

PROMOTING INNOVATION IN PIPELINE EFFICIENCY AND
SAFETY ACT OF 2023

DECEMBER 16, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation
and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 6494]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 6494) to amend title 49, United States
Code, to provide enhanced safety in pipeline transportation, and for
other purposes, having considered the same, reports favorably
thereon with an amendment and recommends that the bill as
amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITION.

(a) **SHORT TITLE.**—This Act may be cited as the “Promoting Innovation in Pipeline Efficiency and Safety Act of 2023” or the “PIPES Act of 2023”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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 infrastructure.
 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 incidents.
 Sec. 33. Maximum allowable operating pressure.

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

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

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

“(a) **GAS AND HAZARDOUS LIQUID.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

“(2) **TRUST FUND AMOUNTS.**—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated from the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue Code of 1986 to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and the provisions of this chapter relating to hazardous liquid—

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

“(i) \$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and

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

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

“(i) \$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and

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

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

“(i) \$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and

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

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

“(i) \$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and

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

“(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—From fees collected under section 60302, there is authorized to be appropriated to the Secretary to carry out section 60141 \$7,000,000 for each of fiscal years 2024 through 2027.

“(4) RECRUITMENT AND RETENTION.—From amounts made available to the Secretary under paragraphs (1) and (2), the Secretary shall use, to carry out section 104(a) of the PIPES Act of 2023 and section 102(c) of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (Public Law 116–260)—

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

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

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

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

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

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

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

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

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

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

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

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

(b) OPERATIONAL EXPENSES.—Section 2(b) of the PIPES Act of 2016 (Public Law 114–183; 130 Stat. 515) is amended by striking paragraphs (1) through (3) and inserting the following:

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

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

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

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

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 of title 49, United States Code, is amended by striking “\$1,058,000 for each of fiscal years 2021 through 2023” and inserting “\$2,000,000 for each of fiscal years 2024 through 2027”.

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

(e) PIPELINE SAFETY INFORMATION GRANTS TO COMMUNITIES.—Section 60130(c)(1) of title 49, United States Code, is amended by striking “\$2,000,000 for each of fiscal years 2021 through 2023 to carry out this section.” and inserting the following: “, to carry out this section, the following:

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

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

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

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

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

(1) by striking “each fiscal year, the Secretary shall award \$1,000,000” and inserting “, the Secretary shall award”; and

(2) by striking the period at the end and inserting the following: “the following amounts:

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

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

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

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

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

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

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

(2) by striking “2021 through 2023” and inserting “2024 through 2027”.

SEC. 3. DEFINITIONS.

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

(1) in paragraph (8)(B) by inserting “and carbon dioxide” after “hazardous liquid”;

(2) in paragraph (18) by inserting “, a carbon dioxide pipeline facility,” after “gas pipeline facility”;

(3) in paragraph (19) by inserting “, transporting carbon dioxide,” after “transporting gas”;

(4) in paragraph (24) by inserting “, carbon dioxide,” after “a gas”;

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

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

(7) by inserting before paragraph (4), as so redesignated, the following:

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

“(2) ‘carbon dioxide pipeline facility’—

“(A) means a pipeline, a right of way, a facility, a building, or equipment used, or intended to be used, in transporting carbon dioxide or treating carbon dioxide during the transportation of such carbon dioxide; but

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

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

(8) by inserting after paragraph (8), as so redesignated, the following:

“(9) ‘interstate carbon dioxide pipeline facility’ means a carbon dioxide pipeline facility used to transport carbon dioxide in interstate or foreign commerce;

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

(9) by inserting after paragraph (21), as so redesignated, the following:

“(22) ‘non-public pipeline safety data and information’ means any pipeline safety data or information, regardless of form or format, that a company does not disclose, disseminate, or make available to the public or that is not otherwise in the public domain;”;

(10) by inserting after paragraph (25), as so redesignated, the following:

“(26) ‘public information’ means any data or information, regardless of form or format, that a company discloses, disseminates, or makes available to the public or that is otherwise in the public domain;”;

(11) by inserting after paragraph (30), as so redesignated, the following:

“(31) ‘transporting carbon dioxide’ means the movement of carbon dioxide or the storage of carbon dioxide incidental to the movement of carbon dioxide by pipeline, in or affecting interstate or foreign commerce;”;

(12) by inserting after paragraph (33), as so redesignated, the following:

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

SEC. 4. WORKFORCE DEVELOPMENT.

(a) **ADDITIONAL FULL-TIME EQUIVALENT EMPLOYEES.**—In addition to the personnel level authorized for the Pipeline and Hazardous Materials Safety Administration as of the date of enactment of this Act, the Administrator of such Administration may increase the number of full-time equivalent employees in the Office of Pipeline Safety by not more than 30 positions for employees who have advanced engineering, scientific, or other technical expertise (or equivalent experience) to—

- (1) develop and implement pipeline safety policies and regulations; and
- (2) fulfill congressional rulemaking mandates.

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

- (1) any progress made on implementation of subsection (a);
- (2) the implementation of the recruitment and retention incentives authorized in section 102 of the PIPES Act of 2020 (Public Law 116–260);
- (3) barriers and challenges to hiring and retention at the Administration;
- (4) staffing levels of inspection and enforcement personnel of the Administration; and
- (5) any additional workforce needs of the Administration.

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

“(3) **EFFECT ON EXISTING REGULATION.**—In implementing the incentives described in paragraph (1), the Secretary, in consultation with the Administrator of the Pipeline and Hazardous Materials Safety Administration, may waive existing regulations.”.

SEC. 5. REGULATORY UPDATES.

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

- (1) a final rule required to be issued under the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90) that has not been published in the Federal Register;
- (2) a final rule required to be issued under the PIPES Act of 2016 (Public Law 114–183) that has not been published in the Federal Register;
- (3) a final rule required to be issued under the PIPES Act of 2020 (Public Law 116–260) that has not been published in the Federal Register; and
- (4) any other final rule regarding gas or hazardous liquid pipeline facilities that—
 - (A) has not been published in the Federal Register; and
 - (B) is required to be issued under this Act or any other Act.

(b) **REQUIREMENTS.**—

(1) **PERIODIC UPDATES.**—Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter until each outstanding mandate is published in the Federal Register, the Secretary of Transportation shall publish on a publicly available website of the Department of Transportation an update regarding the status of each such mandate in accordance with subsection (c).

(2) **NOTIFICATION OF CONGRESS.**—On publication of a final rule in the Federal Register for an outstanding mandate, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a notification of such publication.

(c) **CONTENTS.**—An update published or a notification submitted under subsection (b)(1) shall contain, as applicable—

- (1) with respect to information relating to the Administration—
 - (A) a description of the work plan for each outstanding mandate;
 - (B) an updated rulemaking timeline for each outstanding mandate;
 - (C) the staff allocations with respect to each outstanding mandate;
 - (D) any resource constraints affecting the rulemaking process for each outstanding mandate;
 - (E) any other details associated with the development of each outstanding mandate that affect the progress of the rulemaking process with respect to that outstanding mandate; and
 - (F) a description of all rulemakings regarding gas or hazardous liquid pipeline facilities published in the Federal Register that are not identified under subsection (b)(2); and
- (2) with respect to information relating to the Office of the Secretary—
 - (A) the date that the outstanding mandate was submitted to the Office of the Secretary for review;

- (B) the reason that the outstanding mandate is under review beyond 45 days;
- (C) the staff allocations within the Office of the Secretary with respect to each outstanding mandate;
- (D) any resource constraints affecting review of the outstanding mandate;
- (E) an estimated timeline of when review of the outstanding mandate will be complete, as of the date of the update;
- (F) if applicable, the date that the outstanding mandate was returned to the Administration for revision and the anticipated date for resubmission to the Office of the Secretary;
- (G) the date that the outstanding mandate was submitted to the Office of Management and Budget for review; and
- (H) a statement of whether the outstanding mandate remains under review by the Office of Management and Budget.

SEC. 6. INCORPORATION BY REFERENCE.

(a) **IN GENERAL.**—Section 60102 of title 49, United States Code, is amended by striking subsection (l) and inserting the following:

“(l) **UPDATING STANDARDS.**—

“(1) **IN GENERAL.**—Not less frequently than once every 4 years, or if an interested person otherwise petitions in accordance with section 190.331 of title 49, Code of Federal Regulations (or successor regulation), the Secretary shall review, and update as necessary, incorporated industry standards that have been adopted, either partially or in full, as part of the Federal pipeline safety regulatory program under this chapter that are modified and published by a standards development organization, as such term is defined in section 2(a) of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301(a)).

“(2) **DISCRETION IN ADOPTING INDUSTRY STANDARDS.**—The Secretary may decline to adopt an industry standard that is inconsistent with applicable law or otherwise impracticable, including in circumstances where the use of an industry standard would not serve the needs of the Federal pipeline safety regulatory program, or would impose undue burdens.

“(3) **LIST OF INDUSTRY STANDARDS.**—The Secretary shall—

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

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

“(C) submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate such list not later than—

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

“(ii) 30 days after the date of any subsequent revisions to such list.

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

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

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

(2) submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the review conducted under paragraph (1).

SEC. 7. INSPECTION ACTIVITY REPORTING.

(a) **INSPECTION AND ENFORCEMENT PRIORITIES.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish, and make available to the public in an electronically accessible format, a report containing the inspection and enforcement priorities of the Office of Pipeline Safety of the Pipeline and Hazardous Materials Safety Administration for fiscal years 2024 through 2027. Such report shall include a description of—

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

(2) how the inspection and enforcement priorities will improve pipeline safety; and

(3) how the Administrator communicates and coordinates the implementation of inspection and enforcement priorities with regional offices and State inspectors operating under delegated authority.

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

(c) SUMMARY OF PIPELINE INSPECTIONS.—Not later than June 1 of each year beginning with the year after the date of enactment of this Act, the Administrator shall make available to the public in an electronically accessible format a summary of Federal and State pipeline inspections conducted under direct or delegated authority of title 49, United States Code, during the previous calendar year, to include—

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

SEC. 8. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) COMMITTEE REPORTS ON PROPOSED STANDARDS.—Section 60115(c)(1) of title 49, United States Code, is amended—

- (1) in subparagraph (A) by inserting “, if applicable” after “each proposed standard”; and
- (2) in subparagraph (B) by inserting “, if applicable” after “each proposed standard”.

(b) REPORT.—Section 60115(c)(2) of title 49, United States Code, is amended by inserting “and provide written notification of such reasons to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time a final rulemaking relating to the standard is issued” after “publish the reasons”.

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

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

It is the sense of Congress that—

(1) the Secretary of Transportation should engage with pipeline stakeholder groups, including State pipeline safety programs with an approved certification under section 60105 of title 49, United States Code, and the public during predrafting stages of rulemaking activities and use, to the greatest extent practicable, properly docketed ex parte discussions during rulemaking activities in order to—

- (A) inform the work of the Secretary;
- (B) assist the Administrator of the Pipeline and Hazardous Materials Safety Administration in developing the scope of a rule; and
- (C) reduce the timeline for issuance of proposed and final rules; and
- (2) when it would reduce the time required for the Secretary to adjudicate public comments, the Administrator should publicly provide information describing the rationale behind a regulatory decision included in proposed regulations in order to better allow for the public to provide clear and informed comments on such regulations.

SEC. 10. OFFICE OF PUBLIC ENGAGEMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall rename the Community Liaison Services within the Office of Pipeline Safety of the Pipeline and Hazardous Materials Safety Administration as the Office of Public Engagement (hereinafter in this section referred to as the “Office”).

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

- (1) proactively engage with pipeline stakeholders, including the public, pipeline operators, public safety organizations, and government officials, to raise awareness of pipeline safety practices;
- (2) promote the adoption and increased use of safety programs and activities;
- (3) inform the public of pipeline safety regulations and best practices; and
- (4) assist the public with inquiries regarding pipeline safety.

(c) PUBLIC ACCESS.—The Office shall ensure that activities carried out by the Office and information products developed by the Office are accessible to the public.

(d) COMMUNITY LIAISONS.—The Office shall incorporate positions known as “community liaisons” under the Community Liaison Services.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the implementation of this section.

SEC. 11. CLASS LOCATION CHANGES.

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

SEC. 12. PIPELINE OPERATING STATUS.

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

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

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

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

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

SEC. 13. RIGHTS-OF-WAY MANAGEMENT.

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

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

“(A) IN GENERAL.—As part of the review conducted under paragraph (3), the Secretary shall allow for an alternative method of maintaining rights-of-way for pipelines and other pipeline facilities under a voluntary program carried out by the operator if such alternative method achieves a level of safety at least equal to the level of safety required by regulations issued under this chapter.

“(B) PURPOSE.—An operator considering implementing an alternative method described under subparagraph (A) may consider incorporating into the plan for implementing such method 1 or more conservation practices, including—

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

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

“(iii) practices relating to maintenance strategies that promote early successional vegetation or limit disturbance during periods of highest use by target pollinator species and other wildlife on pipeline or facilities rights-of-way, including—

“(I) increasing mowing height;

“(II) reducing mowing frequency; and

“(III) refraining from mowing monarch and other pollinator habitat during periods in which monarchs or other pollinators are present;

“(iv) an integrated vegetation management plan that may include approaches such as mechanical tree and brush removal and targeted and judicious use of herbicides and mowing to address incompatible or undesirable vegetation while promoting compatible and beneficial vegetation on pipeline and facilities rights-of-way;

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

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

“(vii) obtaining expert training or assistance on wildlife and pollinator-friendly practices, including—

“(I) native plant identification;

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

“(III) land management practices; and

“(IV) integrated vegetation management.

“(C) SAVINGS CLAUSE.—Nothing in this section exempts an operator from compliance with the applicable requirements under this chapter or any applicable regulations promulgated under this chapter.

“(D) CONSULTATION.—

“(i) AVAILABLE GUIDANCE.—In developing such alternative methods, an operator shall consult any available guidance issued by—

- “(I) the Secretary; or
- “(II) an applicable State agency carrying out compliance activities on behalf of the Secretary in accordance with section 60105.
- “(ii) LEADING INDUSTRY PRACTICES.—In the absence of the guidance described in clause (i), an operator may consult leading industry practices and guidance to develop and implement such alternative methods.”.

SEC. 14. STUDY ON COMPOSITE MATERIALS FOR PIPELINES.

(a) **STUDY ON USE OF COMPOSITE MATERIALS.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a study assessing the potential and existing use of pipelines constructed with composite materials to safely transport hydrogen and hydrogen blended with natural gas.

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

- (1) any commercially available composite pipeline materials;
- (2) any completed or ongoing tests and data regarding composite pipeline materials available to the Secretary or other Federal agencies; and
- (3) any recommended standards, including consensus standards, and Federal agency authorizations relating to use of composite pipeline materials.

(c) **PUBLIC PARTICIPATION.**—To ensure adequate public participation in completing the study under subsection (a), the Secretary shall—

- (1) hold a public meeting with interested stakeholders, including the affected industries, interest groups, and other individuals with relevant expertise;
- (2) release a draft version of the study for public comment for a period of not less than 60 days; and
- (3) address any substantive comments submitted by the public during the public comment period under paragraph (2) in preparing the final study.

(d) **PUBLIC MEETING.**—Not later than 60 days after the closing of the public comment period under subsection (c)(2), the Secretary shall hold a public meeting to present the findings of the study under this section and any responses to public comments received under such subsection.

(e) **RULEMAKING.**—Not later than 18 months after the meeting described in subsection (d), the Secretary shall issue a rulemaking that includes a Notice of Proposed Rulemaking to allow for the use of composite materials for pipeline transportation of hydrogen and hydrogen blended with natural gas.

SEC. 15. COMPETITIVE ACADEMIC AGREEMENT PROGRAM.

(a) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—In carrying out the Competitive Academic Agreement Program pursuant to section 60117(l) of title 49, United States Code, the Secretary of Transportation may allow for a 100-percent Federal share of financial assistance for a project carried out by small and mid-sized institutions.

(2) **WRITTEN REQUEST REQUIRED.**—The Secretary may only allow the use of a 100-percent Federal share under paragraph (1) if the applicable institution has provided a written request to the Secretary prior to the award of Federal assistance under such Program.

(3) **SMALL AND MID-SIZED INSTITUTIONS DEFINED.**—In this subsection, the term “small and mid-sized institutions” means academic institutions eligible for a grant under the Competitive Academic Agreement Program with a current total enrollment of 17,500 students or less, including graduate and undergraduate as well as full- and part-time students.

(b) **REPORT.**—Following any award of grants under the Competitive Academic Agreement Program, the Secretary shall provide to Congress a written report detailing—

- (1) the recipients of such grants; and
- (2) any grantees that were provided a 100-percent Federal share under this section.

SEC. 16. GEOHAZARD MITIGATION STUDY.

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

(1) the results of a study that—

(A) evaluates Federal and State, as applicable, requirements for gas, hazardous liquid, and carbon dioxide pipeline facility design, siting, construction, operation and maintenance, and integrity management relating to geohazards, including seismicity, land subsidence, landslides, slope instability, frost heave, soil settlement, erosion, river scour, washouts, floods, unstable soil, water currents, hurricanes, dynamic geologic conditions,

tsunamis, tornados, wildfires, floods, ice storms, or other hazards that may cause a pipeline to move or be affected by abnormal external loads;

(B) evaluates any industry consensus standards or best practices related to the requirements described in subparagraph (A);

(C) evaluates the implementation by operators of Federal and State regulations related to geohazards and application of recommendations included in the Advisory Bulletin of the Pipeline and Hazardous Materials Safety Administration titled “Pipeline Safety: Potential for Damage to Pipeline Facilities Caused by Earth Movement and Other Geological Hazards”, issued on May 2, 2019 (PHMSA–019–0087);

(D) identifies any discrepancies in the requirements described in subparagraph (A) and advisories, industry consensus standards, or best practices for operators of gas, hazardous liquid, and carbon dioxide pipeline facilities; and

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

(2) any recommendations of the Government Accountability Office based on the results of the study under paragraph (1).

(b) **REPORT TO CONGRESS.**—Upon completion of the report under subsection (a), the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate the report.

SEC. 17. SPECIAL PERMIT PROGRAM.

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

“(C) **LIMITATION ON TERMS.**—The Secretary shall impose no terms on a waiver under this paragraph that do not apply to known pipeline safety risks applicable to the standard being waived under subparagraph (A).

“(D) **PUBLICATION.**—Upon completion of the application requirements under section 190.341 of title 49, Code of Federal Regulations, or successor regulations, the Secretary shall publish notice of the application in the Federal Register.

“(E) **REVIEW OF APPLICATION.**—The Secretary shall complete a review of each such application not later than 18 months after publishing a notice in the Federal Register described in subparagraph (D) with respect to the application.”.

(b) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation by the Administrator of the Pipeline and Hazardous Materials Safety Administration of the amendment made by subsection (a).

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

(A) a listing of each special permit application applied for under section 60118(c)(1) of title 49, United States Code;

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

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

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

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

(F) the explanation of the Secretary for any decision made outside the review period identified in section 60118(c)(1)(E) of title 49, United States Code, if applicable.

(c) **GAO REPORT.**—Not later than 1 year after the submission of the report under subsection (b), the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the Secretary’s implementation of, and compliance with, subparagraphs (C) through (E) of section 60118(c)(1) of title 49, United States Code.

SEC. 18. EXCAVATION DAMAGE PREVENTION.

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

- (1) in subsection (b) by inserting “adoption or progress toward adoption of the leading practices listed in subsection (b) and” before “legislative and regulatory”;
- (2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;
- (3) by inserting after subsection (a) the following:
 - “(b) LEADING PRACTICES.—A State one-call program shall implement leading practices that—
 - “(1) identify the size and scope of a one-call ticket for standard locate requests, including process exceptions for special large project tickets;
 - “(2) restrict the longevity of a one-call ticket for standard locate requests, which may include process exceptions for special large project tickets;
 - “(3) examine and limit exemptions to one-call programs to prevent common excavation damage incidents, including—
 - “(A) excavation or demolition performed by the owner of a single-family residential property;
 - “(B) any excavation of 18 inches or less when maintenance activities are performed;
 - “(C) repairing, connecting, adjusting, or conducting routine maintenance of a private or public underground utility facility; and
 - “(D) municipalities, public works organizations, and State departments of transportation for road maintenance;
 - “(4) specify tolerance zone horizontal dimensions and requirements for hand-dig, hydro, vacuum excavation, and other nonintrusive methods;
 - “(5) specify emergency excavation notification requirements, including defining emergency excavation and identifying the notification requirements for an emergency excavation;
 - “(6) specify the responsibilities of the excavator, including the reporting of damages due to excavation activities;
 - “(7) define who is an excavator and what is considered excavation;
 - “(8) require the use of white lining or electronic white lining, allowing for exceptions for special large-project tickets;
 - “(9) require a positive response, such as the utility, municipality, or other entity placing the marks positively responds to the notification center and the excavator checks for a positive response before beginning excavation;
 - “(10) require newly installed underground facilities to be locatable;
 - “(11) require the marking of lines and laterals, including sewer lines and laterals;
 - “(12) require training programs and requirements for third-party excavators performing excavation activities that are not subject to pipeline construction requirements under part 192 or part 195 of title 49, Code of Federal Regulations;
 - “(13) require training for locate professionals; and
 - “(14) require the use of commercially available technologies to locate underground facilities, such as geographic information systems and enhanced positive response.
 - “(c) REPORT TO CONGRESS.—
 - “(1) INITIAL REPORT.—Not later than 3 years after the implementation of subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—
 - “(A) the implementation of the leading practices described in such subsection;
 - “(B) recommendations to increase the adoption of such leading practices and recommendations for the reduction of excavation damage incidents; and
 - “(C) the number of underground facility damages per 1,000 one-call tickets in each State for the reporting year.
 - “(2) ADDITIONAL REPORTS.—Not later than once every 2 years after the submittal of the report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—
 - “(A) the implementation of the leading practices described in subsection (b);
 - “(B) recommendations to increase the adoption of such leading practices and recommendations for the reduction of excavation damage incidents; and
 - “(C) the number of underground facility damages per 1,000 one-call tickets in each state for each year covered by the report.”; and
- (4) by adding at the end the following:

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

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(c) of title 49, United States Code, is amended—

(1) by striking “In making grants” and inserting the following:

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

(2) by adding at the end the following:

“(2) CONSIDERATIONS.—In evaluating criteria for determining the effectiveness of the damage prevention program of a State, the Secretary shall consider whether the State has, at a minimum—

“(A) effective, active, and consistent enforcement of State one-call laws (including consistency in the application of enforcement resources, fines, and penalties to all relevant stakeholders, such as operators, locators, and excavators);

“(B) data reporting requirements such as those—

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

“(I) information about the nature of the incident, including the facility damaged and the apparent cause of such damage (with supporting documentation);

“(II) the organizations or entities involved;

“(III) the impact to public safety, utility operations, and customer service; and

“(IV) the impact to the environment; and

“(ii) to a nationally focused nonprofit organization specifically established for the purpose of reducing construction-related damages to underground facilities, of damages and near-miss events to underground facilities from excavation damages, including potential contributing factors, facility damaged, type of excavator, work performed, equipment type, and State;

“(C) data reporting requirements, to a nonprofit organization specifically established for the purpose of reducing construction-related damage to underground facilities, of damage and near-miss events to underground facilities from excavation damage, including root cause, facility damaged, type of excavator, work performed, equipment type, and State; and

“(D) performance measures to determine the effectiveness of excavation damage prevention efforts.”

SEC. 19. INTEGRITY MANAGEMENT STUDY.

(a) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the National Academies under which the National Academies shall conduct a study of the effectiveness of integrity management regulations applicable to natural gas and hazardous liquid pipeline facilities.

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

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

(2) consult with pipeline stakeholders in the development of findings under the study, including State and Federal regulators, pipeline operators, public safety organizations, and environmental organizations.

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

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

(2) a review of the implementation and enforcement by the Secretary of integrity management regulations and any modifications of the regulations issued by the Secretary pursuant to section 60109 of title 49, United States Code;

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

(A) the frequency of such incidents, accidents, and repairs before and after the implementation of the Federal integrity management requirements described in subsection (a); and

- (B) the frequency of such incidents, accidents, and repairs during the period of time such integrity management requirements have been in effect;
 - (4) development of metrics to gauge the effectiveness of the implementation and enforcement of such integrity management regulations;
 - (5) an assessment of how integrity management informs operator activities, including planning and completion of repairs, and whether the implementation of integrity management regulations by operators of pipeline facilities has had a demonstrable effect on improving gas and hazardous liquid pipeline safety; and
 - (6) identification of areas where pipeline safety has improved and where it has not improved due to integrity management.
- (d) REPORT TO CONGRESS.—The Secretary shall—
- (1) require the National Academies to submit to the Secretary a report on the results of the study under subsection (a); and
 - (2) not later than 2 years after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate such report.

SEC. 20. HYDROGEN STUDY.

- (a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on existing natural gas pipeline systems that, as a result of hydrogen-natural gas blending, contain a percentage of hydrogen that is greater than 5 percent by volume to identify the changes that operators have implemented, including—
- (1) modifications or alternatives to—
 - (A) odorants and leak-detection methods;
 - (B) pipeline materials; and
 - (C) operational standards; and
 - (2) modifications to pipeline infrastructure.
- (b) ADDITIONAL CONTENTS.—The study under subsection (a) shall include—
- (1) an identification of any technical challenges with repurposing existing natural gas infrastructure to allow such infrastructure to be used for hydrogen-natural gas blended service; and
 - (2) an examination of hydrogen-natural gas blended pipeline systems currently operating, including in the United States, the United Kingdom, Canada, Europe, Australia, and Hong Kong.
- (c) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall consider—
- (1) any changes that domestic and international operators of natural gas pipeline systems have implemented to the processes, pipeline materials, metering, and operational standards used by such operators to account for the operation and integrity of natural gas pipeline systems that use a hydrogen content at variable percentages above 5 percent by volume; and
 - (2) how such operators have taken into account the effects of hydrogen-natural gas blending on different types of—
 - (A) natural gas pipeline systems materials, including cast iron, steel, composite pipe, and plastic pipe; and
 - (B) components of such systems, including valves and meters.
- (d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).
- (e) RULEMAKING.—The results of the study under subsection (a) should inform the rulemaking efforts of the Secretary relating to hydrogen-natural gas blending. The Secretary may determine that rulemaking efforts related to hydrogen should be advanced before completion of the study under subsection (a).
- (f) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit or otherwise limit the authority of the Secretary to issue regulations relating to hydrogen prior to the submission of the report under subsection (d).

SEC. 21. PENALTY FOR CAUSING A DEFECT IN OR DISRUPTING OPERATION OF PIPELINE INFRASTRUCTURE.

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

“(e) PENALTY FOR CAUSING A DEFECT IN OR DISRUPTING OPERATION OF PIPELINE INFRASTRUCTURE.—

“(1) IN GENERAL.—A person shall be fined under title 18, imprisoned for not more than 10 years, or both, if the person knowingly and willfully—

“(A) causes a defect in a pipe, pump, compressor, or valve in the possession of a pipeline operator to be used in construction of any pipeline facility described in subsection (b) that would affect the integrity or safe operation of any such facility; or

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

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

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

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

“(C) at a construction site.”.

SEC. 22. CIVIL PENALTIES.

