 (2) *in subsection (b) by striking “gas pipeline fa-*
 22 *cility, or a hazardous liquid pipeline facility” and*
 23 *inserting “gas pipeline facility, a hazardous liquid*
 24 *pipeline facility, or a carbon dioxide pipeline facil-*
 25 *ity”; and*

1 (3) in subsection (d)(1)—

2 (A) in subparagraph (A) by striking “and”

3 at the end; and

4 (B) by adding at the end the following:

5 “(C) related to a carbon dioxide pipeline facility

6 may be used only for an activity related to carbon di-

7 oxide under chapter 601 of this title; and”.

8 **SEC. 26. OPPORTUNITY FOR FORMAL HEARING.**

9 (a) **ENFORCEMENT PROCEDURES.**—Section

10 60117(b)(1) of title 49, United States Code, is amended—

11 (1) in subparagraph (I) by striking “and” at the

12 end;

13 (2) in subparagraph (J) by striking the period

14 and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(K) allow the respondent an opportunity

17 for a hearing on the record conducted by an ad-

18 ministrative law judge, in accordance with sec-

19 tion 554 of title 5, for a notice of probable viola-

20 tion enforcement matter—

21 “(i) with a proposed civil penalty of at

22 least \$125,000; or

23 “(ii) where the respondent can reason-

24 ably show the cost of the proposed compli-

25 ance action will exceed \$125,000.”.

1 (b) *PROTOCOLS FOR PUBLIC HEARINGS.*—Not later
2 than 1 year after the date of enactment of this Act, the Sec-
3 retary of Transportation shall publish protocols for hear-
4 ings open to the public pursuant to section 60117(b)(2) of
5 title 49, United States Code, that ensure an orderly process
6 and protection of confidential information.

7 (c) *REPORT ON USE OF FORMAL HEARING PROC-*
8 *ESS.*—Not later than 3 years after the date of enactment
9 of this Act, the Secretary shall submit to the Committee on
10 Transportation and Infrastructure and the Committee on
11 Energy and Commerce of the House of Representatives and
12 the Committee on Commerce, Science, and Transportation
13 of the Senate a report detailing—

14 (1) the number of hearings held pursuant to sub-
15 paragraph (K) of section 60117(b)(1) of title 49,
16 United States Code;

17 (2) the status of each such hearing;

18 (3) an analysis comparing the informal hearing
19 process and the formal hearing process that de-
20 scribes—

21 (A) the length of time to resolve an enforce-
22 ment action under section 60117 of title 49,
23 United States Code;

24 (B) the cost of the enforcement action proc-
25 ess to—

1 (i) the respondent; and

2 (ii) the Pipeline and Hazardous Mate-
3 rials Safety Administration; and

4 (C) the number of cases that reach settle-
5 ment and the outcome of such cases;

6 (4) any additional resources that are needed by
7 the Secretary in response to implementing this provi-
8 sion for each fiscal year to carry out the amendment
9 made by subsection (a); and

10 (5) any safety improvements identified as a re-
11 sult of the implementation of subparagraph (K) of
12 section 60117(b)(1) of title 49, United States Code.

13 **SEC. 27. STATE PIPELINE SAFETY GRANTS REPORTING.**

14 Section 60107(b) of title 49, United States Code, is
15 amended—

16 (1) by striking “After notifying” and inserting
17 “(1) WITHHOLDING OF PAYMENT.—After notifying”;
18 and

19 (2) by adding at the end the following:

20 “(2) BUDGET ESTIMATE.—The budget estimates of the
21 Secretary for each fiscal year shall include—

22 “(A) a summary of amounts claimed,
23 amounts reimbursed, and the percentages reim-
24 bursed in the preceding 3 fiscal years for the
25 program under this section; and

1 “(B) the estimated funding necessary to
2 fund 80 percent of the cost of the personnel,
3 equipment, and activities under this section for
4 the subsequent calendar year.”.

5 **SEC. 28. INSPECTION OF IN-SERVICE BREAKOUT TANKS.**

6 (a) *INSPECTION OF IN-SERVICE BREAKOUT TANKS.*—
7 Not later than 1 year after the date of enactment of this
8 Act, the Secretary of Transportation shall review and, if
9 determined that such action will achieve an equivalent level
10 of safety, shall amend the safety standards in part 195 of
11 title 49, Code of Federal Regulations, relating to the inter-
12 nal inspection of the bottoms of in-service breakout tanks
13 to allow for risk-based inspections.

14 (b) *CONSIDERATION.*—If the Secretary amends the
15 safety standards described in subsection (a), the Secretary
16 shall consider the 5th edition of standard 653 published by
17 the American Petroleum Institute issued November 2014 ti-
18 tled “Tank Inspection, Repair, Alteration, and Reconstruc-
19 tion”.

20 (c) *SCOPE.*—If the Secretary amends the safety stand-
21 ards described in subsection (a), the Secretary shall ensure
22 that such risk-based inspection standards achieve a level of
23 safety that is equivalent to the level of safety required under
24 such part 195, as in effect on the date of enactment of this
25 Act.

1 **SEC. 29. DISCLOSURE OF SAFETY INFORMATION ASSESS-**
2 **MENT.**

3 (a) *ASSESSMENT.*—Not later than 1 year after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall conduct an assessment on how gas pipeline facility,
6 hazardous liquid pipeline facility, and carbon dioxide pipe-
7 line facility owners and operators engage with, and provide
8 safety information to, the public and State or local emer-
9 gency response organizations.

10 (b) *SAFETY INFORMATION.*—In conducting the assess-
11 ment required under subsection (a), the Secretary shall con-
12 sider—

13 (1) *pipeline safety materials that the owners and*
14 *operators of pipelines described in subsection (a) vol-*
15 *untarily provide to the public;*

16 (2) *methods of interaction between pipeline facil-*
17 *ity owners and operators and the public and State*
18 *and local emergency response entities;*

19 (3) *Federal, State, and local government regula-*
20 *tions governing information that pipeline facility*
21 *owners and operators are required to share with the*
22 *public;*

23 (4) *industry consensus standards regarding the*
24 *sharing of pipeline safety and emergency response in-*
25 *formation;*

1 (5) *specific data that could be shared with local*
2 *and State emergency response and planning agencies,*
3 *local public officials, and governing councils to en-*
4 *hance information sharing and pipeline safety, spe-*
5 *cifically—*

6 (A) *the identification of general pipeline lo-*
7 *cation, or information including location, the*
8 *products transported by pipeline or stored at an*
9 *underground natural gas facility, data on break-*
10 *out tanks or production facilities that includes*
11 *pipeline classification and impact areas, and*
12 *owner or operator emergency response planning*
13 *materials; and*

14 (B) *information emergency response organi-*
15 *zations ask pipeline owners and operators to vol-*
16 *untarily share with the public;*

17 (6) *emergency response materials that pipeline*
18 *facility owners and operators voluntarily provide to*
19 *emergency response organizations;*

20 (7) *how pipeline facility owners and operators*
21 *communicate with emergency response organizations,*
22 *including—*

23 (A) *the functional quality and use of data*
24 *shared through the National Pipeline Mapping*
25 *System; and*

1 (B) the measures taken by emergency re-
2 sponse organizations to secure any sensitive in-
3 formation shared;

4 (8) emergency response planning guidance and
5 requirements issued by emergency response organiza-
6 tions for pipeline facility owners and operators; and

7 (9) changes emergency response organizations
8 recommend to improve communication with the pub-
9 lic and emergency response coordination organiza-
10 tions.

11 (c) CONSULTATION.—In conducting the assessment
12 under subsection (a), the Secretary shall consult with both
13 large and small pipeline facility owners and operators,
14 urban and rural State, local, and Tribal governments,
15 emergency response organizations, and pipeline safety orga-
16 nizations.

17 (d) REPORT TO CONGRESS.—Not later than 180 days
18 after completion of the assessment in subsection (a), the Sec-
19 retary shall submit to the Committee on Transportation
20 and Infrastructure and the Committee on Energy and Com-
21 merce of the House of Representatives and the Committee
22 on Commerce, Science, and Transportation of the Senate,
23 a report containing the findings of the assessment under
24 subsection (a) and any legislative recommendations of the
25 Secretary.

1 (e) *GUIDANCE*.—Not later than 180 days after the sub-
 2 mission of the report under subsection (d), the Secretary
 3 may issue guidance to improve pipeline safety information
 4 sharing with the public and other interested parties to ad-
 5 vance pipeline safety.

6 (f) *DEFINITIONS*.—The definitions contained in sec-
 7 tion 60101(a) of title 49, United States Code, shall apply
 8 to this section.

9 **SEC. 30. ASSESSMENT OF CERTAIN PIPELINE SAFETY DEFI-**
 10 **NITIONS.**

11 (a) *EVALUATION*.—Not later than 1 year after the date
 12 of enactment of this Act, the Secretary of Transportation
 13 shall evaluate the definition in section 192.5(b)(3)(ii) of
 14 title 49, Code of Federal Regulations, and the definition of
 15 identified site in section 192.903 of title 49, Code of Federal
 16 Regulations, to determine the adequacy for protecting build-
 17 ings and occupied outdoor facilities from pipeline safety in-
 18 cidents.