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

SEC. 23. LIQUEFIED NATURAL GAS REGULATORY COORDINATION.

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

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Working Group shall consist of certain representatives of the Federal government, as such term is defined in clauses (i) through (v) of section 111(a)(3)(F) of the PIPES Act of 2020 (Public Law 116–260), as designated by the Secretary of Transportation or appropriate Federal agency leadership.

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

(3) RESPONSIBILITIES OF CHAIR.—The Chair of the Working Group shall establish an agenda and schedule for the Working Group to accomplish the objectives described in subsection (c).

(c) EVALUATION.—

(1) IN GENERAL.—The Working Group shall evaluate individual Federal agency authorities pertaining to the siting and design, construction, operation and maintenance, and operational and process safety regulations of LNG facilities.

(2) NEGOTIATION.—The Working Group shall negotiate Federal agency agreements pursuant to subsection (d) to establish procedures for—

(A) the application of the respective authorities of each Federal agency in ensuring safety in a manner to ensure effective regulation of LNG facilities in the public interest;

(B) resolving conflicts concerning overlapping jurisdiction among the Federal agencies; and

(C) avoiding, to the extent possible and if appropriate, conflicting or duplicative regulation, inspection protocols, and reporting obligations.

(d) MEMORANDUM OF UNDERSTANDING AND INTERAGENCY AGREEMENTS.—Not later than 2 years after the date of enactment of this Act, the agencies represented on the Working Group shall enter into interagency agreements or memorandums of understanding regarding best practices and individual agency safety oversight enforcement responsibilities regarding LNG facilities, other than peak shaving facilities.

(e) REPORT TO CONGRESS.—Not later than 1 year after entering into interagency agency agreements or memorandum of understanding under subsection (d), the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the memorandum of understanding or interagency agreements and how such memorandum or agreements have contributed to improved safety and enforcement oversight coordination of LNG facilities.

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

SEC. 24. PIPELINE SAFETY VOLUNTARY INFORMATION-SHARING SYSTEM.

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

“§ 60144. Voluntary information-sharing system

“(a) ESTABLISHMENT.—

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

“(2) PURPOSE.—The purpose of the VIS is to establish a comprehensive, systematic, and integrated structure to gather, evaluate, and quantify critical pipeline safety data and information and to share recommended remediation measures and lessons learned across the pipeline industry in an effort to improve pipeline safety, including damage prevention efforts, while protecting participant confidentiality.

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

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

“(b) GOVERNANCE.—

“(1) IN GENERAL.—A Governing Board, a Program Manager, a Third-Party Information Manager, and Issue Analysis Teams shall govern the VIS.

“(2) GOVERNING BOARD.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall appoint a Governing Board after consulting with public and private pipeline safety stakeholders.

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

“(i) At least 3 individuals shall be selected from departments, agencies, instrumentalities of the Federal Government, Territories, State governments, or local governments, 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, 2, and 3 years shall be established to allow the terms of 3 members to expire thereafter each year.

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

“(D) CO-CHAIRS.—

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

“(I) the Administrator;

“(II) a representative of the stakeholder group described in subparagraph (B)(ii), who shall be appointed with advice and consent of the Governing Board; and

“(III) a representative of the stakeholder group described in subparagraph (B)(iii), who shall be appointed with advice and consent of the Governing Board.

- “(ii) RESPONSIBILITIES.—The co-chairs of the Governing Board shall be jointly responsible for organizing and conducting meetings of the Governing Board.
- “(E) AUTHORITY.—The Governing Board shall make decisions by a supermajority of two-thirds plus 1 of the Governing Board members and shall have the authority to—
- “(i) govern and provide strategic oversight to the VIS;
 - “(ii) develop governance documents, including a Governing Board charter that is made available to the public, and that describes the scope of the authority and objectives of the Board;
 - “(iii) select a Third-Party Data Manager described in paragraph (4) with expertise in data protection, aggregation, and analytics and geographic information systems;
 - “(iv) approve the criteria and procedures governing how the Third-Party Data Manager described in paragraph (4) will receive and accept pipeline safety data and information and who will have the authority to view VIS data;
 - “(v) establish and appoint members to Issue Analysis Teams described in paragraph (5) that consist of technical and subject matter experts;
 - “(vi) collaborate with Issue Analysis Teams described in paragraph (5) to identify the issues and topics to be analyzed;
 - “(vii) collaborate with Issue Analysis Teams described in paragraph (5) to specify the type of de-identified pipeline safety data and information that Issue Analysis Teams need in order to analyze the issues identified under clause (vi) and topics;
 - “(viii) determine the information to be disseminated;
 - “(ix) determine the reports to be disseminated;
 - “(x) at least once per year, issue a report to the public on VIS processes, membership of the Governing Board, issues or topics being investigated and analyzed, pipeline safety data and information that the VIS has requested for submission to the VIS, and safety trends identified; and
 - “(xi) perform other functions as the Governing Board decides are necessary or appropriate consistent with the purpose of the VIS.
- “(3) PROGRAM MANAGER.—The Administrator shall provide the day-to-day program management and administrative support for the VIS, including oversight of the Third-Party Data Manager described in paragraph (4).
- “(4) THIRD-PARTY DATA MANAGER.—
- “(A) IN GENERAL.—A Third-Party Data Manager shall provide data management and data oversight services for the VIS.
 - “(B) RESPONSIBILITIES.—In fulfilling the responsibilities described in subparagraph (A), the Third-Party Data Manager shall—
 - “(i) accept pipeline safety data and information submitted to the VIS that meets the criteria and procedures established by the Governing Board under paragraph (2)(E)(iv);
 - “(ii) de-identify, securely store, and manage pipeline safety data and information that is accepted by the VIS;
 - “(iii) collaborate with Issue Analysis Teams described in paragraph (5) to aggregate and analyze de-identified pipeline safety data and information that is accepted by the VIS;
 - “(iv) prepare reports as requested by the Governing Board regarding the type of pipeline safety data and information that is managed by the VIS; and
 - “(v) make recommendations regarding the management of pipeline safety data and information, as appropriate.
- “(5) ISSUE ANALYSIS TEAMS.—Issue Analysis Teams of the VIS shall—
- “(A) work with the Third-Party Data Manager described in paragraph (4) to aggregate and analyze de-identified pipeline safety data and information accepted by the VIS;
 - “(B) collaborate with the Governing Board to identify issues and topics for analysis and submit internal reports and recommendations to the Governing Board; and
 - “(C) prepare reports as requested by the Governing Board regarding issues and topics identified for additional research by the Governing Board.
- “(6) PARTICIPATION.—
- “(A) IN GENERAL.—The submission of pipeline safety data and information to the VIS by any person shall be voluntary, with no person compelled to participate in or submit data or information for inclusion in the VIS.

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

“(C) SHARING OF INFORMATION.—The Governing Board shall encourage the voluntary sharing of pipeline safety data and information among operators of gas, carbon dioxide, and hazardous liquid gathering, transmission, and distribution pipelines and facilities, employees, labor unions, contractors, in-line inspection service providers, non-destructive evaluation experts, the Pipeline and Hazardous Materials Safety Administration, representatives of State pipeline safety agencies, local and Tribal governments, pipeline safety advocacy groups, manufacturers, research and academic institutions, and other pipeline stakeholders.

“(c) INFORMATION SHARING.—

“(1) INCLUSIONS.—Pipeline safety data and information accepted by the VIS may include—

- “(A) pipeline integrity risk analysis information;
- “(B) lessons learned from accidents and near misses;
- “(C) process improvements;
- “(D) technology deployment practices;
- “(E) information obtained through VIS pipeline safety surveys of pipeline operator employees, as long as such surveys are voluntarily agreed to by the pipeline operator; and
- “(F) pipeline safety data and information which may lead to the identification of pipeline safety risks.

“(d) CONFIDENTIALITY.—

“(1) IN GENERAL.—

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

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to apply to public information that may be submitted to the VIS or to non-public information that is required to be submitted to any Federal, State, local, or Tribal agency under any other provision of law.

“(2) DISCLOSURE OF DE-IDENTIFIED, NON-PUBLIC INFORMATION.—

“(A) IN GENERAL.—Notwithstanding subsections (e) and (f), the Governing Board may approve the disclosure of de-identified, non-public information by the VIS or by the Administrator of the Pipeline and Hazardous Materials Safety Administration based on analysis of the de-identified information and any safety findings or recommendations that the Governing Board in the sole discretion of the Board determines to publish or authorizes the Administrator to publish to improve pipeline safety.

“(B) PUBLIC REPORTS.—In issuing public reports under subsection (b)(2)(E)(x), the Governing Board shall approve the disclosure of de-identified, non-public information by the VIS that the Governing Board determines is necessary to adequately describe and illustrate the issues and topics being investigated and analyzed by the VIS.

“(3) LIMITATION.—Except as provided in paragraph (2), no person, including any VIS Governing Board member, the Program Manager, the Third-Party Data Manager described in subsection (b)(4), an Issue Analysis Team member described in subsection (b)(5), or any Federal, State, local, or Tribal agency, having or obtaining access to non-public information by virtue of the acceptance of such information to the VIS, shall release or communicate VIS held non-public information, in either an identified or de-identified form, to any person that does not have the authority to view VIS data.

“(e) APPLICABILITY OF FOIA.—Any non-public information that is accepted by the VIS and which may be analyzed, stored, or managed by the VIS and subsequently obtained by the Secretary or the Administrator by virtue of the acceptance of such information to the VIS shall be exempt from the requirements of section 552 of title 5 and specifically exempt from release under subsection (b)(3) of such section.

“(f) EXCLUSIONS.—

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

- “(A) for use as evidence for any purpose in any Federal, State, local, Tribal, or private litigation, including any action or proceeding; or
- “(B) to initiate any enforcement action or civil litigation against a pipeline operator or employees or contractors of such operator relating to a probable

violation under this chapter (including any regulation promulgated or order issued under this chapter).

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

“(3) LIMITATIONS ON EXCLUSIONS.—The exclusions described in paragraphs (1) and (2) shall not apply to non-public information accepted by the VIS that is—

“(A) evidence of a criminal violation;

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

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

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

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

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

“(h) NO EFFECT ON DISCOVERY.—

“(1) RULE OF CONSTRUCTION.—Nothing in this section or any rule, regulation, or amendment issued pursuant to this section shall be construed to create a defense to a discovery request or otherwise limit or affect the discovery of pipeline safety data and information arising from a cause of action authorized under any Federal, State, or local law.

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

“(i) EXPENSES.—

“(1) IN GENERAL.—Members of the VIS Governing Board and Issue Analysis Teams may be paid expenses under section 5703 of title 5.

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

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

“(j) REPORT ON VIS.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available, a report that includes—

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

“(2) an estimate of the annual cost to maintain the VIS program, including an assessment and projection of costs associated with the Third-Party Data Manager, data sourcing and storage, data governance, data architecture, data consumption, and the VIS operations and administration by the Pipeline and Hazardous Materials Safety Administration;

“(3) the methodology for determining the estimate under paragraph (2);

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

“(5) the number of Pipeline and Hazardous Materials Safety Administration positions needed to maintain the VIS program;

“(6) the projected timeline for the implementation of the VIS program to meet the purposes under subsection (a)(2); and

“(7) recommendations to ensure sufficient funding for the ongoing activities of the VIS program, including a reasonable fee assessed on authorized participants in the VIS program.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the establishment of a voluntary information-sharing program under this section—

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

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

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

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

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

“60144. Voluntary information-sharing system.”.

SEC. 25. CARBON DIOXIDE PIPELINES.

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

(1) in subsection (b)—

(A) in subparagraph (1)(B)(i) by inserting “or carbon dioxide” after “hazardous liquids”; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (ii) and (iii) as clause (iii) and (iv), respectively; and

(ii) by inserting after clause (i) the following:

“(ii) carbon dioxide pipeline safety information;”;

(2) in subsection (c) by inserting “or carbon dioxide pipeline facility” after “hazardous liquid pipeline facility”;

(3) in subsection (d)(2)—

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

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

(C) by adding at the end the following:

“(C) major carbon dioxide pipeline facilities of the operator;”;

(4) in subsection (e) by striking “transportation of gas or hazardous liquid” and inserting “transportation of gas, hazardous liquid, or carbon dioxide”;

(5) in subsection (f)(1) by striking “natural gas transmission pipeline or hazardous liquid pipeline facilities” and inserting “natural gas transmission pipeline, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities” each place it appears;

(6) in subsection (i)—

(A) in paragraph (1) by striking “regulate carbon dioxide” and all that follows through “by such a facility” and inserting “prescribe standards related to pipeline facilities to ensure the safe transportation of carbon dioxide in a liquid or supercritical state by such facilities”;

(B) by striking paragraph (2)(B) and inserting the following:

“(B) INCLUSION OF APPLICABLE STANDARDS.—The Secretary shall establish the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as applicable.”;

(C) in paragraph (3) by inserting “ prescribe the location of a carbon dioxide storage facility or to” before “regulate piping”;

(D) by redesignating paragraph (3) as paragraph (4);

(E) by inserting after paragraph (2) the following:

“(3) STORAGE OF CARBON DIOXIDE.—

“(A) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the injection, withdrawal, and storage of carbon dioxide incidental to pipeline transportation.

“(B) STORAGE OF CARBON DIOXIDE INCIDENTAL TO PIPELINE TRANSPORTATION.—In this paragraph, the term ‘storage of carbon dioxide incidental to pipeline transportation’—

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

“(ii) does not include—

“(I) with respect to each State, the long-term containment of carbon dioxide in subsurface geologic formations or other activity subject to the requirements of a State underground injection control program prescribed by the Administrator of the Environmental Protection Agency and applicable to the State, or adopted by the State and approved by the Administrator, under part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.); or

“(II) the temporary storage of carbon dioxide in any excepted pipelines listed in paragraph (b) of section 195.1 of title 49, Code of Federal Regulations, as of the date of enactment of the PIPES Act of 2023.”; and

(F) by adding at the end the following:

“(5) DISPERSION MODELING.—

“(A) SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards to require each operator of a carbon dioxide pipeline facility to employ vapor dispersion modeling to identify high consequence areas, as defined at section 195.450 of title 49, Code of Federal Regulations, and para-

graph (7)(I)(A) of Appendix C to part 195 of such title, that could be affected by a release from such a pipeline.

“(B) CONSIDERATIONS.—In performing the vapor dispersion modeling under subparagraph (A), operators of a carbon dioxide pipeline facility shall consider—

- “(i) the topography surrounding the pipeline;
- “(ii) atmospheric conditions that could affect vapor dispersion;
- “(iii) pipeline operating characteristics; and
- “(iv) additional substances present in the pipeline that could affect vapor dispersion.

“(C) MAINTENANCE OF FILES.—The Secretary shall require each operator of a carbon dioxide pipeline facility to maintain records documenting the areas that could affect high consequence areas, as determined using the vapor dispersion modeling required pursuant to subparagraph (A), in the manual of written procedures for operating, maintaining, and handling emergencies for such pipeline.

“(D) PROTECTION OF SENSITIVE INFORMATION.—In responding to a public request for information regarding carbon dioxide dispersion modeling, the Secretary may, taking into account public safety, security, and the need for public access, exclude from disclosure (as the Secretary determines appropriate)—

- “(i) security sensitive information related to strategies for responding to worst-case carbon dioxide release scenarios;
- “(ii) security sensitive information related to carbon dioxide release plumes; and
- “(iii) security sensitive information related to plans for responding to a carbon dioxide release.

“(E) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.”.

(b) REGULATIONS REQUIRED.—Not later than 1 year after the date of publishing a notice of proposed rulemaking titled “Pipeline Safety: Safety of Carbon Dioxide and Hazardous Liquid Pipelines” (or any other notice of proposed rulemaking covering substantially similar regulatory requirements), the Secretary shall issue a final rule based on such proposed rulemaking. The final rule shall include updates to such regulations as are necessary to implement section 60102(i) of title 49, United States Code, as amended by subsection (a), and other carbon dioxide safety issues identified by the Secretary.

(c) STATE PIPELINE SAFETY PROGRAM CERTIFICATIONS.—Section 60105(b)(9)(A) of title 49, United States Code, is amended by striking “natural gas and hazardous liquid” and inserting “natural gas, hazardous liquid, and carbon dioxide”.

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

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

(1) in subsection (a)(1) by striking “gas pipeline facility or hazardous liquid pipeline facility” and inserting “gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility”; and

(2) in subsection (e)(1) by striking “gas or hazardous liquid pipeline facility” and inserting “gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility”.

(f) HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.—Section 60109 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(B)—

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

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

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

(2) in subsection (b) by inserting “or carbon dioxide” after “there is a hazardous liquid”; and

(3) in subsection (g)—

(A) in the heading by inserting “AND CARBON DIOXIDE” after “LIQUID”; and

(B) in paragraph (2) by inserting “or carbon dioxide” after “underwater hazardous liquid”.

(g) TECHNICAL SAFETY STANDARDS COMMITTEES.—Section 60115 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by striking “transporting hazardous liquid or operating a hazardous liquid pipeline facility” and inserting “transporting hazardous liquid, transporting carbon dioxide, operating a hazardous liquid pipeline facility, or operating a carbon dioxide pipeline facility” each place it appears; and

(B) by striking “transporting hazardous liquid and of hazardous liquid pipeline facilities” and inserting “transporting hazardous liquid or transporting carbon dioxide and of hazardous liquid pipeline facilities or carbon dioxide pipeline facilities”;

(2) in subsection (b)(3)(B) by striking “the natural gas or hazardous liquid industry” and inserting “the natural gas industry, the hazardous liquid industry, or the carbon dioxide industry”;

(3) in subsection (b)(4)(B) by striking “natural gas pipelines or hazardous liquid pipeline facilities” and inserting “natural gas pipelines, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities”;

(4) in subsection (c)(1)(B) by striking “transporting hazardous liquid and for hazardous liquid pipeline facilities” and inserting “transporting carbon dioxide, hazardous liquid pipeline facilities and carbon dioxide facilities”; and

(5) in subsection (d)(1) by striking “transporting hazardous liquid and for hazardous liquid pipeline facilities” and inserting “transporting hazardous liquid, transporting carbon dioxide, hazardous liquid pipeline facilities, and carbon dioxide pipeline facilities”.

(h) PUBLIC EDUCATION PROGRAMS.—Section 60116 of title 49, United States Code, is amended by striking “gas or hazardous liquid pipeline facility” and inserting “gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility” each place that it appears.

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

(1) in subsection (o)(1)—

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

(B) in subparagraph (B)(i)(II) by inserting “or carbon dioxide pipeline facility” after “hazardous liquid pipeline facility”; and

(2) in subsection (p)—

(A) in paragraph (1) by striking “gas or hazardous liquid pipeline facilities” and inserting “gas pipeline facilities, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities”; and

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

(j) CRIMINAL PENALTIES.—Section 60123(b) of title 49, United States Code, is amended by striking “an interstate hazardous liquid pipeline facility, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility” and inserting “an interstate hazardous liquid pipeline facility, an interstate carbon dioxide pipeline facility, or either an intrastate gas pipeline facility, an intrastate hazardous liquid pipeline facility, or an intrastate carbon dioxide facility”.

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

(l) DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.—Section 60128(a) of title 49, United States Code, is amended by striking “interstate gas pipeline facility or interstate hazardous liquid pipeline facility” and inserting “interstate gas pipeline facility, interstate hazardous liquid pipeline facility, or interstate carbon dioxide pipeline facility”.

(m) VERIFICATION OF PIPELINE QUALIFICATION PROGRAMS.—Section 60131(g) of title 49, United States Code, is amended—

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

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

(3) by adding at the end the following:

“(3) with respect to a carbon dioxide pipeline facility, activities equivalent to the activities described with respect to a hazardous liquid pipeline facility under section 195.501 of such title.”.

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

(o) PIPELINE CONTROL ROOM MANAGEMENT.—Section 60137 and title 49, United States Code, is amended—

- (1) in subsection (a) by striking “gas or hazardous liquid pipeline” and inserting “gas, hazardous liquid, or carbon dioxide pipeline”;
- (2) in subsection (d) by striking “gas or hazardous liquid pipeline” and inserting “gas, hazardous liquid, or carbon dioxide pipeline”; and
- (3) in subsection (e) by striking “gas or hazardous liquid pipeline” and inserting “gas, hazardous liquid, or carbon dioxide pipeline”.

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

- (1) in subsection (a)—
 - (A) in paragraph (1) by striking “or” at the end;
 - (B) by redesignating paragraph (2) as paragraph (3); and
 - (C) by inserting after paragraph (1) the following:

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

- (2) in subsection (k)(2)(A) by striking “interstate gas or hazardous liquid pipeline facilities” and inserting “interstate gas pipeline facilities, interstate hazardous liquid pipeline facilities, or interstate carbon dioxide pipeline facilities”; and

- (3) in subsection (l)(1) by striking “interstate gas or hazardous liquid pipeline facilities” and inserting “interstate gas pipeline facilities, interstate hazardous liquid pipeline facilities, or interstate carbon dioxide pipeline facilities”.

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

- (1) in subsection (a)(2) by inserting “carbon dioxide,” after “hazardous liquid,”; and
- (2) in subsection (b) by striking “gas transmission and hazardous liquid pipelines” and inserting “gas transmission, hazardous liquid, and carbon dioxide pipelines” each place it appears.

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

- (1) in subsection (a) by striking “natural gas and hazardous liquids” and inserting “natural gas, hazardous liquids, and carbon dioxide”;
- (2) in subsection (b) by striking “gas pipeline facility, or a hazardous liquid pipeline facility” and inserting “gas pipeline facility, a hazardous liquid pipeline facility, or a carbon dioxide pipeline facility”; and
- (3) in subsection (d)(1)—
 - (A) in subparagraph (A) by striking “and” at the end; and
 - (B) by adding at the end the following:

“(C) related to a carbon dioxide pipeline facility may be used only for an activity related to carbon dioxide under chapter 601 of this title; and”.

SEC. 26. OPPORTUNITY FOR FORMAL HEARING.

(a) ENFORCEMENT PROCEDURES.—Section 60117(b)(1) of title 49, United States Code, is amended—

- (1) in subparagraph (I) by striking “and” at the end;
- (2) in subparagraph (J) by striking the period and inserting “; and”; and
- (3) by adding at the end the following:

“(K) allow the respondent an opportunity for a hearing on the record conducted by an administrative law judge, in accordance with section 554 of title 5, for a notice of probable violation enforcement matter—

“(i) with a proposed civil penalty of at least \$125,000; or

“(ii) where the respondent can reasonably show the cost of the proposed compliance action will exceed \$125,000.”.

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

(c) REPORT ON USE OF FORMAL HEARING PROCESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

- (1) the number of hearings held pursuant to subparagraph (K) of section 60117(b)(1) of title 49, United States Code;
- (2) the status of each such hearing;
- (3) an analysis comparing the informal hearing process and the formal hearing process that describes—
 - (A) the length of time to resolve an enforcement action under section 60117 of title 49, United States Code;
 - (B) the cost of the enforcement action process to—

- (i) the respondent; and
- (ii) the Pipeline and Hazardous Materials Safety Administration; and
- (C) the number of cases that reach settlement and the outcome of such cases;
- (4) any additional resources that are needed by the Secretary in response to implementing this provision for each fiscal year to carry out the amendment made by subsection (a); and
- (5) any safety improvements identified as a result of the implementation of subparagraph (K) of section 60117(b)(1) of title 49, United States Code.

SEC. 27. STATE PIPELINE SAFETY GRANTS REPORTING.

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

- (1) by striking “After notifying” and inserting “(1) WITHHOLDING OF PAYMENT.—After notifying”; and
- (2) by adding at the end the following:
 “(2) BUDGET ESTIMATE.—The budget estimates of the Secretary for each fiscal year shall include—
 “(A) a summary of amounts claimed, amounts reimbursed, and the percentages reimbursed in the preceding 3 fiscal years for the program under this section; and
 “(B) the estimated funding necessary to fund 80 percent of the cost of the personnel, equipment, and activities under this section for the subsequent calendar year.”.

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

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

(b) CONSIDERATION.—If the Secretary amends the safety standards described in subsection (a), the Secretary shall consider the 5th edition of standard 653 published by the American Petroleum Institute issued November 2014 titled “Tank Inspection, Repair, Alteration, and Reconstruction”.

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

SEC. 29. DISCLOSURE OF SAFETY INFORMATION ASSESSMENT.

(a) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct an assessment on how gas pipeline facility, hazardous liquid pipeline facility, and carbon dioxide pipeline facility owners and operators engage with, and provide safety information to, the public and State or local emergency response organizations.

(b) SAFETY INFORMATION.—In conducting the assessment required under subsection (a), the Secretary shall consider—

- (1) pipeline safety materials that the owners and operators of pipelines described in subsection (a) voluntarily provide to the public;
- (2) methods of interaction between pipeline facility owners and operators and the public and State and local emergency response entities;
- (3) Federal, State, and local government regulations governing information that pipeline facility owners and operators are required to share with the public;
- (4) industry consensus standards regarding the sharing of pipeline safety and emergency response information;
- (5) specific data that could be shared with local and State emergency response and planning agencies, local public officials, and governing councils to enhance information sharing and pipeline safety, specifically—
 (A) the identification of general pipeline location, or information including location, the products transported by pipeline or stored at an underground natural gas facility, data on breakout tanks or production facilities that includes pipeline classification and impact areas, and owner or operator emergency response planning materials; and
 (B) information emergency response organizations ask pipeline owners and operators to voluntarily share with the public;
- (6) emergency response materials that pipeline facility owners and operators voluntarily provide to emergency response organizations;

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

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

(B) the measures taken by emergency response organizations to secure any sensitive information shared;

(8) emergency response planning guidance and requirements issued by emergency response organizations for pipeline facility owners and operators; and

(9) changes emergency response organizations recommend to improve communication with the public and emergency response coordination organizations.

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

(d) REPORT TO CONGRESS.—Not later than 180 days after completion of the assessment in subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing the findings of the assessment under subsection (a) and any legislative recommendations of the Secretary.

(e) GUIDANCE.—Not later than 180 days after the submission of the report under subsection (d), the Secretary may issue guidance to improve pipeline safety information sharing with the public and other interested parties to advance pipeline safety.

(f) DEFINITIONS.—The definitions contained in section 60101(a) of title 49, United States Code, shall apply to this section.

SEC. 30. ASSESSMENT OF CERTAIN PIPELINE SAFETY DEFINITIONS.

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall evaluate the definition in section 192.5(b)(3)(ii) of title 49, Code of Federal Regulations, and the definition of identified site in section 192.903 of title 49, Code of Federal Regulations, to determine the adequacy for protecting buildings and occupied outdoor facilities from pipeline safety incidents.

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

(1) whether to revise the definition of the occupancy counts of these areas;

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

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

(A) safety; and

(B) the efficiency of carrying out class determinations.

(c) MODIFICATION OF DEFINITIONS.—The Secretary shall issue such regulations as the Secretary determines necessary to modify the definitions in subsection (a) to increase safety for the protection of buildings and occupied outdoor facilities from pipeline safety incidents.

SEC. 31. REPORT ASSESSING THE COSTS OF PIPELINE FAILURES.