19 (b) *CONSIDERATIONS*.—In carrying out the evaluation
 20 under subsection (a), the Secretary shall consider—

21 (1) whether to revise the definition of the occu-
 22 pancy counts of these areas;

23 (2) whether consistency in minimum occupancy
 24 thresholds throughout part 192 of title 49, Code of
 25 Federal Regulations, would improve safety; and

1 (3) *whether defining the occupancy counts in*
 2 *these areas as 20 or more persons on at least a total*
 3 *of 50 days within any 12-month period would im-*
 4 *prove—*

5 (A) *safety; and*

6 (B) *the efficiency of carrying out class de-*
 7 *terminations.*

8 (c) *MODIFICATION OF DEFINITIONS.—The Secretary*
 9 *shall issue such regulations as the Secretary determines nec-*
 10 *essary to modify the definitions in subsection (a) to increase*
 11 *safety for the protection of buildings and occupied outdoor*
 12 *facilities from pipeline safety incidents.*

13 **SEC. 31. REPORT ASSESSING THE COSTS OF PIPELINE FAIL-**
 14 **URES.**

15 (a) *REPORT ASSESSING THE COSTS OF PIPELINE*
 16 *FAILURES.—Not later than 180 days after the date of enact-*
 17 *ment of this Act, the Secretary of Transportation shall enter*
 18 *into an agreement with the National Academies under*
 19 *which the National Academies shall, not later than 3 years*
 20 *after such date of enactment, conduct a study of the direct*
 21 *and indirect costs related to the failure or shutdown of a*
 22 *gas, hazardous liquid, or carbon dioxide pipeline facility.*

23 (b) *ELEMENTS.—The study described under subsection*
 24 (i) *may include an analysis of—*

1 (1) *the direct and indirect costs related to a fail-*
2 *ure or shutdown of a gas, hazardous liquid, or carbon*
3 *dioxide pipeline facility, including local community*
4 *emergency response costs, local planning for emer-*
5 *gency response, and local community impact costs of*
6 *loss of product;*

7 (2) *the costs to an operator of such a facility of*
8 *complying with enforcement actions related to a pipe-*
9 *line facility failure or shutdown, such as corrective*
10 *action or consent orders, safety orders, and emergency*
11 *orders;*

12 (3) *the direct and indirect costs related to failure*
13 *or shutdown of a gas, hazardous liquid, or carbon di-*
14 *oxide pipeline facility resulting from a cyber attack*
15 *or intrusion, including any economic and supply*
16 *chain impacts;*

17 (4) *the impact to emergency response planning*
18 *and resources of local communities, operators of gas,*
19 *hazardous liquid, or carbon dioxide pipeline facilities,*
20 *and the State, Federal, local, and Tribal governments*
21 *in responding to and mitigating the impacts of a fail-*
22 *ure or shutdown of a gas, hazardous liquid, or carbon*
23 *dioxide pipeline facility;*

1 (5) *the costs of environmental remediation result-*
 2 *ing from a gas, hazardous liquid, or carbon dioxide*
 3 *pipeline facility failure or shutdown;*

4 (6) *the economic impact of a gas, hazardous liq-*
 5 *uid, or carbon dioxide pipeline facility failure or*
 6 *shutdown, including—*

7 (A) *increases in product costs;*

8 (B) *damage to public and private property;*
 9 *and*

10 (C) *the potential costs of moving gas, haz-*
 11 *ardous liquid, or carbon dioxide by other means*
 12 *of transportation, including by rail, truck, and*
 13 *barge; and*

14 (7) *increased energy costs to households and*
 15 *businesses reliant on the movement of the gas, haz-*
 16 *ardous liquid or carbon dioxide due to the shutdown*
 17 *or failure of a pipeline facility.*

18 (c) *CONSULTATION.—In conducting the study under*
 19 *subsection (a), the National Academies shall consult with*
 20 *economists, State, Federal, local, and Tribal governments,*
 21 *emergency management officials, and pipeline stakeholders,*
 22 *including pipeline facility operators and public safety and*
 23 *environmental groups.*

24 (d) *REPORT TO CONGRESS.—Upon completion of the*
 25 *study conducted under subsection (a), the Secretary shall—*

1 (1) *require the National Academies to submit to*
 2 *the Secretary a report on such study; and*

3 (2) *submit to the Committee on Transportation*
 4 *and Infrastructure and the Committee on Energy and*
 5 *Commerce of the House of Representatives and the*
 6 *Committee on Commerce, Science, and Transpor-*
 7 *tation of the Senate a report containing the results of*
 8 *such study.*

9 **SEC. 32. STUDY ON LOCALIZED EMERGENCY ALERT SYSTEM**
 10 **FOR PIPELINE FACILITIES INCIDENTS.**

11 (a) *GAO REVIEW.*—*Not later than 18 months after the*
 12 *date of enactment of this Act, the Comptroller General of*
 13 *the United States shall submit to the Secretary of Transpor-*
 14 *tation, the Committee on Transportation and Infrastruc-*
 15 *ture and the Committee on Energy and Commerce of the*
 16 *House of Representatives, and the Committee on Commerce,*
 17 *Science, and Transportation of the Senate a study assess-*
 18 *ing—*

19 (1) *the need and feasibility of requiring owners*
 20 *and operators of covered facilities to establish and*
 21 *maintain a localized emergency alert system; and*

22 (2) *whether such an alert system would be best*
 23 *maintained by State or local emergency management*
 24 *officials or owners and operators of such facilities.*

1 (b) *CONSIDERATIONS.—In conducting the study under*
2 *subsection (a), the Comptroller General shall—*

3 (1) *consider the feasibility, benefits, costs, and*
4 *safety impacts to affected stakeholders, including own-*
5 *ers and operators of covered facilities, the public, and*
6 *State and local emergency management officials, of*
7 *requiring a localized emergency alert system;*

8 (2) *consider whether a localized emergency alert*
9 *system can be established by such owners and opera-*
10 *tors or incorporated into existing public alert, broad-*
11 *cast, and electronic emergency alert systems, includ-*
12 *ing by assessing—*

13 (A) *whether a localized emergency alert sys-*
14 *tem established and maintained by an owner or*
15 *operator of a covered facility would conflict with,*
16 *or impede the operation of, existing emergency*
17 *alert systems;*

18 (B) *the feasibility, benefits, costs, and tech-*
19 *nological needs of incorporating facility system*
20 *data into existing emergency alert systems;*

21 (C) *whether local emergency management*
22 *organizations may need additional hardware,*
23 *software, personnel, or communications support*
24 *to incorporate a localized emergency alert system*
25 *into an existing emergency alert system;*

1 (D) whether other systems could support no-
2 tification to the public of an incident or accident
3 at a covered facility, such as the National Re-
4 sponse Center, the Reverse-911 telecommuni-
5 cation system, or severe weather warning sys-
6 tems; and

7 (E) whether localized emergency alert sys-
8 tems have been considered, studied, or imple-
9 mented in other high hazard industries, such as
10 industrial gases, chemicals, petrochemicals, and
11 petroleum refining, and the results of any study
12 or implementation of such systems in such in-
13 dustries;

14 (3) consult with owners and operators of large
15 and small covered facilities, public safety advocacy
16 groups, and urban and rural State and local emer-
17 gency management officials;

18 (4) assess the adequacy of existing practices of
19 owners and operators of covered facilities in pro-
20 viding timely and pertinent safety communication
21 about an incident or accident at such facility to local
22 communities affected by such incident or accident;

23 (5) assess whether there are legal hurdles to es-
24 tablishing a localized emergency alert system that

1 *uses voluntarily collected data or opt-in procedures,*
2 *including any data security considerations;*

3 *(6) consider the feasibility, benefits, costs, and*
4 *other impacts to State and Federal safety regulators*
5 *who would oversee any requirement of owners and op-*
6 *erators of covered facilities;*

7 *(7) assess the types of incidents and accidents at*
8 *covered facilities, by commodities transported and the*
9 *unique characteristics of such incident or accident,*
10 *that should be reported through a localized emergency*
11 *alert system and the content of the information that*
12 *should be provided;*

13 *(8) assess which members of the public should re-*
14 *ceive communications from localized emergency alert*
15 *systems, including individuals, persons, or organiza-*
16 *tions located in the vicinity of high consequence areas,*
17 *unusually sensitive areas, and any other defining*
18 *characteristics as determined by the Comptroller Gen-*
19 *eral; and*

20 *(9) consider whether any Federal requirements*
21 *or mandates are needed in order to establish an effec-*
22 *tive localized emergency alert system for incidents or*
23 *accidents at covered facilities.*

24 *(c) RECOMMENDATIONS.—The Comptroller General*
25 *shall include in the study conducted under subsection (a)*