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

(b) ELEMENTS.—The study described under subsection (a) may include an analysis of—

(1) the direct and indirect costs related to a failure or shutdown of a gas, hazardous liquid, or carbon dioxide pipeline facility, including local community emergency response costs, local planning for emergency response, and local community impact costs of loss of product;

(2) the costs to an operator of such a facility of complying with enforcement actions related to a pipeline facility failure or shutdown, such as corrective action or consent orders, safety orders, and emergency orders;

(3) the direct and indirect costs related to failure or shutdown of a gas, hazardous liquid, or carbon dioxide pipeline facility resulting from a cyber attack or intrusion, including any economic and supply chain impacts;

(4) the impact to emergency response planning and resources of local communities, operators of gas, hazardous liquid, or carbon dioxide pipeline facilities, and the State, Federal, local, and Tribal governments in responding to and mitigating the impacts of a failure or shutdown of a gas, hazardous liquid, or carbon dioxide pipeline facility;

(5) the costs of environmental remediation resulting from a gas, hazardous liquid, or carbon dioxide pipeline facility failure or shutdown;

(6) the economic impact of a gas, hazardous liquid, or carbon dioxide pipeline facility failure or shutdown, including—

(A) increases in product costs;

(B) damage to public and private property; and

(C) the potential costs of moving gas, hazardous liquid, or carbon dioxide by other means of transportation, including by rail, truck, and barge; and

(7) increased energy costs to households and businesses reliant on the movement of the gas, hazardous liquid or carbon dioxide due to the shutdown or failure of a pipeline facility.

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

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

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

(2) submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of such study.

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

(a) GAO REVIEW.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a study assessing—

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

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

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

(1) consider the feasibility, benefits, costs, and safety impacts to affected stakeholders, including owners and operators of covered facilities, the public, and State and local emergency management officials, of requiring a localized emergency alert system;

(2) consider whether a localized emergency alert system can be established by such owners and operators or incorporated into existing public alert, broadcast, and electronic emergency alert systems, including by assessing—

(A) whether a localized emergency alert system established and maintained by an owner or operator of a covered facility would conflict with, or impede the operation of, existing emergency alert systems;

(B) the feasibility, benefits, costs, and technological needs of incorporating facility system data into existing emergency alert systems;

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

(D) whether other systems could support notification to the public of an incident or accident at a covered facility, such as the National Response Center, the Reverse-911 telecommunication system, or severe weather warning systems; and

(E) whether localized emergency alert systems have been considered, studied, or implemented in other high hazard industries, such as industrial gases, chemicals, petrochemicals, and petroleum refining, and the results of any study or implementation of such systems in such industries;

(3) consult with owners and operators of large and small covered facilities, public safety advocacy groups, and urban and rural State and local emergency management officials;

(4) assess the adequacy of existing practices of owners and operators of covered facilities in providing timely and pertinent safety communication about an incident or accident at such facility to local communities affected by such incident or accident;

(5) assess whether there are legal hurdles to establishing a localized emergency alert system that uses voluntarily collected data or opt-in procedures, including any data security considerations;

(6) consider the feasibility, benefits, costs, and other impacts to State and Federal safety regulators who would oversee any requirement of owners and operators of covered facilities;

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

(8) assess which members of the public should receive communications from localized emergency alert systems, including individuals, persons, or organizations located in the vicinity of high consequence areas, unusually sensitive areas, and any other defining characteristics as determined by the Comptroller General; and

(9) consider whether any Federal requirements or mandates are needed in order to establish an effective localized emergency alert system for incidents or accidents at covered facilities.

(c) **RECOMMENDATIONS.**—The Comptroller General shall include in the study conducted under subsection (a) any policy recommendations developed as a result of the information studied and assessed under subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) **COVERED FACILITY.**—The term “covered facility” means a gas pipeline facility, a hazardous liquid pipeline facility, or a carbon dioxide pipeline facility, including a liquefied natural gas storage facility or an underground natural gas storage facility, as defined in section 60101 of title 49, United States Code.

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

SEC. 33. MAXIMUM ALLOWABLE OPERATING PRESSURE.

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

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

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

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

“(1) **PREVIOUSLY TESTED TRANSMISSION LINES.**—Until the completion of the report of the Working Group required under paragraph (2) and the rulemaking proceeding required under paragraph (3), the Secretary shall not require an owner or operator of a pipeline facility to reconfirm the maximum allowable operating pressure of a natural gas transmission pipeline pursuant to section 192.624 of title 49, Code of Federal Regulations, if the owner or operator confirms the material strength of the pipeline through prior testing conducted to a sufficient minimum pressure in accordance with prevailing safety standards and practices, including any applicable class location factors, and documented in contemporaneous records.

“(2) **WORKING GROUP REPORT.**—

“(A) **IN GENERAL.**—No later than 30 days after the date of enactment of the PIPES Act of 2023, the Secretary of Transportation shall create a fairly balanced working group (hereinafter referred to as the ‘Working Group’) to produce a report containing recommendations on the minimum pressure and contemporaneous records that are sufficient to confirm the material strength of a pipeline through prior testing.

“(B) **COMPOSITION OF WORKING GROUP.**—The Working Group—

“(i) shall be comprised of the Administrator of the Pipeline and Hazardous Materials Safety Administration, State pipeline regulators, the public, and industry stakeholders active in the operation of natural gas pipelines; and

“(ii) may include members of the Technical Pipeline Safety Standards Committee or be conducted in a manner that otherwise ensures input from the public, as determined appropriate by the Secretary.

“(C) **CONSIDERATION.**—In preparing the report required under paragraph

(1), the Working Group—

“(i) shall consider historical practices and all available research conducted regarding minimum pressure and contemporaneous records on transmission pipelines; and

“(ii) may consider the need for any additional research or analyses needed to demonstrate the adequacy of any strength testing performed.

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

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

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

PURPOSE OF LEGISLATION

The purpose of H.R. 6494 is to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Pipeline and Hazardous Materials Safety Administration (PHMSA) was created under the *Norman Y. Mineta Research and Special Programs Improvement Act of 2004* (P.L. 108–426) (2004 Act). Prior to enactment of the 2004 Act, the United States Department of Transportation’s (DOT’s) Research and Special Programs Administration administered the DOT’s pipeline and hazardous materials safety programs.¹ PHMSA’s pipeline safety mission is to protect people and the environment by advancing the safe transportation of energy through 3.4 million miles of natural gas and hazardous liquid pipelines, which account for the transportation of 65 percent of the energy commodities consumed in the United States.²

The first statute regulating pipeline safety was the *Natural Gas Pipeline Safety Act of 1968* (P.L. 90–481), which Congress amended in 1976.³ Congress added hazardous liquid pipelines to the statute in the *Pipeline Safety Act of 1970* (P.L. 96–129).⁴ Recent enacted legislation regulating the safety of natural gas and hazardous liquid pipeline facilities for which mandates remain outstanding include the *Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016* (P.L. 114–183), and the *Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020* (P.L. 116–620).⁵ The current authorization expired at the end of Fiscal Year (FY) 2023 on September 30, 2023.⁶

¹*Norman Y. Mineta Research and Special Programs Improvement Act of 2004*, Pub. L. No. 108–426 [hereinafter the 2004 Act].

²PHMSA, *Pipeline Safety Program Budget and Grants Presentation*, (Jan. 25, 2023), (on file with Comm.).

³*Natural Gas Pipeline Safety Act of 1968*, Pub. L. No. 90–481 (amended by the *Natural Gas Pipeline Safety Act Amendments of 1976*, Pub. L. No. 94–477, 90 Stat. 2073).

⁴*Pipeline Safety Act of 1970*, Pub. L. No. 96–129.

⁵*Pipeline Safety Reauthorization Act of 1988*, Pub. L. No. 100–561, 102 Stat. 2805; *Pipeline Safety Act of 1992*, Pub. L. No. 102–508, 106 Stat. 3289; *Accountable Pipeline Safety and Partnership Act of 1996*, Pub. L. No. 104–304, 110 Stat. 3793; *Pipeline Safety Improvement Act of 2002*, Pub. L. No. 107–355, 116 Stat. 1757; *The 2004 Act*; *Pipeline Inspection, Protection, Enforcement and Safety Act of 2006*, Pub. L. No. 109–468, 120 Stat. 3486; *Pipelines Safety, Regulatory Certainty, and Job Creation Act of 2011*, Pub. L. No. 112–90, 125 Stat. 1904; the *Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016*, Pub. L. No. 114–183, 130 Stat. 514; *Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2020*, Pub. L. No. 116–260 [hereinafter PIPES Act of 2020].

⁶*PIPES Act of 2020*.

Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023

H.R. 6494, the *Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023*, is a bipartisan pipeline safety reauthorization bill that reauthorizes PHMSA's Office of Pipeline Safety for four years through FY 2027. The bill supports the reliability and safety of American energy infrastructure and PHMSA's pipeline safety mission through rulemaking direction, studies, and programs that increase pipeline safety, transparency, and stakeholder engagement. These provisions will improve the performance and safety record of the United States pipeline network. Further, the bill advances American energy by supporting the safe operation of infrastructure for traditional and emerging energy sources.

The pipeline safety program at PHMSA is responsible for carrying out a National program to ensure the safe, reliable, and environmentally-sound operation of the Nation's natural gas and hazardous liquid pipeline transportation system. The *PIPES Act of 2023* supports and improves upon these efforts in several ways. The *PIPES Act of 2023* directs PHMSA to establish a voluntary information sharing system that encourages pipeline operators and stakeholders to share pipeline safety data through a confidential platform to be analyzed and reported so that pipeline safety lessons learned can be shared with stakeholders. The *PIPES Act of 2023* also works to reduce the number of excavation damage incidents, which, according to PHMSA data, in the past 20 years accounted for over 1,500 incidents, 71 fatalities, and almost \$700 million in property damage to pipelines.⁷ The *PIPES Act of 2023* achieves this by updating the assessment criteria for State Damage Prevention programs and requiring adoption of leading practices for state one-call programs. These best practices include requiring states to limit exemptions to one-call program participation and increasing the use of commercially available technology to locate underground facilities. H.R. 6494 also includes directives related to PHMSA's completion of a rulemaking on pipelines used for the transportation and temporary storage of carbon dioxide, including requiring operators to complete carbon dioxide dispersion modeling and balancing the transparency needed for public safety information sharing and the protection of sensitive pipeline information.

PHMSA has experienced difficulty recruiting and maintaining a robust workforce capable of meeting PHMSA's oversight and regulatory needs.⁸ During a March 8, 2023, Subcommittee on Railroads, Pipelines, and Hazardous Materials of the Committee on Transportation and Infrastructure hearing, the Agency testified specifically that it competes with industry for personnel.⁹ Previous reauthorization laws authorized PHMSA to hire additional personnel to ful-

⁷ PHMSA, *Serious Incident 20 Year Trends*, (last updated Dec. 11, 2023), available at https://portal.phmsa.dot.gov/analytics/saw.dll?Portalpages&PortalPath=%2Fshared%2FPDM%20Public%20Website%2F_portal%2FSC%20Incident%20Trend&Page=Serious.

⁸ DOT INSPECTOR GENERAL, PHMSA HAS IMPROVED ITS WORKFORCE MANAGEMENT BUT PLANNING, HIRING, AND RETENTION CHALLENGES REMAIN 2 (2017), available at <https://www.oig.dot.gov/sites/default/files/PHMSA%20Workforce%20Final%20Report%20112117-ST2018010.pdf> [hereinafter PHMSA WORKFORCE REPORT].

⁹ *Pipeline Safety: Reviewing Implementation of the PIPES Act of 2020 and Examining Future Safety Needs Before the Subcomm. on Railroads, Pipelines, and Hazardous Materials of the H. Comm. on Transp. and Infrastructure*, 118th Cong. (Mar. 8, 2023) (statement of Tristan Brown, Deputy Adm'r, PHMSA).

fill Congressional mandates and ensure the number of inspection and enforcement personnel did not fall below certain levels.¹⁰ Although PHMSA has worked to meet those mandates, staffing issues remain and Congress has concerns that PHMSA does not have adequate personnel to enact and enforce pipeline safety improvements. One concern is that the Agency has several outstanding Congressional mandates that must be completed, and adequate personnel levels are a significant factor completing them in a timely manner. Therefore, the *PIPES Act of 2023* authorizes PHMSA to hire up to 30 additional employees, to support the Office of Pipeline Safety, who have advanced engineering, scientific, and other technical expertise or experience.

The *PIPES Act of 2023* ensures that Congressional mandates to advance pipeline safety are implemented by PHMSA, instituting oversight and reporting requirements to track PHMSA's progress. This bill includes deadlines to complete a rule on class location changes due to population shifts and to issue a notice of proposed rulemaking to establish safety standards for pipelines in an idled status. To ensure progress on these important regulatory actions, *PIPES 2023* requires PHMSA to publish status updates on the completion of outstanding Congressional mandates on PHMSA's website every 30 days.

PHMSA is responsible for setting and enforcing safety standards for the safe operation of the Nation's gas and hazardous liquid pipelines, including those that may transport new and emerging fuels, such as hydrogen and carbon dioxide pipelines.¹¹ *PIPES 2023* also directs the Government Accountability Office (GAO) to study the safety of blending hydrogen into existing natural gas systems and requires PHMSA to complete a study and issue a subsequent regulation on the potential use of composite pipeline materials for transportation of hydrogen and hydrogen blended with natural gas. The bill also requires PHMSA to assess how pipeline operators engage with and provide safety information to the public and State or local emergency response organizations and requires the National Academies to review the effectiveness of PHMSA's integrity management regulations in reducing pipeline incidents and accidents.

HEARINGS

For the purposes of Rule XIII, clause 3(c)(6)(A) of the 118th Congress the following hearing was used to develop or consider H.R. 6494:

On March 8, 2023, the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing entitled, "*Pipeline Safety: Reviewing Implementation of the PIPES Act of 2020 and Examining Future Safety Needs.*" The Subcommittee received testimony from Tristan Brown, Deputy Administrator, PHMSA; Andrew Black, President and Chief Executive Officer (CEO), Liquid Energy Pipeline Association; Kenneth W. Grubb, Chief Operating Officer—Gas Pipelines, Kinder Morgan, Inc.; and, Bill Caram, Executive Director, Pipeline Safety Trust. This hearing focused on examining

¹⁰ *PIPES Act of 2020*.

¹¹ 49 C.F.R. § 100–199 (2024).

PHMSA's progress implementing the *PIPES Act of 2020* and examining future needs in pipeline safety.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 6494, the "*Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023*", was introduced in the United States House of Representatives on November 29, 2023, by Rep. Sam Graves (R-MO), Rep. Rick Larsen (D-WA), Rep. Troy Nehls (R-TX), and Rep. Donald M. Payne, Jr. (D-NJ) and referred to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce. Within the Committee on Transportation and Infrastructure, H.R. 6494 was referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials. The Subcommittee on Railroads, Pipelines, and Hazardous Materials was discharged from further consideration of H.R. 6494 on December 6, 2023.

The Committee considered H.R. 6494 on December 6, 2023, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote on December 6, 2023.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Graves of Missouri was AGREED TO, as amended, by voice vote.

Manager's Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Graves of Missouri (S. Graves_101) was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California (Huffman 063) (ANS B2); Page 71, beginning on line 23, strike "1 year" and all that follows through "requirements)," on page 72, line 3, and insert "1 year after the study under subsection (s) is complete,". Page 80, after line 15, insert the following: (s) STUDY.—The Secretary shall seek to enter into an agreement with the National Academies to conduct a study on the safety issues associated with carbon dioxide pipelines.; was NOT AGREED TO by a recorded vote of 11 yeas and 50 nays (Roll Call No. 029).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania (Perry 393) (ANS B3); At the end of the bill, add the following: SEC. 33. PROHIBITION ON CONSIDERATION OR INCORPORATION OF SOCIAL COSTS OF CARBON OR GREENHOUSE GASES INTO COST BENEFIT ANALYSIS. Notwithstanding any other provision of law, in carrying out any cost benefit analysis, the Administrator of the Pipeline and Hazardous Materials Safety Administration may not consider or incorporate any social cost of carbon or greenhouse gases.; was NOT AGREED TO by a recorded vote of 25 yeas and 36 nays (Roll Call No. 030).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Bost of Illinois (Bost 052) (ANS B4); At the end of the bill, add the following: SEC. 60102. PURPOSE AND GENERAL AUTHORITY. (a) WORKER AND PUBLIC SAFETY.—Section 60102 of title 49, United States Code, is amended by adding at the end the following: "(u) WORKER AND PUBLIC SAFETY.— "(1) IN GENERAL.—The Secretary shall establish zones, referred to in this section as a 'Worker and Public Safety

Zones”, at the location of any pipeline construction or pipeline repair operation for the purpose of providing notice of the distance the general public shall maintain from pipeline workers and the activities of such workers. “(2) REQUIREMENTS.—In establishing Worker and Public Safety Zones described in paragraph (1), the Secretary shall— “(A) establish such Zones around any pipeline construction and pipeline repair operations that exists during pipeline construction or repairs and within which only owner-operator authorized personnel, including contractors and subcontractors, shall be permitted; “(B) ensure that such Zones— “(i) exist at all times during pipeline construction or pipeline repairs; “(ii) do not exist after pipeline construction or pipeline repairs are completed; “(iii) do not apply to local distribution systems and intrastate transmission pipelines; and “(iv) post a notice that includes the safety purpose of such a Zone at the location of pipeline construction and repairs; and “(C) establish a reasonable standard of safe distance from pipeline construction and repairs workers and the activities of such workers for the notice under subparagraph (B)(iv). “(3) CIVIL PENALTY.— “(A) IN GENERAL.—Any unauthorized individual entering a Worker and Public Safety Zone established pursuant to this subsection shall be liable to the United States for a civil penalty for each violation. “(B) AMOUNT.—The Secretary shall determine the amount of such penalty using the considerations under section 60122(b). “(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to amend, alter or effect— “(A) the authorities of the Secretary under this chapter or parts 192 or 195 of title 49, Code of Federal Regulations; or “(B) a landowner’s rights.”. (b) REGULATION REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule establishing a procedure and requirements for carrying out section 60102(u) of title 49, United States Code.; was WITHDRAWN.

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Garcia of Illinois (Garcia 078) (ANS B5); Page 31, line 22, insert “and routing” after “siting”. Page 32, line 13, strike “Bulletin” and insert “Bulletins”. Page 32, line 18, insert “and June 2, 2022 (PHMSA–2022–0063)” before the semicolon. Page 33, line 24, strike “and”. Page 33, before line 1, insert the following (and redesignate accordingly): (E) evaluates the benefit of and need for increased use of geohazard mitigation prior to pipeline construction and throughout pipeline operation and maintenance; and Page 33, line 3, strike “(D)” and insert “(E)”; was WITHDRAWN.

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Molinaro of New York (Molinaro 169) (ANS B6); Page 9, after line 17, insert the following (and redesignate accordingly): (4) in paragraph (22)(B)— (A) in clause (ii) by striking “or” at the end; (B) in clause (iii) by striking the period at the end and inserting “; or”; and (C) by adding at the end the following: “(iv) facilities that receive, store, or supply aviation fuel at an airport beyond whichever of the following points is furthest downstream: “(I) The point where custody of the aviation fuel is first transferred to the person responsible for operating the facility. “(II) The point where the aviation fuel first enters any part of the

facility. “(III) The point where the aviation fuel first crosses any portion of airport property.”; was WITHDRAWN.

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Ezell of Mississippi (Ezell 017) (ANS B7); On page 88, line 13, strike “and”. On page 88, line 20, strike the period and insert “; and”. On page 88, after line 20, add at the end the following: (4) whether existing integrity management requirements— (A) under subpart O of part 192 of title 49, Code of Federal Regulations, are adequate for high consequence areas (as such term is defined in part 192.903 of title 49, Code of Federal Regulations); and (B) under subpart M of part 192 of title 49, Code of Federal Regulations, are adequate for moderate consequence areas (as such term is defined in 192.3 of title 49, Code of Federal Regulations). On page 88, line 22, after “regulations” insert the following: “based on the results of the evaluation under subsection (a)”.; was WITHDRAWN.

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania (Perry 392) (ANS B8); At the end of the substitute, add the following: SEC. 33. PROHIBITION OF ACTION PURSUANT TO EXECUTIVE ORDER 14096. The Administrator of the Pipeline and Hazardous Materials Safety Administration may not take any action pursuant to Executive Order 14096 (88 Fed. Reg. 25251; relating to revitalizing our Nation’s commitment to environmental justice).; was NOT AGREED TO by a recorded vote of 25 yeas and 35 nays (Roll Call No. 031).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California (Huffman 064 Rev. 1) (ANS B9); At the end of the bill, add the following: SEC. 33. STUDY ON OFFSHORE PIPELINE LEAK. The Administrator of the Pipeline and Hazardous Materials Safety Administration shall institute a moratorium on any offshore oil and gas pipeline infrastructure construction until after the Administrator conducts a comprehensive study and analysis of the cause of the Main Pass Oil Gathering pipeline leak and how such leak could have been prevented.; was NOT AGREED TO by voice vote but was later WITHDRAWN subject to a unanimous consent request by Mr. Huffman.

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania (Perry 394 Rev. 1) (ANS B10); Add at the end the following: SEC. 33. PROHIBITION ON ACTION PURSUANT TO CERTAIN EXECUTIVE ORDERS. The Administrator of the Pipeline and Hazardous Materials Safety Administration may not take any action pursuant to the following Executive Orders: (1) Executive Order 13990 (86 Fed. Reg. 7037; relating to Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis). (2) Executive Order 14008 (86 Fed. Reg. 7619; relating to Tackling the Climate Crisis at Home and Abroad). (3) Executive Order 14030 (86 Fed. Reg. 27967; relating to Climate-Related Financial Risk). (4) Executive Order 14057 (86 Fed. Reg. 70935; relating to Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability). (5) and Executive Order 14082 (87 Fed. Reg. 56861; relating to Implementation of the Energy and Infrastructure Provisions of the Infla-

tion Reduction Act of 2022).; was NOT AGREED TO by a recorded vote of 23 yeas and 39 nays (Roll Call No. 032).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California (Huffman 065) (ANS B11); At the end of the bill, add the following: SEC. 33. INSPECTION AND MAINTENANCE. Section 60108(a)(2)(D) of title 49, United States Code, is amended— (1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and (2) by inserting after clause (i) the following: “(ii) geohazard mitigation;”; was NOT AGREED TO by a recorded vote of 20 yeas to 42 nays (Roll Call No. 033).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania (Perry 395) (ANS B12); Add at the end the following: SEC. 33. PROHIBITION ON ACTION PURSUANT TO EXECUTIVE ORDER 14035. The Administrator of the Pipeline and Hazardous Materials Safety Administration may not take any action pursuant to Executive Order 14035 (86 Fed. Reg. 34593; relating to Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce).; was NOT AGREED TO by a recorded vote of 25 yeas to 37 nays (Roll Call No. 034).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California (Huffman 067) (ANS B13); At the end of the bill, add the following: SEC. 33. MONITORING FOR METHANE LEAKS. The Administrator of the Pipeline and Hazardous Materials Safety Administration shall regularly conduct fugitive emission monitoring for methane leaks, including through the use of technologies from stationary ground sensors and remote sensors from automobiles, aircraft, and satellites.; was NOT AGREED TO by a recorded vote of 21 yeas and 41 nays (roll Call No. 035).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California (Huffman 066) (ANS B14); At the end of the bill, add the following: SEC. 33. MORATORIUM ON HYDROGEN NATURAL GAS BLENDING. The Administrator of the Pipeline and Hazardous Materials Safety Administration shall institute a moratorium on hydrogen-natural gas blending until after the study under section 20 of this Act has been completed and the Administrator has issued a final rule informed by the results of such study.; was NOT AGREED TO by a recorded vote of 11 yeas and 51 nays (Roll Call No. 36).

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. García of Illinois (Garcia 081) (ANS B15); Page 71, strike lines 3 through 17 and insert the following: “(D) PUBLIC ACCESS TO DISPERSION MODELING.—Upon request, the Secretary shall provide to a member of the public or an emergency responder the carbon dioxide pipeline dispersion modeling results and pertinent information for the safety of members of the public.”; was WITHDRAWN.

An amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. García of Illinois (Garcia 082) (ANS B16); Page 43, line 21, strike “and”. Page 43, line 25, strike the period and insert “; and”. Page 43, after line 25, insert the following: (3) an assessment of the safety of blending greater than 5 percent by volume of hydrogen into natural gas pipelines, including an evaluation of— (A) the likelihood of an increase in accidents, in-

cluding explosions; (B) the risks associated with blending hydrogen into natural gas pipelines connected to residential homes and businesses; (C) the use of leak detection and fugitive emission detection, including challenges in preventing leaks; and (D) additional safety measures that would be necessary to maintain current safety standards; and (4) an assessment of current documentation and reporting requirements for pipeline owners and operators that blend hydrogen into natural gas pipelines.; was WITHDRAWN.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

Committee on Transportation and Infrastructure Roll Call Vote No. 029

On: agreeing to Amendment No. 063, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California.

Not Agreed to: 11 yeas and 50 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mrs. Napolitano	Y
Mr. Massie .....	.....	Mr. Cohen	N
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Graves of LA	N	Mr. Carson	N
Mr. Rouzer	N	Ms. Titus	Y
Mr. Bost	N	Mr. Huffman	Y
Mr. LaMalfa	N	Ms. Brownley	N
Mr. Westerman	N	Ms. Wilson of FL	N
Mr. Mast	N	Mr. Payne	N
Mrs. González-Colón	N	Mr. DeSaulnier	Y
Mr. Stauber	N	Mr. Carbajal	Y
Mr. Burchett	N	Mr. Stanton	N
Mr. Johnson of SD	N	Mr. Allred	N
Mr. Van Drew	N	Ms. Davids of KS	N
Mr. Nehls	N	Mr. García of IL	Y
Mr. Gooden of TX	N	Mr. Pappas	N
Mr. Mann	N	Mr. Moulton	Y
Mr. Owens	N	Mr. Auchincloss	Y
Mr. Yakym	N	Ms. Strickland	N
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	N
Mr. Edwards	N	Mr. Ryan	N
Mr. Kean of NJ	N	Mrs. Peltola	N
Mr. D'Esposito	N	Mr. Menendez	N
Mr. Burlison	N	Ms. Hoyle of OR	N
Mr. James	N	Mrs. Sykes	N
Mr. Van Orden	N	Ms. Scholten	N
Mr. Williams of NY .....	.....	Mrs. Foushee .....	.....
Mr. Molinaro	N		
Mr. Collins	N		
Mr. Ezell	N		
Mr. Duarte	N		
Mr. Bean of FL .....	.....	

Committee on Transportation and Infrastructure Roll Call Vote No. 030

On: agreeing to Amendment No. 393, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania.

Not Agreed to: 25 yeas and 36 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	Y	<i>Ms. Norton</i>	N
Mr. Webster of FL	Y	Mrs. Napolitano	N
Mr. Massie .....	.....	Mr. Cohen	N
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Graves of LA	Y	Mr. Carson	N
Mr. Rouzer	Y	Ms. Titus	N
Mr. Bost	Y	Mr. Huffman	N
Mr. LaMalfa	Y	Ms. Brownley	N
Mr. Westerman	Y	Ms. Wilson of FL	N
Mr. Mast	Y	Mr. Payne	N
<i>Mrs. González-Colón</i>	N	Mr. DeSaulnier	N
Mr. Stauber	Y	Mr. Carbajal	N
Mr. Burchett	Y	Mr. Stanton	N
Mr. Johnson of SD	Y	Mr. Allred	N
Mr. Van Drew	Y	Ms. Davids of KS	N
Mr. Nehls	N	Mr. García of IL	N
Mr. Gooden of TX	Y	Mr. Pappas	N
Mr. Mann	Y	Mr. Moulton	N
Mr. Owens	Y	Mr. Auchincloss	N
Mr. Yakym	Y	Ms. Strickland	N
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	N
Mr. Edwards	Y	Mr. Ryan	N
Mr. Kean of NJ	N	Mrs. Peltola	N
Mr. D'Esposito	N	Mr. Menendez	N
Mr. Burlison	Y	Ms. Hoyle of OR	N
Mr. James	N	Mrs. Sykes	N
Mr. Van Orden	Y	Ms. Scholten	N
Mr. Williams of NY .....	.....	Mrs. Foushee .....	.....
Mr. Molinaro	Y		
Mr. Collins	Y		
Mr. Ezell	Y		
Mr. Duarte	Y		
Mr. Bean of FL .....	.....	

Committee on Transportation and Infrastructure Roll Call Vote No. 031

On: agreeing to Amendment No. 392, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania.

Not Agreed to: 25 yeas and 35 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	Y	<i>Ms. Norton</i>	N
Mr. Webster of FL	Y	Mrs. Napolitano	N
Mr. Massie .....	.....	Mr. Cohen	N
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Graves of LA	Y	Mr. Carson	N
Mr. Rouzer	Y	Ms. Titus	N
Mr. Bost	Y	Mr. Huffman	N
Mr. LaMalfa	Y	Ms. Brownley	N
Mr. Westerman	Y	Ms. Wilson of FL	N

Member	Vote	Member	Vote
Mr. Mast	Y	Mr. Payne	N
Mrs. González-Colón	Y	Mr. DeSaulnier	N
Mr. Stauber	Y	Mr. Carbajal	N
Mr. Burchett	Y	Mr. Stanton	N
Mr. Johnson of SD	Y	Mr. Allred	N
Mr. Van Drew	Y	Ms. Davids of KS	N
Mr. Nehls	N	Mr. García of IL	N
Mr. Gooden of TX	Y	Mr. Pappas	N
Mr. Mann	Y	Mr. Moulton	N
Mr. Owens	Y	Mr. Auchincloss	N
Mr. Yakym	Y	Ms. Strickland	N
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	N
Mr. Edwards	Y	Mr. Ryan	N
Mr. Kean of NJ	N	Mrs. Peltola	N
Mr. D'Esposito	N	Mr. Menendez	N
Mr. Burlison	Y	Ms. Hoyle of OR	N
Mr. James	N	Mrs. Sykes	N
Mr. Van Orden	Y	Ms. Scholten	N
Mr. Williams of NY .....	.....	Mrs. Foushee .....	.....
Mr. Molinaro	Y		
Mr. Collins	Y		
Mr. Ezell	Y		
Mr. Duarte	Y		
Mr. Bean of FL .....	.....	

Committee on Transportation and Infrastructure Roll Call Vote No. 032

On: agreeing to Amendment No. 394 Revision 1, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania.

Not Agreed to: 23 yeas and 39 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	N	Mrs. Norton	N
Mr. Webster of FL	Y	Mrs. Napolitano	N
Mr. Massie .....	.....	Mr. Cohen	N
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Graves of LA	N	Mr. Carson	N
Mr. Rouzer	Y	Ms. Titus	N
Mr. Bost	Y	Mr. Huffman	N
Mr. LaMalfa	Y	Ms. Brownley	N
Mr. Westerman	Y	Ms. Wilson of FL	N
Mr. Mast	Y	Mr. Payne	N
Mrs. González-Colón	Y	Mr. DeSaulnier	N
Mr. Stauber	Y	Mr. Carbajal	N
Mr. Burchett	Y	Mr. Stanton	N
Mr. Johnson of SD	Y	Mr. Allred	N
Mr. Van Drew	Y	Ms. Davids of KS	N
Mr. Nehls	N	Mr. García of IL	N
Mr. Gooden of TX	N	Mr. Pappas	N
Mr. Mann	Y	Mr. Moulton	N
Mr. Owens	Y	Mr. Auchincloss	N
Mr. Yakym	Y	Ms. Strickland	N
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	N
Mr. Edwards	Y	Mr. Ryan	N
Mr. Kean of NJ	N	Mrs. Peltola	N
Mr. D'Esposito	N	Mr. Menendez	N
Mr. Burlison	Y	Ms. Hoyle of OR	N
Mr. James	N	Mrs. Sykes	N
Mr. Van Orden	Y	Ms. Scholten	N
Mr. Williams of NY .....	.....	Mrs. Foushee	N
Mr. Molinaro	Y		

Member	Vote	Member	Vote
Mr. Collins	Y		
Mr. Ezell	Y		
Mr. Duarte	Y		
Mr. Bean of FL .....	.....	

Committee on Transportation and Infrastructure Roll Call Vote No. 033

On: agreeing to Amendment No. 65, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California.

Not Agreed to: 20 yeas and 42 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mrs. Napolitano	Y
Mr. Massie .....	.....	Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Graves of LA	N	Mr. Carson	N
Mr. Rouzer	N	Ms. Titus	Y
Mr. Bost	N	Mr. Huffman	Y
Mr. LaMalfa	N	Ms. Brownley	Y
Mr. Westerman	N	Ms. Wilson of FL	Y
Mr. Mast	N	Mr. Payne	N
Mrs. González-Colón	N	Mr. DeSaulnier	Y
Mr. Stauber	N	Mr. Carbajal	Y
Mr. Burchett	N	Mr. Stanton	N
Mr. Johnson of SD	N	Mr. Allred	N
Mr. Van Drew	N	Ms. Davids of KS	N
Mr. Nehls	N	Mr. García of IL	Y
Mr. Gooden of TX	N	Mr. Pappas	N
Mr. Mann	N	Mr. Moulton	N
Mr. Owens	N	Mr. Auchincloss	N
Mr. Yakym	N	Ms. Strickland	Y
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	Y
Mr. Edwards	N	Mr. Ryan	N
Mr. Kean of NJ	N	Mrs. Peltola	Y
Mr. D'Esposito	N	Mr. Menendez	Y
Mr. Burlison	N	Ms. Hoyle of OR	Y
Mr. James	N	Mrs. Sykes	Y
Mr. Van Orden	N	Ms. Scholten	Y
Mr. Williams of NY .....	.....	Mrs. Foushee	Y
Mr. Molinaro	N		
Mr. Collins	N		
Mr. Ezell	N		
Mr. Duarte	N		
Mr. Bean of FL .....	.....	

Committee on Transportation and Infrastructure Roll Call Vote No. 034

On: agreeing to Amendment No. 395, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Perry of Pennsylvania.

Not Agreed to: 25 yeas and 37 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	Y	Ms. Norton	N
Mr. Webster of FL	Y	Mrs. Napolitano	N
Mr. Massie .....	.....	Mr. Cohen	N

Member	Vote	Member	Vote
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Graves of LA	Y	Mr. Carson	N
Mr. Rouzer	Y	Ms. Titus	N
Mr. Bost	Y	Mr. Huffman	N
Mr. LaMalfa	Y	Ms. Brownley	N
Mr. Westerman	Y	Ms. Wilson of FL	N
Mr. Mast	Y	Mr. Payne	N
Mrs. González-Colón	N	Mr. DeSaulnier	N
Mr. Stauber	Y	Mr. Carbajal	N
Mr. Burchett	Y	Mr. Stanton	N
Mr. Johnson of SD	Y	Mr. Allred	N
Mr. Van Drew	Y	Ms. Davids of KS	N
Mr. Nehls	N	Mr. García of IL	N
Mr. Gooden of TX	Y	Mr. Pappas	N
Mr. Mann	Y	Mr. Moulton	N
Mr. Owens	Y	Mr. Auchincloss	N
Mr. Yakym	Y	Ms. Strickland	N
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	N
Mr. Edwards	Y	Mr. Ryan	N
Mr. Kean of NJ	N	Mrs. Peltola	N
Mr. D'Esposito	N	Mr. Menendez	N
Mr. Burlison	Y	Ms. Hoyle of OR	N
Mr. James	N	Mrs. Sykes	N
Mr. Van Orden	Y	Ms. Scholten	N
Mr. Williams of NY .....	.....	Mrs. Foushee	N
Mr. Molinaro	Y		
Mr. Collins	Y		
Mr. Ezell	Y		
Mr. Duarte	Y		
Mr. Bean of FL .....	.....	

Committee on Transportation and Infrastructure Roll Call Vote No. 035

On: agreeing to Amendment No. 67, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California.

Not Agreed to: 21 yeas and 41 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	N	Mrs. Norton	Y
Mr. Webster of FL	N	Mrs. Napolitano	Y
Mr. Massie .....	.....	Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Graves of LA	N	Mr. Carson	N
Mr. Rouzer	N	Ms. Titus	Y
Mr. Bost	N	Mr. Huffman	Y
Mr. LaMalfa	N	Ms. Brownley	Y
Mr. Westerman	N	Ms. Wilson of FL	Y
Mr. Mast	N	Mr. Payne	N
Mrs. González-Colón	N	Mr. DeSaulnier	Y
Mr. Stauber	N	Mr. Carbajal	Y
Mr. Burchett	N	Mr. Stanton	N
Mr. Johnson of SD	N	Mr. Allred	N
Mr. Van Drew	N	Ms. Davids of KS	N
Mr. Nehls	N	Mr. García of IL	Y
Mr. Gooden of TX	N	Mr. Pappas	N
Mr. Mann	N	Mr. Moulton	Y
Mr. Owens	N	Mr. Auchincloss	Y
Mr. Yakym	N	Ms. Strickland	Y
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	Y
Mr. Edwards	N	Mr. Ryan	N

Member	Vote	Member	Vote
Mr. Kean of NJ	N	Mrs. Peltola	N
Mr. D'Esposito	N	Mr. Menendez	Y
Mr. Burlison	N	Ms. Hoyle of OR	Y
Mr. James	N	Mrs. Sykes	Y
Mr. Van Orden	N	Ms. Scholten	Y
Mr. Williams of NY .....	.....	Mrs. Foushee	Y
Mr. Molinaro	N		
Mr. Collins	N		
Mr. Ezell	N		
Mr. Duarte	N		
Mr. Bean of FL .....	.....	

Committee on Transportation and Infrastructure Roll Call Vote No. 036

On: agreeing to Amendment No. 66, an Amendment to the Amendment in the Nature of a Substitute to H.R. 6494, offered by Mr. Huffman of California.

Not Agreed to: 11 yeas and 51 nays.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mrs. Napolitano	Y
Mr. Massie .....	.....	Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	N
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Graves of LA	N	Mr. Carson	N
Mr. Rouzer	N	Ms. Titus	Y
Mr. Bost	N	Mr. Huffman	Y
Mr. LaMalfa	N	Ms. Brownley	Y
Mr. Westerman	N	Ms. Wilson of FL	Y
Mr. Mast	N	Mr. Payne	N
Mrs. González-Colón	N	Mr. DeSaulnier	N
Mr. Stauber	N	Mr. Carbajal	N
Mr. Burchett	N	Mr. Stanton	N
Mr. Johnson of SD	N	Mr. Allred	N
Mr. Van Drew	N	Ms. Davids of KS	N
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Gooden of TX	N	Mr. Pappas	N
Mr. Mann	N	Mr. Moulton	N
Mr. Owens	N	Mr. Auchincloss	N
Mr. Yakym	N	Ms. Strickland	N
Mrs. Chavez-DeRemer	N	Mr. Carter of LA	N
Mr. Edwards	N	Mr. Ryan	N
Mr. Kean of NJ	N	Mrs. Peltola	N
Mr. D'Esposito	N	Mr. Menendez	N
Mr. Burlison	N	Ms. Hoyle of OR	Y
Mr. James	N	Mrs. Sykes	N
Mr. Van Orden	N	Ms. Scholten	N
Mr. Williams of NY .....	.....	Mrs. Foushee	Y
Mr. Molinaro	N		
Mr. Collins	N		
Mr. Ezell	N		
Mr. Duarte	N		
Mr. Bean of FL .....	.....	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to reauthorize Federal pipeline safety programs administered by PHMSA and DOT. The bill directs PHMSA to establish programs, issue regulations, and conduct studies to provide for increased pipeline safety outcomes across the United States pipeline network.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 6494, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 6494, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Short title; Table of Contents; definition

This section provides that this bill may be cited as the “*Promoting Innovation in Pipeline Efficiency and Safety Act of 2023*” or the “*PIPES Act of 2023*”. This section also contains the table of contents.

Sec. 2. Authorization of Appropriations

This section authorizes \$1.065 billion over four years in total budgetary resources for pipeline safety programs administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA). PHMSA is authorized to collect fees paid by operators and owners of pipelines and underground natural gas storage facilities. Of these total budgetary resources, this section authorizes the following amounts over four years: \$804 million for the pipeline safety programs, which is funded by fees; \$123 million from the Oil Spill Liability Trust Fund for safety programs; \$130 million from the General Fund for PHMSA’s operating expenses; \$8 million from the General Fund for the State Damage Prevention program, and authorizes set-asides for recruitment and retention and several grant programs.

Sec. 3. Definitions

This section defines terms referenced in the underlying bill applicable to pipeline safety, pursuant to Section 60101 of title 49, United States Code.

Sec. 4. Workforce development

This section authorizes an increase in the number of PHMSA employees with certain subject matter expertise to develop and implement pipeline safety policies and regulations and fulfill Congressional rulemaking mandates. This section also includes a one-year reporting requirement on PHMSA's progress and challenges to hiring and retaining employees, and any additional workforce needs.

Sec. 5. Regulatory updates

This section directs the Secretary of Transportation (Secretary) to publish a status update on the completion of outstanding Congressional mandates on PHMSA's website every 30 days.

Sec. 6. Incorporation by reference

This section directs the Secretary to review and update as necessary, every four years, incorporated industry safety standards that have been partially or fully adopted as part of the Federal pipeline safety regulatory program. This section also requires adopted industry standards to be made publicly available, as well as a list of standards considered and PHMSA's reasoning for not adopting a standard. Further, it directs the Government Accountability Office (GAO) to review and report on compliance with the public access requirements of this section.

Sec. 7. Inspection activity reporting

This section directs PHMSA to make a report on inspection and enforcement priorities of the Office of Pipeline Safety for fiscal year (FY) 2024 through FY 2027 publicly available and open for public comment.

Sec. 8. Technical safety standards committees

This section requires PHMSA to hold two meetings annually of the Gas Pipeline Advisory Committee (GPAC) and the Liquid Pipeline Advisory Committee (LPAC).

Sec. 9. Sense of Congress on PHMSA engagement prior to rule-making activities

This section encourages the Department of Transportation (DOT) to engage with pipeline stakeholder groups, including state pipeline safety programs certified by PHMSA, during the pre-drafting stages of rulemaking activities.

Sec. 10. Office of Public Engagement

This section designates the existing Community Liaison Services as the Office of Public Engagement and assigns specific duties to engage with the public, government officials, public safety organizations, and pipeline operators, and assist with inquiries regarding pipeline safety best practices and regulations. The Office will also promote the adoption and increased use of safety programs.

Sec. 11. Class location changes

This section requires the Secretary to finalize a rule on class location changes due to population shifts around pipelines within 90 days of enactment.

Sec. 12. Pipeline operating status

This section requires the Secretary to advance a notice of proposed rulemaking (NPRM) establishing safety requirements for idled pipelines within 180 days of enactment.

Sec. 13. Rights-of-way management

This section provides pipeline operators the opportunity to voluntarily develop alternative methods of maintaining rights-of-way for pipelines and pipeline facilities, including methods that incorporate conservation or habitat management practices for pollinators, that ensure equivalent levels of pipeline safety.

Sec. 14. Study on composite materials for pipelines

This section requires the DOT to complete a study within 18 months on the safety of composite pipeline material for the transportation of hydrogen and hydrogen blended with natural gas and issue a regulation allowing for use of such pipeline material not later than 18 months following the study's completion and a public meeting.

Sec. 15. Competitive Academic Agreement Program

This section improves the ability of small and mid-sized institutions to participate in PHMSA's Competitive Academic Agreement Program (CAAP) grant program, which supports student academic research on pipeline safety challenges, by permitting PHMSA to waive the current cost share requirement for these institutions.

Sec. 16. Geohazard mitigation study

This section requires a GAO study on Federal and state requirements relating to geohazards, including seismicity, land subsidence, erosion, and other potential natural hazards that could impact pipeline safety.

Sec. 17. Special permit program

This section requires that any terms placed on safety waivers (special permits) are specific to the pipeline safety regulation being waived and establishes timelines for the consideration of special permit applications. It also mandates a report to Congress on the status of safety waivers sought under the special permit program and directs the GAO to provide a report on PHMSA's implementation of this provision.

Sec. 18. Excavation damage prevention

This section updates PHMSA's assessment criteria for state damage prevention programs and describes additional leading practices state one-call programs shall implement to prevent excavation damage to pipelines and other underground utilities and requires PHMSA to report to Congress on such implementation.

Sec. 19. Integrity management study

This section requires a National Academies study on the effectiveness of integrity management regulations and their impact on safety.

Sec. 20. Hydrogen study

This section directs the GAO to study existing natural gas pipeline systems in the United States and overseas that are blending hydrogen into natural gas pipeline systems that can inform a potential future rulemaking related to the safety of hydrogen-natural gas blending.

Sec. 21. Penalty for causing a defect in or disrupting operation of pipeline infrastructure

This section extends existing criminal penalties to those who knowingly and willfully damage a pipe, pump, compressor, or valve under construction or disrupt the operation of a pipeline by the unauthorized turning of a valve.

Sec. 22. Civil penalties

This section increases the maximum civil penalty for a pipeline safety violation by 25 percent to \$2,500,000.

Sec. 23. Liquefied natural gas regulatory coordination

This section creates a working group of Federal agencies with regulatory jurisdiction and oversight of liquefied natural gas (LNG) facilities to assess each agency's area of jurisdiction to ensure safety regulations are in the public interest, and to reduce or eliminate duplicative oversight of LNG facilities.

Sec. 24. Pipeline safety voluntary information-sharing system

This section establishes a confidential voluntary information-sharing (VIS) system to encourage the sharing of pipeline safety data and information and authorizes \$31 million over four years for this purpose. This section also requires PHMSA to issue a report on the effectiveness of the VIS and recommendations to ensure sufficient funding to continue VIS activities beyond the initial stand-up period for the program.

Sec. 25. Carbon dioxide pipelines

This section requires the Secretary to complete a rulemaking to establish minimum safety standards for the transportation and temporary storage incidental to transportation of carbon dioxide in a gaseous state. This provision also makes conforming changes to the United States Code to facilitate the regulation of carbon dioxide pipelines.

Sec. 26. Opportunity for formal hearing

This section provides operators the opportunity to obtain a formal hearing before a DOT Administrative Law Judge on certain notice of probable violation enforcement actions. This section also requires publishing protocols for hearings that are open to the public.

Sec. 27. State Pipeline Safety Grants reporting

This section requires the Secretary to include a summary of funding for the preceding three fiscal years and estimated funding necessary to fund 80 percent of the costs of personnel, equipment, and activities for the State Pipeline Safety Grant program in the agency's annual budget estimate.

Sec. 28. Inspection of in-service breakout tanks

This section permits the Secretary to amend safety regulations to allow for risk-based inspections that would determine the schedule of inspection of storage tanks based on safety risk, if the Secretary determines an equivalent level of safety will be provided.

Sec. 29. Disclosure of safety information assessment

This section directs the Secretary to assess how pipeline facility owners and operators engage with, and provide safety information to, the public and state or local emergency response organizations. It also allows the Secretary to issue guidance to improve pipeline safety information sharing with the public and other interested parties.

Sec. 30. Assessment of certain pipeline safety definitions

This section directs the Secretary to evaluate the definitions of buildings and occupied outdoor facilities, to determine whether the definition of the occupancy counts of these areas should be revised. It further provides the Secretary with the ability to issue regulations to modify the definitions.

Sec. 31. Report assessing the costs of pipeline failures

This section requires a National Academies study on the direct and indirect costs related to the failure or shutdown of a pipeline facility.

Sec. 32. Study on localized emergency alert system for pipeline facilities incidents

This section directs the GAO to issue a study on the need and ability to create a localized emergency alert system to provide the public with alerts related to pipeline accidents or incidents.

Sec. 33. Maximum allowable operating pressure

This section defers PHMSA enforcement of regulations that require gas transmission pipeline operators to reconfirm the maximum allowable operating pressure of previously tested pipelines until the report of a working group's recommendations on the minimum pressure and contemporaneous records that are sufficient to confirm the material strength of a pipeline and any subsequent rulemaking or technical correction to previous rulemaking.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

* * * * *

SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

* * * * *

CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

* * * * *

§ 6106. Grants to States

(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

- (1) the overall quality and effectiveness of one-call notification systems in the State;
- (2) communications systems linking one-call notification systems;
- (3) location capabilities, including training personnel and developing and using location technology;
- (4) record retention and recording capabilities for one-call notification systems;
- (5) public information and education;
- (6) participation in one-call notification systems; or
- (7) compliance and enforcement under the State one-call notification program.

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

- (1) *identify the size and scope of a one-call ticket for standard locate requests, including process exceptions for special large project tickets;*
- (2) *restrict the longevity of a one-call ticket for standard locate requests, which may include process exceptions for special large project tickets;*
- (3) *examine and limit exemptions to one-call programs to prevent common excavation damage incidents, including—*
 - (A) *excavation or demolition performed by the owner of a single-family residential property;*
 - (B) *any excavation of 18 inches or less when maintenance activities are performed;*
 - (C) *repairing, connecting, adjusting, or conducting routine maintenance of a private or public underground utility facility; and*

(D) municipalities, public works organizations, and State departments of transportation for road maintenance;

(4) specify tolerance zone horizontal dimensions and requirements for hand-dig, hydro, vacuum excavation, and other non-intrusive methods;

(5) specify emergency excavation notification requirements, including defining emergency excavation and identifying the notification requirements for an emergency excavation;

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

(7) define who is an excavator and what is considered excavation;

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

(9) require a positive response, such as the utility, municipality, or other entity placing the marks positively responds to the notification center and the excavator checks for a positive response before beginning excavation;

(10) require newly installed underground facilities to be locatable;

(11) require the marking of lines and laterals, including sewer lines and laterals;

(12) require training programs and requirements for third-party excavators performing excavation activities that are not subject to pipeline construction requirements under part 192 or part 195 of title 49, Code of Federal Regulations;

(13) require training for locate professionals; and

(14) require the use of commercially available technologies to locate underground facilities, such as geographic information systems and enhanced positive response.

(c) **REPORT TO CONGRESS.**—

(1) **INITIAL REPORT.**—Not later than 3 years after the implementation of subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

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

(B) recommendations to increase the adoption of such leading practices and recommendations for the reduction of excavation damage incidents; and

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

(2) **ADDITIONAL REPORTS.**—Not later than once every 2 years after the submittal of the report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

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

(B) recommendations to increase the adoption of such leading practices and recommendations for the reduction of excavation damage incidents; and

(C) *the number of underground facility damages per 1,000 one-call tickets in each state for each year covered by the report.*

[(b)] (d) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section, the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including *adoption or progress toward adoption of the leading practices listed in subsection (b)* and legislative and regulatory actions taken by the State after the date of enactment of this chapter.

[(c)] (e) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

(f) SAVINGS CLAUSE.—*Nothing in this section shall make a grant award to a State by the Secretary pursuant to section 60107 or section 60134 for a State program certified under section 60105 or section 60106 contingent on compliance by the State with all leading practices described in subsection (b).*

§ 6107. Funding

Of the amounts made available under section 60125(a)(1), the Secretary shall expend ~~[\$1,058,000 for each of fiscal years 2021 through 2023]~~ *\$2,000,000 for each of fiscal years 2024 through 2027* to carry out section 6106.

* * * * *

SUBTITLE VIII—PIPELINES

* * * * *

CHAPTER 601—SAFETY

Sec.
60101. Definitions.

* * * * *

60144. *Voluntary information-sharing system.*

§ 60101. Definitions

(a) GENERAL.—In this chapter—

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

(2) “carbon dioxide pipeline facility”—

(A) means a pipeline, a right of way, a facility, a building, or equipment used, or intended to be used, in transporting carbon dioxide or treating carbon dioxide during the transportation of such carbon dioxide; but

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

(3) “de-identified” means the process by which all information that is likely to establish the identity of the specific persons, organizations, or entities submitting reports, data, or other information is removed from reports, data, or other information;

[(1)] (4) “existing liquefied natural gas facility”—

- (A) means a liquefied natural gas facility for which an application to approve the site, construction, or operation of the facility was filed before March 1, 1978, with—
- (i) the Federal Energy Regulatory Commission (or any predecessor); or
 - (ii) the appropriate State or local authority, if the facility is not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); but
- (B) does not include a facility on which construction is begun after November 29, 1979, without the approval;
- [(2)] (5) “gas” means natural gas, flammable gas, or toxic or corrosive gas;
- [(3)] (6) “gas pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used in transporting gas or treating gas during its transportation;
- [(4)] (7) “hazardous liquid” means—
- (A) petroleum or a petroleum product;
 - (B) nonpetroleum fuel, including biofuel, that is flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and
 - (C) a substance the Secretary of Transportation decides may pose an unreasonable risk to life or property when transported by a hazardous liquid pipeline facility in a liquid state (except for liquefied natural gas);
- [(5)] (8) “hazardous liquid pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used or intended to be used in transporting hazardous liquid;
- (9) “*interstate carbon dioxide pipeline facility*” means a carbon dioxide pipeline facility used to transport carbon dioxide in interstate or foreign commerce;
- (10) “*intrastate carbon dioxide pipeline facility*” means a carbon dioxide pipeline facility that is not an interstate carbon dioxide facility;
- [(6)] (11) “interstate gas pipeline facility” means a gas pipeline facility—
- (A) used to transport gas; and
 - (B) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);
- [(9)] (12) “intrastate gas pipeline facility” means a gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);
- [(7)] (13) “interstate hazardous liquid pipeline facility” means a hazardous liquid pipeline facility used to transport hazardous liquid in interstate or foreign commerce;
- [(10)] (14) “intrastate hazardous liquid pipeline facility” means a hazardous liquid pipeline facility that is not an interstate hazardous liquid pipeline facility;
- [(8)] (15) “interstate or foreign commerce”—
- (A) related to gas, means commerce—
 - (i) between a place in a State and a place outside that State; or
 - (ii) that affects any commerce described in subclause (A)(i) of this clause; and

(B) related to hazardous liquid *and carbon dioxide*, means commerce between—

- (i) a place in a State and a place outside that State;
- or
- (ii) places in the same State through a place outside the State;

[(11)] (16) “liquefied natural gas” means natural gas in a liquid or semisolid state;

[(12)] (17) “liquefied natural gas accident” means a release, burning, or explosion of liquefied natural gas from any cause, except a release, burning, or explosion that, under regulations prescribed by the Secretary, does not pose a threat to public health or safety, property, or the environment;

[(13)] (18) “liquefied natural gas conversion” means conversion of natural gas into liquefied natural gas or conversion of liquefied natural gas into natural gas;

[(14)] (19) “liquefied natural gas pipeline facility”—

(A) means a gas pipeline facility used for transporting or storing liquefied natural gas, or for liquefied natural gas conversion, in interstate or foreign commerce; but

(B) does not include any part of a structure or equipment located in navigable waters (as defined in section 3 of the Federal Power Act (16 U.S.C. 796));

[(15)] (20) “municipality” means a political subdivision of a State;

[(16)] (21) “new liquefied natural gas pipeline facility” means a liquefied natural gas pipeline facility except an existing liquefied natural gas pipeline facility;

(22) “*non-public pipeline safety data and information*” means any pipeline safety data or information, regardless of form or format, that a company does not disclose, disseminate, or make available to the public or that is not otherwise in the public domain;

[(17)] (23) “person”, in addition to its meaning under section 1 of title 1 (except as to societies), includes a State, a municipality, and a trustee, receiver, assignee, or personal representative of a person;

[(18)] (24) “pipeline facility” means a gas pipeline facility, a carbon dioxide pipeline facility, and a hazardous liquid pipeline facility;

[(19)] (25) “pipeline transportation” means transporting gas, transporting carbon dioxide, and transporting hazardous liquid;

(26) “*public information*” means any data or information, regardless of form or format, that a company discloses, disseminates, or makes available to the public or that is otherwise in the public domain;

[(23)] (27) “risk management” means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

[(24)] (28) “risk management plan” means a management plan utilized by a gas, carbon dioxide, or hazardous liquid pipe-

line facility owner or operator that encompasses risk management;

[(25)] (29) “Secretary” means the Secretary of Transportation; [and]

[(20)] (30) “State” means a State of the United States, the District of Columbia, and Puerto Rico;

(31) “*transporting carbon dioxide*” means the movement of carbon dioxide or the storage of carbon dioxide incidental to the movement of carbon dioxide by pipeline, in or affecting interstate or foreign commerce;

[(21)] (32) “transporting gas”—

(A) means—

(i) the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; and

(ii) the movement of gas through regulated gathering lines; but

(B) does not include gathering gas (except through regulated gathering lines) in a rural area outside a populated area designated by the Secretary as a nonrural area;

[(22)] (33) “transporting hazardous liquid”—

(A) means—

(i) the movement of hazardous liquid by pipeline, or the storage of hazardous liquid incidental to the movement of hazardous liquid by pipeline, in or affecting interstate or foreign commerce; and

(ii) the movement of hazardous liquid through regulated gathering lines; but

(B) does not include moving hazardous liquid through—

(i) gathering lines (except regulated gathering lines) in a rural area;

(ii) onshore production, refining, or manufacturing facilities; or

(iii) storage or in-plant piping systems associated with onshore production, refining, or manufacturing facilities;

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

[(26)] (35) “underground natural gas storage facility” means a gas pipeline facility that stores natural gas in an underground facility, including—

(A) a depleted hydrocarbon reservoir;

(B) an aquifer reservoir; or

(C) a solution-mined salt cavern reservoir.

(b) GATHERING LINES.—(1)(A) Not later than October 24, 1994, the Secretary shall prescribe standards defining the term “gathering line”.

(B) In defining “gathering line” for gas, the Secretary—

(i) shall consider functional and operational characteristics of the lines to be included in the definition; and

(ii) is not bound by a classification the Commission establishes under the Natural Gas Act (15 U.S.C. 717 et seq.).

(2)(A) Not later than October 24, 1995, the Secretary, if appropriate, shall prescribe standards defining the term “regulated gathering line”.

ering line”. In defining the term, the Secretary shall consider factors such as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas or hazardous liquid, as appropriate, in deciding on the types of lines that functionally are gathering but should be regulated under this chapter because of specific physical characteristics.

(B)(i) The Secretary also shall consider diameter when defining “regulated gathering line” for hazardous liquid.

(ii) The definition of “regulated gathering line” for hazardous liquid may not include a crude oil gathering line that has a nominal diameter of not more than 6 inches, is operated at low pressure, and is located in a rural area that is not unusually sensitive to environmental damage.

§ 60102. Purpose and general authority

(a) PURPOSE AND MINIMUM SAFETY STANDARDS.—

(1) PURPOSE.—The purpose of this chapter is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.

(2) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities. The standards—

(A) apply to any or all of the owners or operators of pipeline facilities;

(B) may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and

(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.

(3) QUALIFICATIONS OF PIPELINE OPERATORS.—The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

(A) practicable; and

(B) designed to meet the need for—

(i) gas pipeline safety, or safely transporting hazardous liquids or *carbon dioxide*, as appropriate; and

(ii) protecting the environment.

(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

(A) relevant available—

(i) gas pipeline safety information;

(ii) *carbon dioxide pipeline safety information*;

[(ii)] (iii) hazardous liquid pipeline safety information; and

[(iii)] (iv) environmental information;

(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

(C) the reasonableness of the standard;

(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

(F) comments and information received from the public; and

(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

(B) identify the costs and benefits associated with the proposed standard;

(C) include—

(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

(4) REVIEW.—

(A) IN GENERAL.—The Secretary shall—

(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

(ii) make that risk assessment information available to the general public.

(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

(i) an evaluation of the merit of the data and methods used; and

(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

- (i) shall review the report;
- (ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and
- (iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this chapter only upon a reasoned determination that the benefits, including safety and environmental benefits, of the intended standard justify its costs.

(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decision-making and pipeline safety; and

(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.

(c) PUBLIC SAFETY PROGRAM REQUIREMENTS.—(1) The Secretary shall include in the standards prescribed under subsection (a) of this section a requirement that an operator of a gas pipeline facility participate in a public safety program that—

(A) notifies an operator of proposed demolition, excavation, tunneling, or construction near or affecting the facility;

(B) requires an operator to identify a pipeline facility that may be affected by the proposed demolition, excavation, tunneling, or construction, to prevent damaging the facility; and

(C) the Secretary decides will protect a facility adequately against a hazard caused by demolition, excavation, tunneling, or construction.

(2) To the extent a public safety program referred to in paragraph (1) of this subsection is not available, the Secretary shall prescribe standards requiring an operator to take action the Secretary prescribes to provide services comparable to services that would be available under a public safety program.

(3) The Secretary may include in the standards prescribed under subsection (a) of this section a requirement that an operator of a hazardous liquid pipeline facility *or carbon dioxide pipeline facility* participate in a public safety program meeting the requirements of paragraph (1) of this subsection or maintain and carry out a damage prevention program that provides services comparable to services that would be available under a public safety program.

(4) PROMOTING PUBLIC AWARENESS.—

(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.

(d) FACILITY OPERATION INFORMATION STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain, to the extent practicable, information related to operating the facility as required by the standards prescribed under this chapter and, when requested, to make the information available to the Secretary and an appropriate State official as determined by the Secretary. The information shall include—

(1) the business name, address, and telephone number, including an operations emergency telephone number, of the operator;

(2) accurate maps and a supplementary geographic description, including an identification of areas described in regulations prescribed under section 60109 of this title, that show the location in the State of—

(A) major gas pipeline facilities of the operator, including transmission lines and significant distribution lines; **[and]**

(B) major hazardous liquid pipeline facilities of the operator**;****]; and**

(C) *major carbon dioxide pipeline facilities of the operator;*

(3) a description of—

(A) the characteristics of the operator's pipelines in the State; and

(B) products transported through the operator's pipelines in the State;

(4) the manual that governs operating and maintaining pipeline facilities in the State;

(5) an emergency response plan describing the operator's procedures for responding to and containing releases, including—

(A) identifying specific action the operator will take on discovering a release;

(B) liaison procedures with State and local authorities for emergency response; and

(C) communication and alert procedures for immediately notifying State and local officials at the time of a release; and

(6) other information the Secretary considers useful to inform a State of the presence of pipeline facilities and operations in the State.

(e) PIPE INVENTORY STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain for the Secretary, to the extent practicable, an inventory with appropriate information about the types of pipe used for the **[transportation of gas or hazardous liquid]** *transportation of gas, hazardous liquid, or carbon dioxide*, as appropriate, in the operator's system and additional information, including the material's history and the leak history of the pipe. The inventory—

(1) for a gas pipeline facility, shall include an identification of each facility passing through an area described in regulations prescribed under section 60109 of this title but shall exclude equipment used with the compression of gas; and

(2) for a hazardous liquid pipeline facility, shall include an identification of each facility and gathering line passing through an area described in regulations prescribed under section 60109 of this title, whether the facility or gathering line otherwise is subject to this chapter, but shall exclude equipment associated only with the pipeline pumps or storage facilities.

(f) STANDARDS AS ACCOMMODATING "SMART PIGS".—

(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

(A) the design and construction of new **[natural gas transmission pipeline or hazardous liquid pipeline faci-**

ties] *natural gas transmission pipeline, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities*, and

(B) when the replacement of existing [natural gas transmission pipeline or hazardous liquid pipeline facilities] *natural gas transmission pipeline, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities* or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such [natural gas transmission pipeline or hazardous liquid pipeline facilities] *natural gas transmission pipeline, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities* of instrumented internal inspection devices (commonly referred to as “smart pigs”). The Secretary may extend such standards to require existing [natural gas transmission pipeline or hazardous liquid pipeline facilities] *natural gas transmission pipeline, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities*, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.

(2) PERIODIC INSPECTIONS.—Not later than October 24, 1995, the Secretary shall prescribe, if necessary, additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109 of this title. The standards shall include any circumstances under which an inspection shall be conducted with an instrumented internal inspection device and, if the device is not required, use of an inspection method that is at least as effective as using the device in providing for the safety of the pipeline.

(g) EFFECTIVE DATES.—A standard prescribed under this section and section 60110 of this title is effective on the 30th day after the Secretary prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(h) SAFETY CONDITION REPORTS.—(1) The Secretary shall prescribe regulations requiring each operator of a pipeline facility (except a master meter) to submit to the Secretary a written report on any—

(A) condition that is a hazard to life, property, or the environment; and

(B) safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility.

(2) SUBMISSION OF REPORT.—As soon as practicable, but not later than 5 business days, after a representative of a person to whom this section applies first establishes that a condition described in paragraph (1) exists, the operator shall submit the report required under that paragraph to—

(A) the Secretary;

(B) the appropriate State authority or, where no appropriate State authority exists, to the Governor of a State where the subject of the Safety Related Condition report occurred; and

(C) the appropriate Tribe where the subject of the Safety Related Condition report occurred.

(3) SUBMISSION OF REPORT TO OTHER ENTITIES.—Upon request, a State authority or a Governor that receives a report submitted under this subsection may submit the report to any relevant emergency response or planning entity, including any—

(A) State emergency response commission established pursuant to section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001);

(B) Tribal emergency response commission or emergency planning committee (as defined in part 355 of title 40, Code of Federal Regulations (or a successor regulation));

(C) local emergency planning committee established pursuant to section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001); or

(D) other public agency responsible for emergency response.

(i) CARBON DIOXIDE REGULATION.—

(1) TRANSPORTATION IN LIQUID STATE.—The Secretary shall ~~regulate carbon dioxide transported by a hazardous liquid pipeline facility. The Secretary shall prescribe standards related to hazardous liquid to ensure the safe transportation of carbon dioxide by such a facility~~ *prescribe standards related to pipeline facilities to ensure the safe transportation of carbon dioxide in a liquid or supercritical state by such facilities.*

(2) TRANSPORTATION IN GASEOUS STATE.—

(A) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

~~[(B) CONSIDERATIONS.—In establishing the standards, the Secretary shall consider whether applying the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this paragraph, for the transportation of carbon dioxide in a liquid state to the transportation of carbon dioxide in a gaseous state would ensure safety.]~~

~~(B) INCLUSION OF APPLICABLE STANDARDS.—The Secretary shall establish the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as applicable.~~

(3) STORAGE OF CARBON DIOXIDE.—

(A) MINIMUM SAFETY STANDARDS.—~~The Secretary shall prescribe minimum safety standards for the injection, withdrawal, and storage of carbon dioxide incidental to pipeline transportation.~~

~~(B) STORAGE OF CARBON DIOXIDE INCIDENTAL TO PIPELINE TRANSPORTATION.—In this paragraph, the term “storage of carbon dioxide incidental to pipeline transportation”—~~

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

~~(ii) does not include—~~

~~(I) with respect to each State, the long-term containment of carbon dioxide in subsurface geologic formations or other activity subject to the require-~~

ments of a State underground injection control program prescribed by the Administrator of the Environmental Protection Agency and applicable to the State, or adopted by the State and approved by the Administrator, under part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.); or

(II) the temporary storage of carbon dioxide in any excepted pipelines listed in paragraph (b) of section 195.1 of title 49, Code of Federal Regulations, as of the date of enactment of the PIPES Act of 2023.

[(3)] (4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the Secretary to *prescribe the location of a carbon dioxide storage facility or to regulate piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation, or treatment of carbon dioxide or the preparation of carbon dioxide for transportation by pipeline at production, refining, or manufacturing facilities.*

(5) DISPERSION MODELING.—

(A) SAFETY STANDARDS.—*The Secretary shall prescribe minimum safety standards to require each operator of a carbon dioxide pipeline facility to employ vapor dispersion modeling to identify high consequence areas, as defined at section 195.450 of title 49, Code of Federal Regulations, and paragraph (7)(I)(A) of Appendix C to part 195 of such title, that could be affected by a release from such a pipeline.*

(B) CONSIDERATIONS.—*In performing the vapor dispersion modeling under subparagraph (A), operators of a carbon dioxide pipeline facility shall consider—*

- (i) the topography surrounding the pipeline;*
- (ii) atmospheric conditions that could affect vapor dispersion;*
- (iii) pipeline operating characteristics; and*
- (iv) additional substances present in the pipeline that could affect vapor dispersion.*

(C) MAINTENANCE OF FILES.—*The Secretary shall require each operator of a carbon dioxide pipeline facility to maintain records documenting the areas that could affect high consequence areas, as determined using the vapor dispersion modeling required pursuant to subparagraph (A), in the manual of written procedures for operating, maintaining, and handling emergencies for such pipeline.*

(D) PROTECTION OF SENSITIVE INFORMATION.—*In responding to a public request for information regarding carbon dioxide dispersion modeling, the Secretary may, taking into account public safety, security, and the need for public access, exclude from disclosure (as the Secretary determines appropriate)—*

- (i) security sensitive information related to strategies for responding to worst-case carbon dioxide release scenarios;*
- (ii) security sensitive information related to carbon dioxide release plumes; and*

(iii) *security sensitive information related to plans for responding to a carbon dioxide release.*

(E) *STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.*

(j) **EMERGENCY FLOW RESTRICTING DEVICES.**—(1) Not later than October 24, 1994, the Secretary shall survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate hazardous liquid pipeline ruptures and minimize product releases from hazardous liquid pipeline facilities.

(2) Not later than 2 years after the survey and assessment are completed, the Secretary shall prescribe standards on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device or other procedure, system, or equipment described in paragraph (1) of this subsection on the facility.

(k) **LOW-STRESS HAZARDOUS LIQUID PIPELINES.**—

(1) **MINIMUM STANDARDS.**—Not later than December 31, 2007, the Secretary shall issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines, except as provided in paragraph (3). The implementation of the applicable standards and regulatory requirements may be phased in. The regulations issued under this paragraph shall not apply to gathering lines.

(2) **GENERAL PROHIBITION AGAINST LOW INTERNAL STRESS EXCEPTION.**—Except as provided in paragraph (3), the Secretary may not provide an exception to the requirements of this chapter for a hazardous liquid pipeline because the pipeline operates at low internal stress.

(3) **LIMITED EXCEPTIONS.**—The Secretary shall provide or continue in force exceptions to this subsection for low-stress hazardous liquid pipelines that—

(A) are subject to safety regulations of the United States Coast Guard; or

(B) serve refining, manufacturing, or truck, rail, or vessel terminal facilities if the pipeline is less than 1 mile long (measured outside the facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation,

until regulations issued under paragraph (1) become effective. After such regulations become effective, the Secretary may retain or remove those exceptions as appropriate.

(4) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this subsection shall be construed to prohibit or otherwise affect the applicability of any other statutory or regulatory exemption to any hazardous liquid pipeline.

(5) **DEFINITION.**—For purposes of this subsection, the term “low-stress hazardous liquid pipeline” means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

(6) **EFFECTIVE DATE.**—The requirements of this subsection shall not take effect as to low-stress hazardous liquid pipeline operators before the effective date of the rules promulgated by the Secretary under this subsection.

[(1) **UPDATING STANDARDS.**—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.]

(l) **UPDATING STANDARDS.**—

(1) **IN GENERAL.**—*Not less frequently than once every 4 years, or if an interested person otherwise petitions in accordance with section 190.331 of title 49, Code of Federal Regulations (or successor regulation), the Secretary shall review, and update as necessary, incorporated industry standards that have been adopted, either partially or in full, as part of the Federal pipeline safety regulatory program under this chapter that are modified and published by a standards development organization, as such term is defined in section 2(a) of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301(a)).*

(2) **DISCRETION IN ADOPTING INDUSTRY STANDARDS.**—*The Secretary may decline to adopt an industry standard that is inconsistent with applicable law or otherwise impracticable, including in circumstances where the use of an industry standard would not serve the needs of the Federal pipeline safety regulatory program, or would impose undue burdens.*

(3) **LIST OF INDUSTRY STANDARDS.**—*The Secretary shall—*

(A) *maintain a publicly available list of all industry standards considered for adoption under this chapter and the agency's adjudication of each considered standard;*

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

(C) *submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate such list not later than—*

(i) *30 days after completion of such list; and*

(ii) *30 days after the date of any subsequent revisions to such list.*

(4) **PUBLIC ACCESSIBILITY.**—*Any industry standards incorporated by reference, or portions thereof, shall be made available by the entity that developed such standards free of charge for viewing on a publicly available website.*

(m) **INSPECTIONS BY DIRECT ASSESSMENT.**—*Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards for inspection of a pipeline facility by direct assessment.*

(n) **AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.**—

(1) **IN GENERAL.**—*Not later than 2 years after the date of enactment of this subsection, and after considering the factors specified in subsection (b)(2), the Secretary, if appropriate, shall require by regulation the use of automatic or remote-con-*

trolled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

(2) HIGH-CONSEQUENCE AREA STUDY.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the ability of transmission pipeline facility operators to respond to a hazardous liquid or gas release from a pipeline segment located in a high-consequence area.

(B) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider the swiftness of leak detection and pipeline shutdown capabilities, the location of the nearest response personnel, and the costs, risks, and benefits of installing automatic and remote-controlled shut-off valves.

(C) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term “transportation-related oil flow line” means a pipeline transporting oil off of the grounds of the well where it originated and across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities or through oil production flow lines located on the grounds of wells.

(p) LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.—Beginning 3 years after the date of enactment of this subsection, the Secretary may not issue a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.

(q) GAS PIPELINE LEAK DETECTION AND REPAIR.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate final regulations that require operators of regulated gathering lines (as defined pursuant to subsection (b) of section 60101 for purposes of subsection (a)(21) of that section) in a Class 2 location, Class 3 location, or Class 4 location, as determined under section 192.5 of title 49, Code of Federal Regulations, operators of new and existing gas transmission pipeline facilities, and op-

erators of new and existing gas distribution pipeline facilities to conduct leak detection and repair programs—

(A) to meet the need for gas pipeline safety, as determined by the Secretary; and

(B) to protect the environment.

(2) LEAK DETECTION AND REPAIR PROGRAMS.—

(A) MINIMUM PERFORMANCE STANDARDS.—The final regulations promulgated under paragraph (1) shall include, for the leak detection and repair programs described in that paragraph, minimum performance standards that reflect the capabilities of commercially available advanced technologies that, with respect to each pipeline covered by the programs, are appropriate for—

- (i) the type of pipeline;
- (ii) the location of the pipeline;
- (iii) the material of which the pipeline is constructed; and
- (iv) the materials transported by the pipeline.

(B) REQUIREMENT.—The leak detection and repair programs described in paragraph (1) shall be able to identify, locate, and categorize all leaks that—

- (i) are hazardous to human safety or the environment; or
- (ii) have the potential to become explosive or otherwise hazardous to human safety.

(3) ADVANCED LEAK DETECTION TECHNOLOGIES AND PRACTICES.—

(A) IN GENERAL.—The final regulations promulgated under paragraph (1) shall—

- (i) require the use of advanced leak detection technologies and practices described in subparagraph (B);
- (ii) identify any scenarios where operators may use leak detection practices that depend on human senses; and
- (iii) include a schedule for repairing or replacing each leaking pipe, except a pipe with a leak so small that it poses no potential hazard, with appropriate deadlines.

(B) ADVANCED LEAK DETECTION TECHNOLOGIES AND PRACTICES DESCRIBED.—The advanced leak detection technologies and practices referred to in subparagraph (A)(i) include—

- (i) for new and existing gas distribution pipeline facilities, technologies and practices to detect pipeline leaks—
 - (I) through continuous monitoring on or along the pipeline; or
 - (II) through periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other means using commercially available technology;
- (ii) for new and existing gas transmission pipeline facilities, technologies and practices to detect pipeline leaks through—

(I) equipment that is capable of continuous monitoring; or

(II) periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other means using commercially available technology; and

(iii) for regulated gathering lines in Class 2 locations, Class 3 locations, or Class 4 locations, technologies and practices to detect pipeline leaks through—

(I) equipment that is capable of continuous monitoring; or

(II) periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other means using commercially available technology.

(4) RULES OF CONSTRUCTION.—

(A) SURVEYS AND TIMELINES.—In promulgating regulations under this subsection, the Secretary—

(i) may not reduce the frequency of surveys required under any other provision of this chapter or stipulated by regulation as of the date of enactment of this subsection; and

(ii) may not extend the duration of any timelines for the repair or remediation of leaks that are stipulated by regulation as of the date of enactment of this subsection.

(B) APPLICATION.—The limitations in this paragraph do not restrict the Secretary's ability to modify any regulations through proceedings separate from or subsequent to the final regulations required under paragraph (1).

(C) EXISTING AUTHORITY.—Nothing in this subsection may be construed to alter the authority of the Secretary to regulate gathering lines as defined pursuant to section 60101.

(r) EMERGENCY RESPONSE PLANS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall update regulations to ensure that each emergency response plan developed by an operator of a distribution system under subsection (d)(5), includes written procedures for—

(1) establishing communication with first responders and other relevant public officials, as soon as practicable, beginning from the time of confirmed discovery, as determined by the Secretary, by the operator of a gas pipeline emergency involving a release of gas from a distribution system of that operator that results in—

(A) a fire related to an unintended release of gas;

(B) an explosion;

(C) 1 or more fatalities; or

(D) the unscheduled release of gas and shutdown of gas service to a significant number of customers, as determined by the Secretary;

(2) establishing general public communication through an appropriate channel—

- (A) as soon as practicable, as determined by the Secretary, after a gas pipeline emergency described in paragraph (1); and
- (B) that provides information regarding—
 - (i) the emergency described in subparagraph (A); and
 - (ii) the status of public safety; and
- (3) the development and implementation of a voluntary, opt-in system that would allow operators of distribution systems to rapidly communicate with customers in the event of an emergency.
- (s) OPERATIONS AND MAINTENANCE MANUALS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall update regulations to ensure that each procedural manual for operations, maintenance, and emergencies developed by an operator of a distribution pipeline under subsection (d)(4), includes written procedures for—
 - (1) responding to overpressurization indications, including specific actions and an order of operations for immediately reducing pressure in or shutting down portions of the gas distribution system, if necessary; and
 - (2) a detailed procedure for the management of the change process, which shall—
 - (A) be applied to significant technology, equipment, procedural, and organizational changes to the distribution system; and
 - (B) ensure that relevant qualified personnel, such as an engineer with a professional engineer licensure, subject matter expert, or other employee who possesses the necessary knowledge, experience, and skills regarding natural gas distribution systems, review and certify construction plans for accuracy, completeness, and correctness.
- (t) OTHER PIPELINE SAFETY PRACTICES.—
 - (1) RECORDS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to require an operator of a distribution system—
 - (A) to identify and manage traceable, reliable, and complete records, including maps and other drawings, critical to ensuring proper pressure controls for a gas distribution system, and updating these records as needed, while collecting and identifying other records necessary for risk analysis on an opportunistic basis; and
 - (B) to ensure that the records required under subparagraph (A) are—
 - (i) accessible to all personnel responsible for performing or overseeing relevant construction or engineering work; and
 - (ii) submitted to, or made available for inspection by, the Secretary or the relevant State authority with a certification in effect under section 60105.
 - (2) PRESENCE OF QUALIFIED EMPLOYEES.—
 - (A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to require that not less than 1 agent of an operator of a distribution system who is qualified to

perform relevant covered tasks, as determined by the Secretary, shall monitor gas pressure at the district regulator station or at an alternative site with equipment capable of ensuring proper pressure controls and have the capability to promptly shut down the flow of gas or control over pressurization at a district regulator station during any construction project that has the potential to cause a hazardous overpressurization at that station, including tie-ins and abandonment of distribution lines and mains, based on an evaluation, conducted by the operator, of threats that could result in unsafe operation.

(B) EXCLUSION.—In promulgating regulations under subparagraph (A), the Secretary shall ensure that those regulations do not apply to a district regulating station that has a monitoring system and the capability for remote or automatic shutoff.

(3) DISTRICT REGULATOR STATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate regulations to require that each operator of a distribution system assesses and upgrades, as appropriate, each district regulator station of the operator to ensure that—

(i) the risk of the gas pressure in the distribution system exceeding, by a common mode of failure, the maximum allowable operating pressure (as described in section 192.623 of title 49, Code of Federal Regulations (or a successor regulation)) allowed under Federal law (including regulations) is minimized;

(ii) the gas pressure of a low-pressure distribution system is monitored, particularly at or near the location of critical pressure-control equipment;

(iii) the regulator station has secondary or backup pressure-relieving or overpressure-protection safety technology, such as a relief valve or automatic shutoff valve, or other pressure-limiting devices appropriate for the configuration and siting of the station and, in the case of a regulator station that employs the primary and monitor regulator design, the operator shall eliminate the common mode of failure or provide backup protection capable of either shutting the flow of gas, relieving gas to the atmosphere to fully protect the distribution system from overpressurization events, or there must be technology in place to eliminate a common mode of failure; and

(iv) if the Secretary determines that it is not operationally possible for an operator to implement the requirements under clause (iii), the Secretary shall require such operator to identify actions in their plan that minimize the risk of an overpressurization event.

* * * * *

§ 60105. State pipeline safety program certifications

(a) GENERAL REQUIREMENTS AND SUBMISSION.—Except as provided in this section and sections 60114 and 60121 of this title, the Secretary of Transportation may not prescribe or enforce safety

standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a State authority (including a municipality if the standards and practices apply to intrastate gas pipeline transportation) that submits to the Secretary annually a certification for the facilities and transportation that complies with subsections (b) and (c) of this section.

(b) CONTENTS.—Each certification submitted under subsection (a) of this section shall state that the State authority—

(1) has regulatory jurisdiction over the standards and practices to which the certification applies;

(2) has adopted, by the date of certification, each applicable standard prescribed under this chapter or, if a standard under this chapter was prescribed not later than 120 days before certification, is taking steps to adopt that standard;

(3) is enforcing each adopted standard through ways that include inspections conducted by State employees meeting the qualifications the Secretary prescribes under section 60107(d)(1)(C) of this title;

(4) is encouraging and promoting the establishment of a program designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies that subjects persons who violate the applicable requirements of that program to civil penalties and other enforcement actions that are substantially the same as are provided under this chapter, and addresses the elements in section 60134(b);

(5) may require record maintenance, reporting, and inspection substantially the same as provided under section 60117 of this title;

(6) may require that plans for inspection and maintenance under section 60108 (a) and (b) of this title be filed for approval;

(7) may enforce safety standards of the authority under a law of the State by injunctive relief and civil penalties substantially the same as provided under sections 60120 and 60122(a)(1) and (b)–(f) of this title;

(8) has the capability to sufficiently review and evaluate the adequacy of the plans and manuals described in section 60109(e)(7)(C)(i); and

(9) has a sufficient number of employees described in paragraph (3) to ensure safe operations of pipeline facilities, updating the State Inspection Calculation Tool to take into account factors including—

(A) the number of miles of [natural gas and hazardous liquid] *natural gas, hazardous liquid, and carbon dioxide* pipelines in the State, including the number of miles of cast iron and bare steel pipelines;

(B) the number of services in the State;

(C) the age of the gas distribution system in the State;

and

(D) environmental factors that could impact the integrity of the pipeline, including relevant geological issues.

(c) REPORTS.—(1) Each certification submitted under subsection (a) of this section shall include a report that contains—

(A) the name and address of each person to whom the certification applies that is subject to the safety jurisdiction of the State authority;

(B) each accident or incident reported during the prior 12 months by that person involving a fatality, personal injury requiring hospitalization, or property damage or loss of more than an amount the Secretary establishes (even if the person sustaining the fatality, personal injury, or property damage or loss is not subject to the safety jurisdiction of the authority), any other accident the authority considers significant, and a summary of the investigation by the authority of the cause and circumstances surrounding the accident or incident;

(C) the record maintenance, reporting, and inspection practices conducted by the authority to enforce compliance with safety standards prescribed under this chapter to which the certification applies, including the number of inspections of pipeline facilities the authority made during the prior 12 months; and

(D) any other information the Secretary requires.

(2) The report included in the first certification submitted under subsection (a) of this section is only required to state information available at the time of certification.

(d) APPLICATION.—A certification in effect under this section does not apply to safety standards prescribed under this chapter after the date of certification. This chapter applies to each applicable safety standard prescribed after the date of certification until the State authority adopts the standard and submits the appropriate certification to the Secretary under subsection (a) of this section.

(e) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the certification. A State authority shall cooperate with the Secretary under this subsection.

(f) REJECTIONS OF CERTIFICATION.—If after receiving a certification the Secretary decides the State authority is not enforcing satisfactorily compliance with applicable safety standards prescribed under this chapter, the Secretary may reject the certification, assert United States Government jurisdiction, or take other appropriate action to achieve adequate enforcement. The Secretary shall give the authority notice and an opportunity for a hearing before taking final action under this subsection. When notice is given, the burden of proof is on the authority to demonstrate that it is enforcing satisfactorily compliance with the prescribed standards.

* * * * *

§ 60107. State pipeline safety grants

(a) GENERAL AUTHORITY.—If a State authority files an application not later than September 30 of a calendar year, the Secretary of Transportation shall pay not more than 80 percent of the cost of the personnel, equipment, and activities the authority reasonably requires during the next calendar year—

(1) to carry out a safety program under a certification under section 60105 of this title or an agreement under section 60106 of this title; or

(2) to act as an agent of the Secretary on interstate gas pipeline facilities or interstate hazardous liquid *or interstate carbon dioxide* pipeline facilities.

(b) PAYMENTS.—**[After notifying]** (1) *WITHHOLDING OF PAYMENT.*—*After notifying* and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program, except when the Secretary waives this requirement.

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

(A) *a summary of amounts claimed, amounts reimbursed, and the percentages reimbursed in the preceding 3 fiscal years for the program under this section; and*

(B) *the estimated funding necessary to fund 80 percent of the cost of the personnel, equipment, and activities under this section for the subsequent calendar year.*

(c) APPORTIONMENT AND METHOD OF PAYMENT.—The Secretary shall apportion the amount appropriated to carry out this section among the States. A payment may be made under this section in installments, in advance, or on a reimbursable basis.

(d) ADDITIONAL AUTHORITY AND CONSIDERATIONS.—(1) The Secretary may prescribe—

(A) the form of, and way of filing, an application under this section;

(B) reporting and fiscal procedures the Secretary considers necessary to ensure the proper accounting of money of the Government; and

(C) qualifications for a State to meet to receive a payment under this section, including qualifications for State employees who perform inspection activities under section 60105 or 60106 of this title.

(2) The qualifications prescribed under paragraph (1)(C) of this subsection may—

(A) consider the experience and training of the employee;

(B) order training or other requirements; and

(C) provide for approval of qualifications on a conditional basis until specified requirements are met.

(e) REPURPOSING OF FUNDS.—If a State program's certification is rejected under section 60105(f) or such program is otherwise suspended or interrupted, the Secretary may use any undistributed, deobligated, or recovered funds authorized under this section to carry out pipeline safety activities for that State within the period of availability for such funds.

§ 60108. Inspection and maintenance

(a) PLANS.—(1) Each person owning or operating a **[gas pipeline facility or hazardous liquid pipeline facility]** *gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility* shall carry out a current written plan (including any changes) for inspection and maintenance of each facility used in the transportation and owned or operated by the person. A copy of the plan

shall be kept at any office of the person the Secretary of Transportation considers appropriate. The Secretary also may require a person owning or operating a pipeline facility subject to this chapter to file a plan for inspection and maintenance for approval.

(2) If the Secretary or a State authority responsible for enforcing standards prescribed under this chapter decides that a plan required under paragraph (1) of this subsection is inadequate for safe operation, the Secretary or authority shall require the person to revise the plan. Revision may be required only after giving notice and an opportunity for a hearing. A plan required under paragraph (1) must be practicable and designed to meet the need for pipeline safety, must meet the requirements of any regulations promulgated under section 60102(q), and must include terms designed to enhance the ability to discover safety-related conditions described in section 60102(h)(1) of this title. In deciding on the adequacy of a plan, the Secretary or authority shall consider—

- (A) relevant available pipeline safety information;
- (B) the appropriateness of the plan for the particular kind of pipeline transportation or facility;
- (C) the reasonableness of the plan;
- (D) the extent to which the plan will contribute to—
 - (i) public safety;
 - (ii) eliminating hazardous leaks and minimizing releases of natural gas from pipeline facilities; and
 - (iii) the protection of the environment; and
- (E) the extent to which the plan addresses the replacement or remediation of pipelines that are known to leak based on the material (including cast iron, unprotected steel, wrought iron, and historic plastics with known issues), design, or past operating and maintenance history of the pipeline.

(3) REVIEW OF PLANS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, and not less frequently than once every 5 years thereafter, the Secretary or relevant State authority with a certification in effect under section 60105 shall review each plan described in this subsection.

(B) CONTEXT OF REVIEW.—The Secretary may conduct a review under this paragraph as an element of the inspection of the operator carried out by the Secretary under subsection (b).

(C) INADEQUATE PROGRAMS.—If the Secretary determines that a plan reviewed under this paragraph does not comply with the requirements of this chapter (including any regulations promulgated under this chapter), has not been adequately implemented, is inadequate for the safe operation of a pipeline facility, or is otherwise inadequate, the Secretary may conduct enforcement proceedings under this chapter.

(4) ALTERNATIVE METHOD OF MAINTAINING RIGHTS-OF-WAY.—

(A) IN GENERAL.—*As part of the review conducted under paragraph (3), the Secretary shall allow for an alternative method of maintaining rights-of-way for pipelines and other pipeline facilities under a voluntary program carried out by the operator if such alternative method achieves a level of safety at least equal to the level of safety required by regulations issued under this chapter.*

(B) *PURPOSE.*—An operator considering implementing an alternative method described under subparagraph (A) may consider incorporating into the plan for implementing such method 1 or more conservation practices, including—

(i) integrated vegetation management practices, including reduced mowing;

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

(iii) practices relating to maintenance strategies that promote early successional vegetation or limit disturbance during periods of highest use by target pollinator species and other wildlife on pipeline or facilities rights-of-way, including—

(I) increasing mowing height;

(II) reducing mowing frequency; and

(III) refraining from mowing monarch and other pollinator habitat during periods in which monarchs or other pollinators are present;

(iv) an integrated vegetation management plan that may include approaches such as mechanical tree and brush removal and targeted and judicious use of herbicides and mowing to address incompatible or undesirable vegetation while promoting compatible and beneficial vegetation on pipeline and facilities rights-of-way;

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

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

(vii) obtaining expert training or assistance on wildlife and pollinator-friendly practices, including—

(I) native plant identification;

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

(III) land management practices; and

(IV) integrated vegetation management.

(C) *SAVINGS CLAUSE.*—Nothing in this section exempts an operator from compliance with the applicable requirements under this chapter or any applicable regulations promulgated under this chapter.

(D) *CONSULTATION.*—

(i) *AVAILABLE GUIDANCE.*—In developing such alternative methods, an operator shall consult any available guidance issued by—

(I) the Secretary; or

(II) an applicable State agency carrying out compliance activities on behalf of the Secretary in accordance with section 60105.

(ii) *LEADING INDUSTRY PRACTICES.*—In the absence of the guidance described in clause (i), an operator may consult leading industry practices and guidance to develop and implement such alternative methods.

(b) *INSPECTION AND TESTING.*—(1) The Secretary shall inspect and require appropriate testing of a pipeline facility subject to this

chapter that is not covered by a certification under section 60105 of this title or an agreement under section 60106 of this title. The Secretary shall decide on the frequency and type of inspection and testing under this subsection on a case-by-case basis after considering the following:

- (A) the location of the pipeline facility.
 - (B) the type, size, age, manufacturer, method of construction, construction material, and condition of the pipeline facility.
 - (C) the nature and volume of material transported through the pipeline facility.
 - (D) the pressure at which that material is transported.
 - (E) climatic, geologic, and seismic characteristics (including soil characteristics) and conditions of the area in which the pipeline facility is located.
 - (F) existing and projected population and demographic characteristics of the area in which the pipeline facility is located.
 - (G) for a hazardous liquid pipeline facility, the proximity of the area in which the facility is located to an area that is unusually sensitive to environmental damage.
 - (H) the frequency of leaks.
 - (I) other factors the Secretary decides are relevant to the safety of pipeline facilities.
- (2) To the extent and in amounts provided in advance in an appropriation law, the Secretary shall decide on the frequency of inspection under paragraph (1) of this subsection. The Secretary may reduce the frequency of an inspection of a master meter system.
- (3) Testing under this subsection shall use the most appropriate technology practicable.
- (c) PIPELINE FACILITIES OFFSHORE AND IN OTHER WATERS.—(1) In this subsection—
- (A) “abandoned” means permanently removed from service.
 - (B) “pipeline facility” includes an underwater abandoned pipeline facility.
 - (C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.
- (2)(A) Not later than May 16, 1993, on the basis of experience with the inspections under section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and, where appropriate, periodic inspection program of—
- (i) all offshore pipeline facilities; and
 - (ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.
- (B) In prescribing standards to carry out subparagraph (A) of this paragraph—
- (i) the Secretary shall identify what is a hazard to navigation with respect to an underwater abandoned pipeline facility; and
 - (ii) for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that

will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(3)(A) The Secretary shall establish by regulation a program requiring an operator of a pipeline facility described in paragraph (2) of this subsection to report a potential or existing navigational hazard involving that pipeline facility to the Secretary through the appropriate Coast Guard office.

(B) The operator of a pipeline facility described in paragraph (2) of this subsection that discovers any part of the pipeline facility that is a hazard to navigation shall mark the location of the hazardous part with a Coast-Guard-approved marine buoy or marker and immediately shall notify the Secretary as provided by the Secretary under subparagraph (A) of this paragraph. A marine buoy or marker used under this subparagraph is deemed a pipeline sign or right-of-way marker under section 60123(c) of this title.

(4)(A) The Secretary shall establish a standard that each pipeline facility described in paragraph (2) of this subsection that is a hazard to navigation is buried not later than 6 months after the date the condition of the facility is reported to the Secretary. The Secretary may extend that 6-month period for a reasonable period to ensure compliance with this paragraph.

(B) In prescribing standards for subparagraph (A) of this paragraph for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(5)(A) Not later than October 24, 1994, the Secretary shall establish standards on what is an exposed offshore pipeline facility and what is a hazard to navigation under this subsection.

(B) Not later than 6 months after the Secretary establishes standards under subparagraph (A) of this paragraph, or October 24, 1995, whichever occurs first, the operator of each offshore pipeline facility not described in section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, shall inspect the facility and report to the Secretary on any part of the facility that is exposed or is a hazard to navigation. This subparagraph applies only to a facility that is between the high water mark and the point at which the subsurface is under 15 feet of water, as measured from mean low water. An inspection that occurred after October 3, 1989, may be used for compliance with this subparagraph if the inspection conforms to the requirements of this subparagraph.

(C) The Secretary may extend the time period specified in subparagraph (B) of this paragraph for not more than 6 months if the operator of a facility satisfies the Secretary that the operator has made a good faith effort, with reasonable diligence, but has been unable to comply by the end of that period.

(6)(A) The operator of a pipeline facility abandoned after October 24, 1992, shall report the abandonment to the Secretary in a way that specifies whether the facility has been abandoned properly according to applicable United States Government and State requirements.

(B) Not later than October 24, 1995, the operator of a pipeline facility abandoned before October 24, 1992, shall report to the Secretary reasonably available information related to the facility, including information that a third party possesses. The information shall include the location, size, date, and method of abandonment, whether the facility has been abandoned properly under applicable law, and other relevant information the Secretary may require. Not later than April 24, 1994, the Secretary shall specify how the information shall be reported. The Secretary shall ensure that the Government maintains the information in a way accessible to appropriate Government agencies and State authorities.

(C) The Secretary shall request that a State authority having information on a collision between a vessel and an underwater pipeline facility report the information to the Secretary in a timely way and make a reasonable effort to specify the location, date, and severity of the collision. Chapter 35 of title 44 does not apply to this subparagraph.

(7) The Secretary may not exempt from this chapter an offshore hazardous liquid pipeline facility only because the pipeline facility transfers hazardous liquid in an underwater pipeline between a vessel and an onshore facility.

(8) If, after reviewing existing Federal and State regulations for hazardous liquid gathering lines located offshore in the United States, including within the inlets of the Gulf of Mexico, the Secretary determines it is appropriate, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering lines. The regulations issued under this paragraph shall not apply to production pipelines or flow lines.

(d) REPLACING CAST IRON GAS PIPELINES.—(1) The Secretary shall publish a notice on the availability of industry guidelines, developed by the Gas Piping Technology Committee, for replacing cast iron pipelines. Not later than 2 years after the guidelines become available, the Secretary shall conduct a survey of gas pipeline operators with cast iron pipe in their systems to establish—

(A) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron;

(B) the elements of the plan, including the anticipated rate of replacement; and

(C) the progress that has been made.

(2) Chapter 35 of title 44 does not apply to the conduct of the survey.

(3) This subsection does not prevent the Secretary from developing Government guidelines or standards for cast iron gas pipelines as the Secretary considers appropriate.

(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines.

(e) IN GENERAL.—After the completion of a Pipeline and Hazardous Materials Safety Administration pipeline safety inspection, the Administrator of such Administration, or the State authority

certified under section 60105 of title 49, United States Code, to conduct such inspection, shall—

(1) within 30 days, conduct a post-inspection briefing with the owner or operator of the **gas or hazardous liquid pipeline facility** *gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility* inspected outlining any concerns; and

(2) within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection.

§ 60109. High-density population areas and environmentally sensitive areas

(a) IDENTIFICATION REQUIREMENTS.—Not later than October 24, 1994, the Secretary of Transportation shall prescribe standards that—

(1) establish criteria for identifying—

(A) by operators of gas pipeline facilities, each gas pipeline facility (except a natural gas distribution line) located in a high-density population area; and

(B) by operators of hazardous liquid *or carbon dioxide* pipeline facilities and gathering lines—

(i) each hazardous liquid *and carbon dioxide* pipeline facility, whether otherwise subject to this chapter, that crosses waters where a substantial likelihood of commercial navigation exists or that is located in an area described in the criteria as a high-density population area; and

(ii) each hazardous liquid *and carbon dioxide* pipeline facility and gathering line, whether otherwise subject to this chapter, located in an area that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, describes as unusually sensitive to environmental damage if there is a hazardous liquid *or carbon dioxide* pipeline accident; and

(2) provide that the identification be carried out through the inventory required under section 60102(e) of this title.

(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid *or carbon dioxide* pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

(2) locations near pipeline rights-of-way that are part of the Great Lakes or have been identified as coastal beaches, certain coastal waters, critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.

(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.—

(1) REQUIREMENT.—Each operator of a gas pipeline facility shall conduct an analysis of the risks to each facility of the operator located in an area identified pursuant to subsection (a)(1) and defined in chapter 192 of title 49, Code of Federal Regulations, including any subsequent modifications, and shall adopt and implement a written integrity management program for such facility to reduce the risks.

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall issue regulations prescribing standards to direct an operator's conduct of a risk analysis and adoption and implementation of an integrity management program under this subsection. The regulations shall require an operator to conduct a risk analysis and adopt an integrity management program within a time period prescribed by the Secretary, ending not later than 24 months after such date of enactment. Not later than 18 months after such date of enactment, each operator of a gas pipeline facility shall begin a baseline integrity assessment described in paragraph (3).

(B) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may satisfy the requirements of this paragraph through the issuance of regulations under this paragraph or under other authority of law.

(3) MINIMUM REQUIREMENTS OF INTEGRITY MANAGEMENT PROGRAMS.—An integrity management program required under paragraph (1) shall include, at a minimum, the following requirements:

(A) A baseline integrity assessment of each of the operator's facilities in areas identified pursuant to subsection (a)(1) and defined in chapter 192 of title 49, Code of Federal Regulations, including any subsequent modifications, by internal inspection device, pressure testing, direct assessment, or an alternative method that the Secretary determines would provide an equal or greater level of safety. The operator shall complete such assessment not later than 10 years after the date of enactment of this subsection. At least 50 percent of such facilities shall be assessed not later than 5 years after such date of enactment. The operator shall prioritize such facilities for assessment based on all risk factors, including any previously discovered defects or anomalies and any history of leaks, repairs, or failures. The operator shall ensure that assessments of facilities with the highest risks are given priority for completion and that such assessments will be completed not later than 5 years after such date of enactment.

(B) Subject to paragraph (5), periodic reassessments of the facility, at a minimum of once every 7 calendar years, using methods described in subparagraph (A). The Secretary may extend such deadline for an additional 6 months if the operator submits written notice to the Secretary with sufficient justification of the need for the extension.

(C) Clearly defined criteria for evaluating the results of assessments conducted under subparagraphs (A) and (B) and for taking actions based on such results.

(D) A method for conducting an analysis on a continuing basis that integrates all available information about the integrity of the facility and the consequences of releases from the facility.

(E) A description of actions to be taken by the operator to promptly address any integrity issue raised by an evaluation conducted under subparagraph (C) or the analysis conducted under subparagraph (D).

(F) A description of measures to prevent and mitigate the consequences of releases from the facility.

(G) A method for monitoring cathodic protection systems throughout the pipeline system of the operator to the extent not addressed by other regulations.

(H) If the Secretary raises a safety concern relating to the facility, a description of the actions to be taken by the operator to address the safety concern, including issues raised with the Secretary by States and local authorities under an agreement entered into under section 60106.

(4) TREATMENT OF BASELINE INTEGRITY ASSESSMENTS.—In the case of a baseline integrity assessment conducted by an operator in the period beginning on the date of enactment of this subsection and ending on the date of issuance of regulations under this subsection, the Secretary shall accept the assessment as complete, and shall not require the operator to repeat any portion of the assessment, if the Secretary determines that the assessment was conducted in accordance with the requirements of this subsection.

(5) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement for reassessment of a facility under paragraph (3)(B) for reasons that may include the need to maintain local product supply or the lack of internal inspection devices if the Secretary determines that such waiver is not inconsistent with pipeline safety.

(6) STANDARDS.—The standards prescribed by the Secretary under paragraph (2) shall address each of the following factors:

(A) The minimum requirements described in paragraph (3).

(B) The type or frequency of inspections or testing of pipeline facilities, in addition to the minimum requirements of paragraph (3)(B).

(C) The manner in which the inspections or testing are conducted.

(D) The criteria used in analyzing results of the inspections or testing.

(E) The types of information sources that must be integrated in assessing the integrity of a pipeline facility as well as the manner of integration.

(F) The nature and timing of actions selected to address the integrity of a pipeline facility.

(G) Such other factors as the Secretary determines appropriate to ensure that the integrity of a pipeline facility

is addressed and that appropriate mitigative measures are adopted to protect areas identified under subsection (a)(1). In prescribing those standards, the Secretary shall ensure that all inspections required are conducted in a manner that minimizes environmental and safety risks, and shall take into account the applicable level of protection established by national consensus standards organizations.

(7) **ADDITIONAL OPTIONAL STANDARDS.**—The Secretary may also prescribe standards requiring an operator of a pipeline facility to include in an integrity management program under this subsection—

(A) changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the operator's risk analysis; and

(B) the use of emergency flow restricting devices.

(8) **LACK OF REGULATIONS.**—In the absence of regulations addressing the elements of an integrity management program described in this subsection, the operator of a pipeline facility shall conduct a risk analysis and adopt and implement an integrity management program described in this subsection not later than 24 months after the date of enactment of this subsection and shall complete the baseline integrity assessment described in this subsection not later than 10 years after such date of enactment. At least 50 percent of such facilities shall be assessed not later than 5 years after such date of enactment. The operator shall prioritize such facilities for assessment based on all risk factors, including any previously discovered defects or anomalies and any history of leaks, repairs, or failures. The operator shall ensure that assessments of facilities with the highest risks are given priority for completion and that such assessments will be completed not later than 5 years after such date of enactment.

(9) **REVIEW OF INTEGRITY MANAGEMENT PROGRAMS.**—

(A) **REVIEW OF PROGRAMS.**—

(i) **IN GENERAL.**—The Secretary shall review a risk analysis and integrity management program under paragraph (1) and record the results of that review for use in the next review of an operator's program.

(ii) **CONTEXT OF REVIEW.**—The Secretary may conduct a review under clause (i) as an element of the Secretary's inspection of an operator.

(iii) **INADEQUATE PROGRAMS.**—If the Secretary determines that a risk analysis or integrity management program does not comply with the requirements of this subsection or regulations issued as described in paragraph (2), has not been adequately implemented, or is inadequate for the safe operation of a pipeline facility, the Secretary may conduct proceedings under this chapter.

(B) **AMENDMENTS TO PROGRAMS.**—In order to facilitate reviews under this paragraph, an operator of a pipeline facility shall notify the Secretary of any amendment made to the operator's integrity management program not later than 30 days after the date of adoption of the amendment.

The Secretary shall review any such amendment in accordance with this paragraph.

(C) TRANSMITTAL OF PROGRAMS TO STATE AUTHORITIES.—The Secretary shall provide a copy of each risk analysis and integrity management program reviewed by the Secretary under this paragraph to any appropriate State authority with which the Secretary has entered into an agreement under section 60106.

(10) STATE REVIEW OF INTEGRITY MANAGEMENT PLANS.—A State authority that enters into an agreement pursuant to section 60106, permitting the State authority to review the risk analysis and integrity management program pursuant to paragraph (9), may provide the Secretary with a written assessment of the risk analysis and integrity management program, make recommendations, as appropriate, to address safety concerns not adequately addressed by the operator's risk analysis or integrity management program, and submit documentation explaining the State-proposed revisions. The Secretary shall consider carefully the State's proposals and work in consultation with the States and operators to address safety concerns.

(11) APPLICATION OF STANDARDS.—Section 60104(b) shall not apply to this section.

(12) DISTRIBUTION PIPELINES.—

(A) STUDY.—The Secretary shall conduct a study of methods that may be used under paragraph (3), other than direct assessment, to assess distribution pipelines to determine whether any such method—

- (i) would provide a greater level of safety than direct assessment of the pipelines; and
- (ii) is feasible.

(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

- (i) the results of the study under subparagraph (A); and
- (ii) recommendations based on that study, if any.

(d) EVALUATION OF INTEGRITY MANAGEMENT REGULATIONS.—Not later than 4 years after the date of enactment of this subsection, the Comptroller General shall complete an assessment and evaluation of the effects on public safety and the environment of the requirements for the implementation of integrity management programs contained in the standards prescribed as described in subsection (c)(2).

(e) DISTRIBUTION INTEGRITY MANAGEMENT PROGRAMS.—

(1) MINIMUM STANDARDS.—Not later than December 31, 2007, the Secretary shall prescribe minimum standards for integrity management programs for distribution pipelines.

(2) ADDITIONAL AUTHORITY OF SECRETARY.—In carrying out this subsection, the Secretary may require operators of distribution pipelines to continually identify and assess risks on their distribution lines, to remediate conditions that present a

potential threat to line integrity, and to monitor program effectiveness.

(3) EXCESS FLOW VALVES.—

(A) IN GENERAL.—The minimum standards shall include a requirement for an operator of a natural gas distribution system to install an excess flow valve on each single family residence service line connected to such system if—

(i) the service line is installed or entirely replaced after June 1, 2008;

(ii) the service line operates continuously throughout the year at a pressure not less than 10 pounds per square inch gauge;

(iii) the service line is not connected to a gas stream with respect to which the operator has had prior experience with contaminants the presence of which could interfere with the operation of an excess flow valve;

(iv) the installation of an excess flow valve on the service line is not likely to cause loss of service to the residence or interfere with necessary operation or maintenance activities, such as purging liquids from the service line; and

(v) an excess flow valve meeting performance standards developed under section 60110(e) of title 49, United States Code, is commercially available to the operator, as determined by the Secretary.

(B) DISTRIBUTION BRANCH SERVICES, MULTIFAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, and after issuing a final report on the evaluation of the National Transportation Safety Board's recommendation on excess flow valves in applications other than service lines serving one single family residence, the Secretary, if appropriate, shall by regulation require the use of excess flow valves, or equivalent technology, where economically, technically, and operationally feasible on new or entirely replaced distribution branch services, multifamily facilities, and small commercial facilities.

(C) REPORTS.—Operators of natural gas distribution systems shall report annually to the Secretary on the number of excess flow valves installed on their systems under subparagraph (A).

(4) APPLICABILITY.—The Secretary shall determine which distribution pipelines will be subject to the minimum standards.

(5) DEVELOPMENT AND IMPLEMENTATION.—Each operator of a distribution pipeline that the Secretary determines is subject to the minimum standards prescribed by the Secretary under this subsection shall develop and implement an integrity management program in accordance with those standards.

(6) SAVINGS CLAUSE.—Subject to section 60104(c), a State authority having a current certification under section 60105 may adopt or continue in force additional integrity management requirements, including additional requirements for installation of excess flow valves, for gas distribution pipelines within the boundaries of that State.

(7) EVALUATION OF RISK.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall promulgate regulations to ensure that each distribution integrity management plan developed by an operator of a distribution system includes an evaluation of—

(i) the risks resulting from the presence of cast iron pipes and mains in the distribution system; and

(ii) the risks that could lead to or result from the operation of a low-pressure distribution system at a pressure that makes the operation of any connected and properly adjusted low-pressure gas burning equipment unsafe, as determined by the Secretary.

(B) CONSIDERATION.—In carrying out subparagraph

(A)(ii), the Secretary shall ensure that an operator of a distribution system—

(i) considers factors other than past observed abnormal operating conditions (as defined in section 192.803 of title 49, Code of Federal Regulations (or a successor regulation)) in ranking risks and identifying measures to mitigate those risks; and

(ii) may not determine that there are no potential consequences associated with low probability events unless that determination is otherwise supported by engineering analysis or operational knowledge.

(C) DEADLINES.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, each operator of a distribution system shall make available to the Secretary or the relevant State authority with a certification in effect under section 60105, as applicable, a copy of—

(I) the distribution integrity management plan of the operator;

(II) the emergency response plan under section 60102(d)(5); and

(III) the procedural manual for operations, maintenance, and emergencies under section 60102(d)(4).

(ii) UPDATES.—Each operator of a distribution system shall make available to the Secretary or make available for inspection to the relevant State authority described in clause (i), if applicable, an updated plan or manual described in that clause by not later than 60 days after the date of a significant update, as determined by the Secretary.

(iii) APPLICABILITY OF FOIA.—Nothing in this subsection shall be construed to authorize the disclosure of any information that is exempt from disclosure under section 552(b) of title 5.

(D) REVIEW OF PLANS AND DOCUMENTS.—

(i) TIMING.—

(I) IN GENERAL.—Not later than 2 years after the date of promulgation of the regulations under subparagraph (A), and not less frequently than

once every 5 years thereafter, the Secretary or relevant State authority with a certification in effect under section 60105 shall review the distribution integrity management plan, the emergency response plan, and the procedural manual for operations, maintenance, and emergencies of each operator of a distribution system and record the results of that review for use in the next review of the program of that operator.

(II) GRACE PERIOD.—For the third, fourth, and fifth years after the date of promulgation of the regulations under subparagraph (A), the Secretary—

(aa) shall not use subclause (I) as justification to reduce funding, decertify, or penalize in any way under section 60105, 60106, or 60107 a State authority that has in effect a certification under section 60105 or an agreement under section 60106; and

(bb) shall—

(AA) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a list of States found to be non-compliant with subclause (I) during the annual program evaluation; and

(BB) provide a written notice to each State authority described in item (aa) that is not in compliance with the requirements of subclause (I).

(ii) REVIEW.—Each plan or procedural manual made available under subparagraph (C)(i) shall be reexamined—

(I) on significant change to the plans or procedural manual, as applicable;

(II) on significant change to the gas distribution system of the operator, as applicable; and

(III) not less frequently than once every 5 years.

(iii) CONTEXT OF REVIEW.—The Secretary may conduct a review under clause (i) or (ii) as an element of the inspection of the operator carried out by the Secretary.

(iv) INADEQUATE PROGRAMS.—If the Secretary determines that the documents reviewed under clause (i) or (ii) do not comply with the requirements of this chapter (including regulations to implement this chapter), have not been adequately implemented, or are inadequate for the safe operation of a pipeline facility, the Secretary may conduct proceedings under this chapter.

(f) CERTIFICATION OF PIPELINE INTEGRITY MANAGEMENT PROGRAM PERFORMANCE.—The Secretary shall establish procedures requiring certification of annual and semiannual pipeline integrity management program performance reports by a senior executive of-

ficer of the company operating a pipeline subject to this chapter. The procedures shall require a signed statement, which may be effected electronically in accordance with the provisions of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.), certifying that—

(1) the signing officer has reviewed the report; and

(2) to the best of such officer's knowledge and belief, the report is true and complete.

(g) *HAZARDOUS LIQUID AND CARBON DIOXIDE PIPELINE FACILITIES.*—

(1) *INTEGRITY ASSESSMENTS.*—Notwithstanding any pipeline integrity management program or integrity assessment schedule otherwise required by the Secretary, each operator of a pipeline facility to which this subsection applies shall ensure that pipeline integrity assessments—

(A) using internal inspection technology appropriate for the integrity threat are completed not less often than once every 12 months; and

(B) using pipeline route surveys, depth of cover surveys, pressure tests, external corrosion direct assessment, or other technology that the operator demonstrates can further the understanding of the condition of the pipeline facility are completed on a schedule based on the risk that the pipeline facility poses to the high consequence area in which the pipeline facility is located, but not less often than once every 12 months.

(2) *APPLICATION.*—This subsection shall apply to any underwater hazardous liquid or carbon dioxide pipeline facility located in a high consequence area—

(A) that is not an offshore pipeline facility; and

(B) any portion of which is located at depths greater than 150 feet under the surface of the water.

(3) *HIGH CONSEQUENCE AREA DEFINED.*—For purposes of this subsection, the term “high consequence area” has the meaning given that term in section 195.450 of title 49, Code of Federal Regulations.

(4) *INSPECTION AND ENFORCEMENT.*—The Secretary shall conduct inspections under section 60117(d) to determine whether each operator of a pipeline facility to which this subsection applies is complying with this section.

(5) *CONSIDERATIONS.*—In carrying out this subsection, each operator shall implement procedures that assess potential impacts by maritime equipment or other vessels, including anchors, anchor chains, or any other attached equipment.

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§ 60115. Technical safety standards committees

(a) *ORGANIZATION.*—The Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee are committees in the Department of Transportation. The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enact-

ment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.

(b) COMPOSITION AND APPOINTMENT.—(1) The Technical Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary of Transportation after consulting with public and private agencies concerned with the technical aspect of transporting gas or operating a gas pipeline facility. Each member must be experienced in the safety regulation of transporting gas and of gas pipeline facilities or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to transporting gas or operating a gas pipeline facility, to evaluate gas pipeline safety standards or risk management principles.

(2) The Technical Hazardous Liquid Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary after consulting with public and private agencies concerned with the technical aspect of ~~transporting hazardous liquid or operating a hazardous liquid pipeline facility~~ *transporting hazardous liquid, transporting carbon dioxide, operating a hazardous liquid pipeline facility, or operating a carbon dioxide pipeline facility*. Each member must be experienced in the safety regulation of ~~transporting hazardous liquid and of hazardous liquid pipeline facilities~~ *transporting hazardous liquid or transporting carbon dioxide and of hazardous liquid pipeline facilities or carbon dioxide pipeline facilities* or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to ~~transporting hazardous liquid or operating a hazardous liquid pipeline facility~~ *transporting hazardous liquid, transporting carbon dioxide, operating a hazardous liquid pipeline facility, or operating a carbon dioxide pipeline facility*, to evaluate hazardous liquid pipeline safety standards or risk management principles.

(3) The members of each committee are appointed as follows:

(A) 5 individuals selected from departments, agencies, and instrumentalities of the United States Government and of the States.

(B) 5 individuals selected from ~~the natural gas or hazardous liquid industry~~ *the natural gas industry, the hazardous liquid industry, or the carbon dioxide industry*, as appropriate, after consulting with industry representatives.

(C) 5 individuals selected from the general public.

(4)(A) Two of the individuals selected for each committee under paragraph (3)(A) of this subsection must be State officials. The Secretary shall consult with national organizations representing State commissioners or utility regulators before making a selection under this subparagraph.

(B) At least 3 of the individuals selected for each committee under paragraph (3)(B) of this subsection must be currently in the active operation of ~~natural gas pipelines or hazardous liquid pipeline facilities~~ *natural gas pipelines, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities*, as appropriate. At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).

(C) Two of the individuals selected for each committee under paragraph (3)(C) of this subsection must have education, background, or experience in environmental protection or public safety. At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis. At least one individual selected for each committee under paragraph (3)(C) may not have a financial interest in the pipeline, petroleum, or natural gas industries.

(D) None of the individuals selected for a committee under paragraph (3)(C) may have a significant financial interest in the pipeline, petroleum, or gas industry.

(5) Within 90 days of the date of enactment of the PIPES Act of 2016, the Secretary shall fill all vacancies on the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, and any other committee established pursuant to this section. After that period, the Secretary shall fill a vacancy on any such committee not later than 60 days after the vacancy occurs.

(c) COMMITTEE REPORTS ON PROPOSED STANDARDS.—(1) The Secretary shall give to—

(A) the Technical Pipeline Safety Standards Committee each standard proposed under this chapter for transporting gas and for gas pipeline facilities including the risk assessment information and other analyses supporting each proposed standard, *if applicable*; and

(B) the Technical Hazardous Liquid Pipeline Safety Standards Committee each standard proposed under this chapter for ~~transporting hazardous liquid and for hazardous liquid pipeline facilities~~ *transporting carbon dioxide, hazardous liquid pipeline facilities and carbon dioxide facilities* including the risk assessment information and other analyses supporting each proposed standard, *if applicable*.

(2) Not later than 90 days after receiving the proposed standard and supporting analyses, the appropriate committee shall prepare and submit to the Secretary a report on the technical feasibility, reasonableness, cost-effectiveness, and practicability of the proposed standard and include in the report recommended actions. The Secretary shall publish each report, including any recommended actions and minority views. The report if timely made is part of the proceeding for prescribing the standard. The Secretary is not bound by the conclusions of the committee. However, if the Secretary rejects the conclusions of the committee, the Secretary shall publish the reasons *and provide written notification of such reasons to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time a final rulemaking relating to the standard is issued*.

(3) The Secretary may prescribe a standard after the end of the 90-day period.

(d) PROPOSED COMMITTEE STANDARDS AND POLICY DEVELOPMENT RECOMMENDATIONS.—(1) The Technical Pipeline Safety Standards Committee may propose to the Secretary a safety standard for transporting gas and for gas pipeline facilities. The Technical Haz-

ardous Liquid Pipeline Safety Standards Committee may propose to the Secretary a safety standard for **transporting hazardous liquid and for hazardous liquid pipeline facilities** *transporting hazardous liquid, transporting carbon dioxide, hazardous liquid pipeline facilities, and carbon dioxide pipeline facilities*.

(2) If requested by the Secretary, a committee shall make policy development recommendations to the Secretary.

(e) **MEETINGS.**—Each committee shall meet with the Secretary at least **up to 4** 2 times annually. Each committee proceeding shall be recorded. The record of the proceeding shall be available to the public.

(f) **EXPENSES.**—A member of a committee under this section is entitled to expenses under section 5703 of title 5. A payment under this subsection does not make a member an officer or employee of the Government. This subsection does not apply to members regularly employed by the Government.

§ 60116. Public education programs

(a) **IN GENERAL.**—Each owner or operator of a **gas or hazardous liquid pipeline facility** *gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility* shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

(b) **MODIFICATION OF EXISTING PROGRAMS.**—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, each owner or operator of a **gas or hazardous liquid pipeline facility** *gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility* shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency, and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

(c) **STANDARDS.**—The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

§ 60117. Administrative

(a) **GENERAL AUTHORITY.**—To carry out this chapter, the Secretary of Transportation may conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of records, take depositions, and conduct research, testing, development, demonstration, and training activities and promotional activities relating to prevention of damage to pipeline facilities. The Secretary may not charge a tuition-type fee for training State or local government personnel in the enforcement of regulations prescribed under this chapter.

(b) ENFORCEMENT PROCEDURES.—

(1) PROCESS.—In implementing enforcement procedures under this chapter and part 190 of title 49, Code of Federal Regulations (or successor regulations), the Secretary shall—

(A) allow the respondent to request the use of a consent agreement and consent order to resolve any matter of fact or law asserted;

(B) allow the respondent and the agency to convene 1 or more meetings—

(i) for settlement or simplification of the issues; or

(ii) to aid in the disposition of issues;

(C) require that the case file in an enforcement proceeding include all agency records pertinent to the matters of fact and law asserted;

(D) allow the respondent to reply to each post-hearing submission of the agency;

(E) allow the respondent to request that a hearing be held, and an order be issued, on an expedited basis;

(F) require that the agency have the burden of proof, presentation, and persuasion in any enforcement matter;

(G) require that any order contain findings of relevant fact and conclusions of law;

(H) require the Office of Pipeline Safety to file a post-hearing recommendation not later than 30 days after the deadline for any post-hearing submission of a respondent;

(I) require an order on a petition for reconsideration to be issued not later than 120 days after the date on which the petition is filed; **[and]**

(J) allow an operator to request that an issue of controversy or uncertainty be addressed through a declaratory order in accordance with section 554(e) of title 5**[.]; and**

(K) allow the respondent an opportunity for a hearing on the record conducted by an administrative law judge, in accordance with section 554 of title 5, for a notice of probable violation enforcement matter—

(i) with a proposed civil penalty of at least \$125,000;

or

(ii) where the respondent can reasonably show the cost of the proposed compliance action will exceed \$125,000.

(2) OPEN TO THE PUBLIC.—A hearing under this section shall be—

(A) noticed to the public on the website of the Pipeline and Hazardous Materials Safety Administration; and

(B) in the case of a formal hearing (as defined in section 190.3 of title 49, Code of Federal Regulations (or a successor regulation)), open to the public.

(3) TRANSPARENCY.—

(A) AGREEMENTS, ORDERS, AND JUDGMENTS OPEN TO THE PUBLIC.—With respect to each enforcement proceeding under this chapter, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall make publicly available on the website of the Administration—

(i) the charging documents;

- (ii) the written response of the respondent, if filed; and
- (iii) any consent agreement, consent order, order, or judgment resulting from a hearing under this chapter.

(B) GAO REPORT ON PIPELINE SAFETY PROGRAM COLLECTION AND TRANSPARENCY OF ENFORCEMENT PROCEEDINGS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Comptroller General of the United States shall—

(I) review information on pipeline enforcement actions that the Pipeline and Hazardous Materials Safety Administration makes publicly available on the internet; and

(II) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on that review, including any recommendations under clause (iii).

(ii) CONTENTS.—The report under clause (i)(II) shall include—

(I) a description of the process that the Pipeline and Hazardous Materials Safety Administration uses to collect and record enforcement information;

(II) an assessment of whether and, if so, how the Pipeline and Hazardous Materials Safety Administration ensures that enforcement information is made available to the public in an accessible manner; and

(III) an assessment of the information described in clause (i)(I).

(iii) RECOMMENDATIONS.—The report under clause (i)(II) may include recommendations regarding—

(I) any improvements that could be made to the accessibility of the information described in clause (i)(I);

(II) whether and, if so, how the information described in clause (i)(I) could be made more transparent; and

(III) any other recommendations that the Comptroller General of the United States considers appropriate.

(4) SAVINGS CLAUSE.—Nothing in this subsection alters the procedures applicable to—

(A) an emergency order under subsection (p);

(B) a safety order under subsection (m); or

(C) a corrective action order under section 60112.

(c) RECORDS, REPORTS, AND INFORMATION.—To enable the Secretary to decide whether a person owning or operating a pipeline facility is complying with this chapter and standards prescribed or orders issued under this chapter, the person shall—

(1) maintain records, make reports, and provide information the Secretary requires; and

(2) make the records, reports, and information available when the Secretary requests.

The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.

(d) ENTRY AND INSPECTION.—An officer, employee, or agent of the Department of Transportation designated by the Secretary, on display of proper credentials to the individual in charge, may enter premises to inspect the records and property of a person at a reasonable time and in a reasonable way to decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter.

(e) CONFIDENTIALITY OF INFORMATION.—Information related to a confidential matter referred to in section 1905 of title 18 that is obtained by the Secretary or an officer, employee, or agent in carrying out this section may be disclosed only to another officer or employee concerned with carrying out this chapter or in a proceeding under this chapter.

(f) USE OF ACCIDENT REPORTS.—(1) Each accident report made by an officer, employee, or agent of the Department may be used in a judicial proceeding resulting from the accident. The officer, employee, or agent may be required to testify in the proceeding about the facts developed in investigating the accident. The report shall be made available to the public in a way that does not identify an individual.

(2) Each report related to research and demonstration projects and related activities is public information.

(g) TESTING FACILITIES INVOLVED IN ACCIDENTS.—The Secretary may require testing of a part of a pipeline facility subject to this chapter that has been involved in or affected by an accident only after—

(1) notifying the appropriate State official in the State in which the facility is located; and

(2) attempting to negotiate a mutually acceptable plan for testing with the owner of the facility and, when the Secretary considers appropriate, the National Transportation Safety Board.

(h) PROVIDING SAFETY INFORMATION.—On request, the Secretary shall provide the Federal Energy Regulatory Commission or appropriate State authority with information the Secretary has on the safety of material, operations, devices, or processes related to pipeline transportation or operating a pipeline facility.

(i) COOPERATION.—The Secretary may—

(1) advise, assist, and cooperate with other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons in planning and developing safety standards and ways to inspect and test to decide whether those standards have been complied with;

(2) consult with and make recommendations to other departments, agencies, and instrumentalities of the Government, State and local governments, and public and private agencies and persons to develop and encourage activities, including the enactment of legislation, that will assist in carrying out this

chapter and improve State and local pipeline safety programs; and

(3) participate in a proceeding involving safety requirements related to a liquefied natural gas facility before the Commission or a State authority.

(j) PROMOTING COORDINATION.—(1) After consulting with appropriate State officials, the Secretary shall establish procedures to promote more effective coordination between departments, agencies, and instrumentalities of the Government and State authorities with regulatory authority over pipeline facilities about responses to a pipeline accident.

(2) In consultation with the Occupational Safety and Health Administration, the Secretary shall establish procedures to notify the Administration of any pipeline accident in which an excavator that has caused damage to a pipeline may have violated a regulation of the Administration.

(k) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(l) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping.

(m) SAFETY ORDERS.—

(1) IN GENERAL.—Not later than December 31, 2007, the Secretary shall issue regulations providing that, after notice and opportunity for a hearing, if the Secretary determines that a pipeline facility has a condition that poses a pipeline integrity risk to public safety, property, or the environment, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, or other appropriate action, to remedy that condition.

(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary, if relevant and pursuant to the regulations issued under paragraph (1), shall consider—

(A) the considerations specified in paragraphs (1) through (6) of section 60112(b);

(B) the likelihood that the condition will impair the serviceability of a pipeline;

(C) the likelihood that the condition will worsen over time; and

(D) the likelihood that the condition is present or could develop on other areas of the pipeline.

(n) RESTORATION OF OPERATIONS.—

(1) IN GENERAL.—The Secretary may advise, assist, and cooperate with the heads of other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons to facilitate the restoration of pipeline operations that have been or are anticipated to become disrupted by manmade or natural disasters.

(2) SAVINGS CLAUSE.—Nothing in this section alters or amends the authorities and responsibilities of any department, agency, or instrumentality of the United States Government, other than the Department of Transportation.

(o) COST RECOVERY FOR DESIGN REVIEWS.—

(1) IN GENERAL.—

(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous ~~liquid pipeline facility or liquefied natural gas pipeline facility~~ *liquid pipeline facility, a liquefied natural gas pipeline facility, or a carbon dioxide pipeline facility*, including construction inspections and oversight, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this paragraph, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this paragraph. The Secretary may not collect design safety review fees under this paragraph and section 60301 for the same design safety review.

(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

(i) has design and construction costs totaling at least \$2,500,000,000, as periodically adjusted by the Secretary to take into account increases in the Consumer Price Index for all-urban consumers published by the Department of Labor, based on—

(I) the cost estimate provided to the Federal Energy Regulatory Commission in an application for a certificate of public convenience and necessity for a gas pipeline facility or an application for authorization for a liquefied natural gas pipeline facility; or

(II) a good faith estimate developed by the person proposing a hazardous liquid pipeline facility *or carbon dioxide pipeline facility* and submitted to the Secretary; or

(ii) uses new or novel technologies or design, as determined by the Secretary.

(2) NOTIFICATION.—For any new pipeline facility construction project in which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. To the maximum extent practicable, not later than 90 days after receiving such design specifications, construction plans and procedures, and related materials, the Secretary shall provide written comments, feedback, and guidance on the project.

(3) PIPELINE SAFETY DESIGN REVIEW FUND.—

(A) ESTABLISHMENT.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

(B) DEPOSITS.—The Secretary shall deposit funds paid under this subsection into the Fund.

(C) USE.—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection may be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).

(p) EMERGENCY ORDER AUTHORITY.—

(1) IN GENERAL.—If the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, constitutes or is causing an imminent hazard, the Secretary may issue an emergency order described in paragraph (3) imposing emergency restrictions, prohibitions, and safety measures on owners and operators of ~~gas or hazardous liquid pipeline facilities~~ *gas pipeline facilities, hazardous liquid pipeline facilities, or carbon dioxide pipeline facilities* without prior notice or an opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Before issuing an emergency order under paragraph (1), the Secretary shall consider, as appropriate, the following factors:

(i) The impact of the emergency order on public health and safety.

(ii) The impact, if any, of the emergency order on the national or regional economy or national security.

(iii) The impact of the emergency order on the ability of owners and operators of pipeline facilities to maintain reliability and continuity of service to customers.

(B) CONSULTATION.—In considering the factors under subparagraph (A), the Secretary shall consult, as the Secretary determines appropriate, with appropriate Federal agencies, State agencies, and other entities knowledgeable in pipeline safety or operations.

(3) WRITTEN ORDER.—An emergency order issued by the Secretary pursuant to paragraph (1) with respect to an imminent hazard shall contain a written description of—

(A) the violation, condition, or practice that constitutes or is causing the imminent hazard;

(B) the entities subject to the order;

(C) the restrictions, prohibitions, or safety measures imposed;

(D) the standards and procedures for obtaining relief from the order;

(E) how the order is tailored to abate the imminent hazard and the reasons the authorities under section 60112 and subsection (m) are insufficient to do so; and

(F) how the considerations were taken into account pursuant to paragraph (2).

(4) OPPORTUNITY FOR REVIEW.—Upon receipt of a petition for review from an entity subject to, and aggrieved by, an emergency order issued under this subsection, the Secretary shall provide an opportunity for a review of the order under section 554 of title 5 to determine whether the order should remain in effect, be modified, or be terminated.

(5) EXPIRATION OF EFFECTIVENESS ORDER.—If a petition for review of an emergency order is filed under paragraph (4) and an agency decision with respect to the petition is not issued on or before the last day of the 30-day period beginning on the date on which the petition is filed, the order shall cease to be effective on such day, unless the Secretary determines in writing on or before the last day of such period that the imminent hazard still exists.

(6) JUDICIAL REVIEW OF ORDERS.—

(A) IN GENERAL.—After completion of the review process described in paragraph (4), or the issuance of a written determination by the Secretary pursuant to paragraph (5), an entity subject to, and aggrieved by, an emergency order issued under this subsection may seek judicial review of the order in a district court of the United States and shall be given expedited consideration.

(B) LIMITATION.—The filing of a petition for review under subparagraph (A) shall not stay or modify the force and effect of the agency's final decision under paragraph (4), or the written determination under paragraph (5), unless stayed or modified by the Secretary.

(7) REGULATIONS.—

(A) TEMPORARY REGULATIONS.—Not later than 60 days after the date of enactment of the PIPES Act of 2016, the Secretary shall issue such temporary regulations as are necessary to carry out this subsection. The temporary regulations shall expire on the date of issuance of the final regulations required under subparagraph (B).

(B) FINAL REGULATIONS.—Not later than 270 days after such date of enactment, the Secretary shall issue such regulations as are necessary to carry out this subsection. Such regulations shall ensure that the review process described in paragraph (4) contains the same procedures as subsections (d) and (g) of section 109.19 of title 49, Code of Federal Regulations, and is otherwise consistent with the review process developed under such section, to the greatest extent practicable and not inconsistent with this section.

(8) IMMINENT HAZARD DEFINED.—In this subsection, the term “imminent hazard” means the existence of a condition relating to a [gas or hazardous liquid pipeline facility] *gas pipeline facility, hazardous liquid pipeline facility, or carbon dioxide pipeline facility* that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a

formal proceeding begun to lessen the risk of such death, illness, injury, or endangerment.

(9) **LIMITATION AND SAVINGS CLAUSE.**—An emergency order issued under this subsection may not be construed to—

(A) alter, amend, or limit the Secretary's obligations under, or the applicability of, section 553 of title 5; or

(B) provide the authority to amend the Code of Federal Regulations.

§ 60118. Compliance and waivers

(a) **GENERAL REQUIREMENTS.**—A person owning or operating a pipeline facility shall—

(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;

(2) prepare and carry out a plan for inspection and maintenance required under section 60108(a) and (b) of this title;

(3) allow access to or copying of records, make reports and provide information, and allow entry or inspection required under subsections (a) through (e) of section 60117 of this title; and

(4) conduct a risk analysis, and adopt and implement an integrity management program, for pipeline facilities as required under section 60109(c).

(b) **COMPLIANCE ORDERS.**—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.

(c) **WAIVERS BY SECRETARY.**—

(1) **NONEMERGENCY WAIVERS.**—

(A) **IN GENERAL.**—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to such facility on terms the Secretary considers appropriate if the Secretary determines that the waiver is not inconsistent with pipeline safety.

(B) **HEARING.**—The Secretary may act on a waiver under this paragraph only after notice and an opportunity for a hearing.

(C) **LIMITATION ON TERMS.**—*The Secretary shall impose no terms on a waiver under this paragraph that do not apply to known pipeline safety risks applicable to the standard being waived under subparagraph (A).*

(D) **PUBLICATION.**—*Upon completion of the application requirements under section 190.341 of title 49, Code of Federal Regulations, or successor regulations, the Secretary shall publish notice of the application in the Federal Register.*

(E) **REVIEW OF APPLICATION.**—*The Secretary shall complete a review of each such application not later than 18 months after publishing a notice in the Federal Register described in subparagraph (D) with respect to the application.*

(2) **EMERGENCY WAIVERS.**—

(A) IN GENERAL.—The Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter on terms the Secretary considers appropriate without prior notice and comment if the Secretary determines that—

- (i) it is in the public interest to grant the waiver;
- (ii) the waiver is not inconsistent with pipeline safety; and
- (iii) the waiver is necessary to address an actual or impending emergency involving pipeline transportation, including an emergency caused by a natural or manmade disaster.

(B) PERIOD OF WAIVER.—A waiver under this paragraph may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.

(3) STATEMENT OF REASONS.—The Secretary shall state in an order issued under this subsection the reasons for granting the waiver.

(d) WAIVERS BY STATE AUTHORITIES.—If a certification under section 60105 of this title or an agreement under section 60106 of this title is in effect, the State authority may waive compliance with a safety standard to which the certification or agreement applies in the same way and to the same extent the Secretary may waive compliance under subsection (c) of this section. However, the authority must give the Secretary written notice of the waiver at least 60 days before its effective date. If the Secretary makes a written objection before the effective date of the waiver, the waiver is stayed. After notifying the authority of the objection, the Secretary shall provide a prompt opportunity for a hearing. The Secretary shall make the final decision on granting the waiver.

(e) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

(1) ASSISTANCE AND ACCESS.—If the Secretary or the National Transportation Safety Board investigates an accident or incident involving a pipeline facility, the operator of the facility shall—

(A) make available to the Secretary or the Board all records and information that in any way pertain to the accident or incident, including integrity management plans and test results; and

(B) afford all reasonable assistance in the investigation of the accident or incident.

(2) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

(A) IN GENERAL.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

(B) OBSTRUCTS DEFINED.—

(i) IN GENERAL.—In this paragraph, the term “obstructs” includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

(ii) GOOD CAUSE.—In clause (i), the term “good cause” may include actions such as restricting access to facilities that are not secure or safe for nonpipeline personnel or visitors.

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to infringe upon the constitutional rights of an operator or its employees.

* * * * *

§ 60122. Civil penalties

(a) GENERAL PENALTIES.—(1) A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has violated section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$200,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of violations is **[\$2,000,000] \$2,500,000**.

(2) A person violating a standard or order under section 60103 or 60111 of this title is liable to the Government for a civil penalty of not more than \$50,000 for each violation. A penalty under this paragraph may be imposed in addition to penalties imposed under paragraph (1) of this subsection.

(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than \$1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.

(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

(1) the Secretary shall consider—

(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

(B) with respect to the violator, the degree of culpability, any history of prior violations, and any effect on ability to continue doing business;

(C) good faith in attempting to comply; and

(D) self-disclosure and correction of violations, or actions to correct a violation, prior to discovery by the Pipeline and Hazardous Materials Safety Administration; and

(2) the Secretary may consider—

(A) the economic benefit gained from the violation without any reduction because of subsequent damages; and

(B) other matters that justice requires.

(c) COLLECTION AND COMPROMISE.—(1) The Secretary may request the Attorney General to bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed under this section.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section before referral to the Attorney General.

(d) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(e) DEPOSIT IN TREASURY.—Amounts collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(f) PROHIBITION ON MULTIPLE PENALTIES FOR SAME ACT.—Separate penalties for violating a regulation prescribed under this chapter and for violating an order under section 60112 or 60118(b) of this title may not be imposed under this chapter if both violations are based on the same act.

§ 60123. Criminal penalties

(a) GENERAL PENALTY.—A person knowingly and willfully violating section 60114(b), 60118(a), or 60128 of this title or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) PENALTY FOR DAMAGING OR DESTROYING FACILITY.—A person knowingly and willfully damaging or destroying an interstate gas pipeline facility, [an interstate hazardous liquid pipeline facility, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility] *an interstate hazardous liquid pipeline facility, an interstate carbon dioxide pipeline facility, or either an intrastate gas pipeline facility, an intrastate hazardous liquid pipeline facility, or an intrastate carbon dioxide facility* that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, or attempting or conspiring to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(c) PENALTY FOR DAMAGING OR DESTROYING SIGN.—A person knowingly and willfully defacing, damaging, removing, or destroying a pipeline sign or right-of-way marker required by a law or regulation of the United States shall be fined under title 18, imprisoned for not more than one year, or both.

(d) PENALTY FOR NOT USING ONE-CALL NOTIFICATION SYSTEM OR NOT HEEDING LOCATION INFORMATION OR MARKINGS.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) knowingly and willfully engages in an excavation activity—

(A) without first using an available one-call notification system to establish the location of underground facilities in the excavation area; or

(B) without paying attention to appropriate location information or markings the operator of a pipeline facility establishes; and

(2) subsequently damages—

(A) a pipeline facility that results in death, serious bodily harm, or actual damage to property of more than \$50,000;

(B) a pipeline facility, and knows or has reason to know of the damage, but does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or

(C) a hazardous liquid pipeline facility that results in the release of more than 50 barrels of product.

Penalties under this subsection may be reduced in the case of a violation that is promptly reported by the violator.

(e) *PENALTY FOR CAUSING A DEFECT IN OR DISRUPTING OPERATION OF PIPELINE INFRASTRUCTURE.*—

(1) *IN GENERAL.*—A person shall be fined under title 18, imprisoned for not more than 10 years, or both, if the person knowingly and willfully—

(A) *causes a defect in a pipe, pump, compressor, or valve in the possession of a pipeline operator to be used in construction of any pipeline facility described in subsection (b) that would affect the integrity or safe operation of any such facility; or*

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

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

(A) *in transit to a pipeline component staging site or construction site;*

(B) *at a pipeline component staging site; or*

(C) *at a construction site.*

* * * * *

§ 60125. Authorization of appropriations

[(a) **GAS AND HAZARDOUS LIQUID.**—

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

[(A) \$156,400,000 for fiscal year 2021, of which—

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

[(ii) \$63,000,000 shall be used for making grants;

[(B) \$158,500,000 for fiscal year 2022, of which—

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

[(ii) \$66,000,000 shall be used for making grants; and

[(C) \$162,700,000 for fiscal year 2023, of which—

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

[(ii) \$69,000,000 shall be used for making grants.

[(2) **TRUST FUND AMOUNTS.**—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated from the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue Code of 1986 to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and the provisions of this chapter relating to hazardous liquid—

- [(A) \$27,000,000 for fiscal year 2021, of which—
 - [(i) \$3,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and
 - [(ii) \$11,000,000 shall be used for making grants;
- [(B) \$27,650,000 for fiscal year 2022, of which—
 - [(i) \$3,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and
 - [(ii) \$12,000,000 shall be used for making grants; and
- [(C) \$28,700,000 for fiscal year 2023, of which—
 - [(i) \$3,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and
 - [(ii) \$13,000,000 shall be used for making grants.

[(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—From fees collected under section 60302, there is authorized to be appropriated to the Secretary to carry out section 60141 \$8,000,000 for each of fiscal years 2021 through 2023.

[(4) RECRUITMENT AND RETENTION.—From amounts made available to the Secretary under paragraphs (1) and (2), the Secretary shall use—

- [(A) \$1,520,000 to carry out section 102(b)(1) of the PIPES Act of 2020, of which—
 - [(i) \$1,292,000 shall be from amounts made available under paragraph (1)(A); and
 - [(ii) \$228,000 shall be from amounts made available under paragraph (2)(A);
- [(B) \$2,300,000 to carry out section 102(b)(2)(A) of the PIPES Act of 2020, of which—
 - [(i) \$1,955,000 shall be from amounts made available under paragraph (1)(A); and
 - [(ii) \$345,000 shall be from amounts made available under paragraph (2)(A);
- [(C) \$1,600,000 to carry out section 102(b)(2)(B) of the PIPES Act of 2020, of which—
 - [(i) \$1,360,000 shall be from amounts made available under paragraph (1)(B); and
 - [(ii) \$240,000 shall be from amounts made available under paragraph (2)(B);
- [(D) \$1,800,000 to carry out section 102(b)(2)(C) of the PIPES Act of 2020, of which—
 - [(i) \$1,530,000 shall be from amounts made available under paragraph (1)(C); and
 - [(ii) \$270,000 shall be from amounts made available under paragraph (2)(C);
- [(E) \$2,455,000 to carry out section 102(c) of the PIPES Act of 2020 in fiscal year 2021, of which—
 - [(i) \$2,086,750 shall be from amounts made available under paragraph (1)(A); and
 - [(ii) \$368,250 shall be from amounts made available under paragraph (2)(A);

[(F) \$2,455,000 to carry out section 102(c) of the PIPES Act of 2020 in fiscal year 2022, of which—

[(i) \$2,086,750 shall be from amounts made available under paragraph (1)(B); and

[(ii) \$368,250 shall be from amounts made available under paragraph (2)(B); and

[(G) \$2,455,000 to carry out section 102(c) of the PIPES Act of 2020 in fiscal year 2023, of which—

[(i) \$2,086,750 shall be from amounts made available under paragraph (1)(C); and

[(ii) \$368,250 shall be from amounts made available under paragraph (2)(C).]

(a) *GAS AND HAZARDOUS LIQUID.*—

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

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

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

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

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

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

(ii) *\$75,000,000 shall be used for making grants;*

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

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

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

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

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

(ii) *\$79,000,000 shall be used for making grants.*

(2) *TRUST FUND AMOUNTS.*—*In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated from the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue Code of 1986 to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and the provisions of this chapter relating to hazardous liquid—*

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

(i) *\$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and*

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

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

(i) *\$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002*

(49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and

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

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

(i) \$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and

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

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

(i) \$2,000,000, pursuant to the authority in section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), shall be used to carry out section 12 of such Act; and

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

(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—From fees collected under section 60302, there is authorized to be appropriated to the Secretary to carry out section 60141 \$7,000,000 for each of fiscal years 2024 through 2027.

(4) RECRUITMENT AND RETENTION.—From amounts made available to the Secretary under paragraphs (1) and (2), the Secretary shall use, to carry out section 104(a) of the PIPES Act of 2023 and section 102(c) of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (Public Law 116–260)—

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

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

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

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

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

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

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

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

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

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

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

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

(b) EMERGENCY RESPONSE GRANTS.—

(1) IN GENERAL.—The Secretary may establish a program for making grants to State, county, and local governments in high consequence areas, as defined by the Secretary, for emergency response management, training, and technical assistance. To the extent that such grants are used to train emergency responders, such training shall ensure that emergency responders have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving [gas or hazardous liquid pipelines] gas pipelines, haz-

ardous liquid pipelines, or carbon dioxide pipelines, in accordance with existing regulations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of **fiscal years 2021 through 2023** *fiscal years 2024 through 2027* to carry out this subsection.

(c) CREDITING APPROPRIATIONS FOR EXPENDITURES FOR TRAINING.—The Secretary may credit to an appropriation authorized under subsection (a) amounts received from sources other than the Government for reimbursement for expenses incurred by the Secretary in providing training.

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§ 60128. Dumping within pipeline rights-of-way

(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an **[interstate gas pipeline facility or interstate hazardous liquid pipeline facility]** *interstate gas pipeline facility, interstate hazardous liquid pipeline facility, or interstate carbon dioxide pipeline facility*, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

(b) DEFINITION.—For purposes of this section, the term “solid waste” has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

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§ 60130. Pipeline safety information grants to communities

(a) GRANT AUTHORITY.—

(1) IN GENERAL.—The Secretary of Transportation may make grants for technical assistance to local communities, Indian Tribes, and groups of individuals (not including for-profit entities) relating to the safety of pipeline facilities in local communities, other than facilities regulated under Public Law 93–153 (43 U.S.C. 1651 et seq.). No grants may be awarded under section 60114(g) until the Secretary has established competitive procedures for awarding grants under this section and criteria for selecting grant recipients. Except as provided in subsection (c)(2), the amount of any grant under this section may not exceed \$100,000 for a single grant recipient. The Secretary shall establish appropriate procedures to ensure the proper use of funds provided under this section.

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

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

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

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

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

(c) **FUNDING.**—

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

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

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

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

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

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

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

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

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

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

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

(d) **DEFINITIONS.**—In this section:

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

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

(A) is a public safety advocate;

(B) has pipeline safety expertise;

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

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

§ 60131. Verification of pipeline qualification programs

(a) **IN GENERAL.**—Subject to the requirements of this section, the Secretary of Transportation shall require the operator of a pipeline facility to develop and adopt a qualification program to ensure that the individuals who perform covered tasks are qualified to conduct such tasks.

(b) **STANDARDS AND CRITERIA.**—

(1) **DEVELOPMENT.**—Not later than 1 year after the date of enactment of this section, the Secretary shall ensure that the

Department of Transportation has in place standards and criteria for qualification programs referred to in subsection (a).

(2) CONTENTS.—The standards and criteria shall include the following:

(A) The establishment of methods for evaluating the acceptability of the qualifications of individuals described in subsection (a).

(B) A requirement that pipeline operators develop and implement written plans and procedures to qualify individuals described in subsection (a) to a level found acceptable using the methods established under subparagraph (A) and evaluate the abilities of individuals described in subsection (a) according to such methods.

(C) A requirement that the plans and procedures adopted by a pipeline operator under subparagraph (B) be reviewed and verified under subsection (e).

(c) DEVELOPMENT OF QUALIFICATION PROGRAMS BY PIPELINE OPERATORS.—The Secretary shall require each pipeline operator to develop and adopt, not later than 2 years after the date of enactment of this section, a qualification program that complies with the standards and criteria described in subsection (b).

(d) ELEMENTS OF QUALIFICATION PROGRAMS.—A qualification program adopted by an operator under subsection (a) shall include, at a minimum, the following elements:

(1) A method for examining or testing the qualifications of individuals described in subsection (a). The method may include written examination, oral examination, observation during on-the-job performance, on-the-job training, simulations, and other forms of assessment. The method may not be limited to observation of on-the-job performance, except with respect to tasks for which the Secretary has determined that such observation is the best method of examining or testing qualifications. The Secretary shall ensure that the results of any such observations are documented in writing.

(2) A requirement that the operator complete the qualification of all individuals described in subsection (a) not later than 18 months after the date of adoption of the qualification program.

(3) A periodic requalification component that provides for examination or testing of individuals in accordance with paragraph (1).

(4) A program to provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.

(e) REVIEW AND VERIFICATION OF PROGRAMS.—

(1) IN GENERAL.—The Secretary shall review the qualification program of each pipeline operator and verify its compliance with the standards and criteria described in subsection (b) and that it includes the elements described in subsection (d). The Secretary shall record the results of that review for use in the next review of an operator's program.

(2) DEADLINE FOR COMPLETION.—Reviews and verifications under this subsection shall be completed not later than 3 years after the date of the enactment of this section.

(3) INADEQUATE PROGRAMS.—If the Secretary decides that a qualification program is inadequate for the safe operation of a pipeline facility, the Secretary shall act as under section 60108(a)(2) to require the operator to revise the qualification program.

(4) PROGRAM MODIFICATIONS.—If the operator of a pipeline facility significantly modifies a program that has been verified under this subsection, the operator shall notify the Secretary of the modifications. The Secretary shall review and verify such modifications in accordance with paragraph (1).

(5) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement of this section if the waiver or modification is not inconsistent with pipeline safety.

(6) INACTION BY THE SECRETARY.—Notwithstanding any failure of the Secretary to prescribe standards and criteria as described in subsection (b), an operator of a pipeline facility shall develop and adopt a qualification program that complies with the requirement of subsection (b)(2)(B) and includes the elements described in subsection (d) not later than 2 years after the date of enactment of this section.

(f) INTRASTATE PIPELINE FACILITIES.—In the case of an intrastate pipeline facility operator, the duties and powers of the Secretary under this section with respect to the qualification program of the operator shall be vested in the appropriate State regulatory agency, consistent with this chapter.

(g) COVERED TASK DEFINED.—In this section, the term “covered task”—

(1) with respect to a gas pipeline facility, has the meaning such term has under section 192.801 of title 49, Code of Federal Regulations, including any subsequent modifications; [and]

(2) with respect to a hazardous liquid pipeline facility, has the meaning such term has under section 195.501 of such title, including any subsequent modifications[.]; and

(3) *with respect to a carbon dioxide pipeline facility, activities equivalent to the activities described with respect to a hazardous liquid pipeline facility under section 195.501 of such title.*

(h) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall transmit to Congress a report on the status and results to date of the personnel qualification regulations issued under this chapter.

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§ 60134. State damage prevention programs

(a) IN GENERAL.—The Secretary may make a grant to a State authority (including a municipality with respect to intrastate gas pipeline transportation) to assist in improving the overall quality and effectiveness of a damage prevention program of the State authority under subsection (e) if the State authority—

(1) has in effect an annual certification under section 60105 or an agreement under section 60106;

(2)(A) has in effect an effective damage prevention program that meets the requirements of subsection (b); or

(B) demonstrates that it has made substantial progress toward establishing such a program, and that such program will meet the requirements of subsection (b); and

(3) does not provide any exemptions to municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.

(b) **DAMAGE PREVENTION PROGRAM ELEMENTS.**—An effective damage prevention program includes the following elements:

(1) Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.

(2) A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.

(3) A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.

(4) Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one-call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.

(5) A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.

(6) A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.

(7) Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.

(8) A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.

(9) A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

(c) **FACTORS TO CONSIDER.**—**[In making grants]**

(1) *IN GENERAL.*—*In making grants* under this section, the Secretary shall take into consideration the commitment of each State to ensuring the effectiveness of its damage prevention program, including legislative and regulatory actions taken by the State.

(2) *CONSIDERATIONS.*—*In evaluating criteria for determining the effectiveness of the damage prevention program of a State, the Secretary shall consider whether the State has, at a minimum—*

(A) *effective, active, and consistent enforcement of State one-call laws (including consistency in the application of*

enforcement resources, fines, and penalties to all relevant stakeholders, such as operators, locators, and excavators);

(B) data reporting requirements such as those—

(i) to the local one-call center for excavation damage events on pipelines and other underground facilities, that are not privately owned, including (if available at the time of reporting)—

(I) information about the nature of the incident, including the facility damaged and the apparent cause of such damage (with supporting documentation);

(II) the organizations or entities involved;

(III) the impact to public safety, utility operations, and customer service; and

(IV) the impact to the environment; and

(ii) to a nationally focused nonprofit organization specifically established for the purpose of reducing construction-related damages to underground facilities, of damages and near-miss events to underground facilities from excavation damages, including potential contributing factors, facility damaged, type of excavator, work performed, equipment type, and State;

(C) data reporting requirements, to a nonprofit organization specifically established for the purpose of reducing construction-related damage to underground facilities, of damage and near-miss events to underground facilities from excavation damage, including root cause, facility damaged, type of excavator, work performed, equipment type, and State; and

(D) performance measures to determine the effectiveness of excavation damage prevention efforts.

(d) APPLICATION.—If a State authority files an application for a grant under this section not later than September 30 of a calendar year and demonstrates that the Governor (or chief executive) of the State has designated it as the appropriate State authority to receive the grant, the Secretary shall review the State's damage prevention program to determine its effectiveness.

(e) USE OF FUNDS.—A grant under this section to a State authority may only be used to pay the cost of the personnel, equipment, and activities that the State authority reasonably requires for the calendar year covered by the grant to develop or carry out its damage prevention program in accordance with subsection (b).

(f) NONAPPLICABILITY OF LIMITATION.—A grant made under this section is not subject to the section 60107(a) limitation on the maximum percentage of funds to be paid by the Secretary.

(g) LIMITATION ON USE OF FUNDS.—Funds provided to carry out this section may not be used for lobbying or in direct support of litigation.

(h) DAMAGE PREVENTION PROCESS DEFINED.—In this section, the term “damage prevention process” means a process that incorporates the principles described in sections 60114(b), 60114(d), and 60114(e).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section **[\$1,500,000 for each of fiscal years 2021 through 2023]**

\$2,000,000 for each of fiscal years 2024 through 2027. Such funds shall remain available until expended.

§ 60135. Enforcement transparency

(a) IN GENERAL.—Not later than December 31, 2007, the Secretary shall—

(1) provide a monthly updated summary to the public of all **【gas and hazardous liquid pipeline】** *gas, hazardous liquid, and carbon dioxide pipeline* enforcement actions taken by the Secretary or the Pipeline and Hazardous Materials Safety Administration, from the time a notice commencing an enforcement action is issued until the enforcement action is final;

(2) include in each such summary identification of the operator involved in the enforcement activity, the type of alleged violation, the penalty or penalties proposed, any changes in case status since the previous summary, the final assessment amount of each penalty, and the reasons for a reduction in the proposed penalty, if appropriate; and

(3) provide a mechanism by which a pipeline operator named in an enforcement action may make information, explanations, or documents it believes are responsive to the enforcement action available to the public.

(b) ELECTRONIC AVAILABILITY.—Each summary under this section shall be made available to the public by electronic means.

(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.

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§ 60137. Pipeline control room management

(a) IN GENERAL.—Not later than June 1, 2008, the Secretary shall issue regulations requiring each operator of a **【gas or hazardous liquid pipeline】** *gas, hazardous liquid, or carbon dioxide pipeline* to develop, implement, and submit to the Secretary or, in the case of an operator of an intrastate pipeline located within the boundaries of a State that has in effect an annual certification under section 60105, to the head of the appropriate State authority, a human factors management plan designed to reduce risks associated with human factors, including fatigue, in each control center for the pipeline. Each plan must include, among the measures to reduce such risks, a maximum limit on the hours of service established by the operator for individuals employed as controllers in a control center for the pipeline.

(b) REVIEW AND APPROVAL OF THE PLAN.—The Secretary or, in the case of an operator of an intrastate pipeline located within the boundaries of a State that has in effect an annual certification under section 60105, the head of the appropriate State authority, shall review and approve each plan submitted to the Secretary or the head of such authority under subsection (a). The Secretary and the head of such authority may not approve a plan that does not include a maximum limit on the hours of service established by the operator of the pipeline for individuals employed as controllers in a control center for the pipeline.

(c) ENFORCEMENT OF THE PLAN.—If the Secretary or the head of the appropriate State authority determines that an operator's plan submitted to the Secretary or the head of such authority under subsection (a), or implementation of such a plan, does not comply with the regulations issued under this section or is inadequate for the safe operation of a pipeline, the Secretary or the head of such authority may take action consistent with this chapter and enforce the requirements of such regulations.

(d) COMPLIANCE WITH THE PLAN.—Each operator of a [gas or hazardous liquid pipeline] *gas, hazardous liquid, or carbon dioxide pipeline* shall document compliance with the plan submitted by the operator under subsection (a) and the reasons for any deviation from compliance with such plan. The Secretary or the head of the appropriate State authority, as the case may be, shall review the reasonableness of any such deviation in considering whether to take enforcement action or discontinue approval of the operator's plan under subsection (b).

(e) DEVIATION REPORTING REQUIREMENTS.—In issuing regulations under subsection (a), the Secretary shall develop and include in such regulations requirements for an operator of a [gas or hazardous liquid pipeline] *gas, hazardous liquid, or carbon dioxide pipeline* to report deviations from compliance with the plan submitted by the operator under subsection (a).

* * * * *

§ 60139. Maximum allowable operating pressure

(a) VERIFICATION OF RECORDS.—

(1) IN GENERAL.—The Secretary of Transportation shall require each owner or operator of a pipeline facility to conduct, not later than 6 months after the date of enactment of this section, a verification of the records of the owner or operator relating to the interstate and intrastate gas transmission pipelines of the owner or operator in class 3 and class 4 locations and class 1 and class 2 high-consequence areas.

(2) PURPOSE.—The purpose of the verification shall be to ensure that the records accurately reflect the physical and operational characteristics of the pipelines described in paragraph (1) and confirm the established maximum allowable operating pressure of the pipelines.

(3) ELEMENTS.—The verification process under this subsection shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this section, each owner or operator of a pipeline facility shall identify and submit to the Secretary documentation relating to each pipeline segment of the owner or operator described in subsection (a)(1) for which the records of the owner or operator are insufficient to confirm the established maximum allowable operating pressure of the segment.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—If there is an exceedance of the maximum allowable operating pressure with respect to a gas transmission pipeline of an owner or operator of a pipeline facility that exceeds the

build-up allowed for operation of pressure-limiting or control devices, the owner or operator shall report the exceedance to the Secretary and appropriate State authorities on or before the 5th day following the date on which the exceedance occurs.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—In the case of a transmission line of an owner or operator of a pipeline facility identified under subsection (b)(1), the Secretary shall—

(A) *except as provided in subsection (e)*, require the owner or operator to reconfirm a maximum allowable operating pressure as expeditiously as economically feasible; and

(B) determine what actions are appropriate for the pipeline owner or operator to take to maintain safety until a maximum allowable operating pressure is confirmed.

(2) INTERIM ACTIONS.—In determining the actions for an owner or operator of a pipeline facility to take under paragraph (1)(B), the Secretary shall take into account potential consequences to public safety and the environment, potential impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in high-consequence areas and operating at a pressure greater than 30 percent of specified minimum yield strength.

(2) CONSIDERATIONS.—In developing the regulations, the Secretary shall consider safety testing methodologies, including, at a minimum—

(A) pressure testing; and

(B) other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness.

(3) COMPLETION OF TESTING.—The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account potential consequences to public safety and the environment and that minimize costs and service disruptions.

(e) TESTING RECORDS WORKING GROUP.—

(1) PREVIOUSLY TESTED TRANSMISSION LINES.—*Until the completion of the report of the Working Group required under paragraph (2) and the rulemaking proceeding required under paragraph (3), the Secretary shall not require an owner or operator of a pipeline facility to reconfirm the maximum allowable operating pressure of a natural gas transmission pipeline pursuant to section 192.624 of title 49, Code of Federal Regulations, if the owner or operator confirms the material strength of the pipeline through prior testing conducted to a sufficient minimum pressure in accordance with prevailing safety standards and practices, including any applicable class location factors, and documented in contemporaneous records.*

(2) *WORKING GROUP REPORT.*—

(A) *IN GENERAL.*—No later than 30 days after the date of enactment of the PIPES Act of 2023, the Secretary of Transportation shall create a fairly balanced working group (hereinafter referred to as the “Working Group”) to produce a report containing recommendations on the minimum pressure and contemporaneous records that are sufficient to confirm the material strength of a pipeline through prior testing.

(B) *COMPOSITION OF WORKING GROUP.*—The Working Group—

(i) shall be comprised of the Administrator of the Pipeline and Hazardous Materials Safety Administration, State pipeline regulators, the public, and industry stakeholders active in the operation of natural gas pipelines; and

(ii) may include members of the Technical Pipeline Safety Standards Committee or be conducted in a manner that otherwise ensures input from the public, as determined appropriate by the Secretary.

(C) *CONSIDERATION.*—In preparing the report required under paragraph (1), the Working Group—

(i) shall consider historical practices and all available research conducted regarding minimum pressure and contemporaneous records on transmission pipelines; and

(ii) may consider the need for any additional research or analyses needed to demonstrate the adequacy of any strength testing performed.

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

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

(3) *RULEMAKING.*—Not later than 180 days after receiving the report described in paragraph (2), the Secretary shall initiate a rulemaking proceeding under section 60102 to revise, or make a technical correction to, the maximum allowable operating pressure reconfirmation regulations issued pursuant to this section in effect as of the date of enactment of the PIPES Act of 2023.

[(e)] (f) *HIGH-CONSEQUENCE AREA DEFINED.*—In this section, the term “high-consequence area” means an area described in section 60109(a).

* * * * *

§ 60142. Pipeline safety enhancement programs

(a) *IN GENERAL.*—The Secretary may establish and carry out limited safety-enhancing testing programs to evaluate innovative technologies and operational practices testing the safe operation of—

(1) a natural gas pipeline facility; [or]

(2) a carbon dioxide pipeline facility; or

[(2)] (3) a hazardous liquid pipeline facility.

(b) LIMITATIONS.—

(1) IN GENERAL.—Testing programs established under subsection (a) may not exceed—

(A) 5 percent of the total miles of hazardous liquid pipelines in the United States that are regulated by—

(i) the Pipeline and Hazardous Materials Safety Administration; or

(ii) a State authority under section 60105 or 60106; and

(B) 5 percent of the total miles of natural gas pipelines in the United States that are regulated by—

(i) the Pipeline and Hazardous Materials Safety Administration; or

(ii) a State authority under section 60105 or 60106.

(2) OPERATOR MILEAGE LIMITATION.—The Secretary shall limit the miles of pipelines that each operator can test under each program established under subsection (a) to the lesser of