1 *any policy recommendations developed as a result of the*
 2 *information studied and assessed under subsection (b).*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) COVERED FACILITY.—The term “covered fa-*
 5 *cility” means a gas pipeline facility, a hazardous liq-*
 6 *uid pipeline facility, or a carbon dioxide pipeline fa-*
 7 *cility, including a liquefied natural gas storage facil-*
 8 *ity or an underground natural gas storage facility, as*
 9 *defined in section 60101 of title 49, United States*
 10 *Code.*

11 *(2) LOCALIZED EMERGENCY ALERT SYSTEM.—*
 12 *The term “localized emergency alert system” means a*
 13 *system that provides to individuals in the immediate*
 14 *vicinity of a covered facility an electronic notification*
 15 *of an incident or accident at such facility that pre-*
 16 *sents an immediate risk to life or property.*

17 **SEC. 33. MAXIMUM ALLOWABLE OPERATING PRESSURE.**

18 *(a) IN GENERAL.—Section 60139 of title 49, United*
 19 *States Code, is amended—*

20 *(1) in subsection (c)(1)(A) by inserting “except*
 21 *as provided in subsection (e),” before “require”;*

22 *(2) by redesignating subsection (e) as subsection*
 23 *(f); and*

24 *(3) by inserting after subsection (d) the fol-*
 25 *lowing:*

1 “(e) *TESTING RECORDS WORKING GROUP.*—

2 “(1) *PREVIOUSLY TESTED TRANSMISSION*
3 *LINES.*—Until the completion of the report of the
4 Working Group required under paragraph (2) and
5 the rulemaking proceeding required under paragraph
6 (3), the Secretary shall not require an owner or oper-
7 ator of a pipeline facility to reconfirm the maximum
8 allowable operating pressure of a natural gas trans-
9 mission pipeline pursuant to section 192.624 of title
10 49, Code of Federal Regulations, if the owner or oper-
11 ator confirms the material strength of the pipeline
12 through prior testing conducted to a sufficient min-
13 imum pressure in accordance with prevailing safety
14 standards and practices, including any applicable
15 class location factors, and documented in contempora-
16 neous records.

17 “(2) *WORKING GROUP REPORT.*—

18 “(A) *IN GENERAL.*—No later than 30 days
19 after the date of enactment of the PIPES Act of
20 2023, the Secretary of Transportation shall cre-
21 ate a fairly balanced working group (hereinafter
22 referred to as the ‘Working Group’) to produce a
23 report containing recommendations on the min-
24 imum pressure and contemporaneous records

1 *that are sufficient to confirm the material*
2 *strength of a pipeline through prior testing.*

3 “(B) COMPOSITION OF WORKING GROUP.—

4 *The Working Group—*

5 “(i) *shall be comprised of the Adminis-*
6 *trator of the Pipeline and Hazardous Mate-*
7 *rials Safety Administration, State pipeline*
8 *regulators, the public, and industry stake-*
9 *holders active in the operation of natural*
10 *gas pipelines; and*

11 “(ii) *may include members of the Tech-*
12 *nical Pipeline Safety Standards Committee*
13 *or be conducted in a manner that otherwise*
14 *ensures input from the public, as deter-*
15 *mined appropriate by the Secretary.*

16 “(C) CONSIDERATION.—*In preparing the*
17 *report required under paragraph (1), the Work-*
18 *ing Group—*

19 “(i) *shall consider historical practices*
20 *and all available research conducted regard-*
21 *ing minimum pressure and contempora-*
22 *neous records on transmission pipelines;*
23 *and*

24 “(ii) *may consider the need for any*
25 *additional research or analyses needed to*

1 *demonstrate the adequacy of any strength*
2 *testing performed.*

3 “(D) *APPLICABILITY OF FACA.*—Chapter 10
4 *of title 5 shall not apply to the Working Group.*

5 “(E) *SUBMISSION OF REPORT.*—Not later
6 *than 180 days after the date of enactment of the*
7 *PIPES Act of 2023, the Working Group shall*
8 *submit to the Secretary the report produced*
9 *under paragraph (2), including any minority*
10 *views.*

11 “(3) *RULEMAKING.*—Not later than 180 days
12 *after receiving the report described in paragraph (2),*
13 *the Secretary shall initiate a rulemaking proceeding*
14 *under section 60102 to revise, or make a technical*
15 *correction to, the maximum allowable operating pres-*
16 *sure reconfirmation regulations issued pursuant to*
17 *this section in effect as of the date of enactment of the*
18 *PIPES Act of 2023.”.*

Union Calendar No. 721

118TH CONGRESS
2^D Session

H. R. 6494

[Report No. 118-884, Part I]

A BILL

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

DECEMBER 16, 2024

Reported from the Committee on Transportation and Infrastructure with an amendment

DECEMBER 16, 2024

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed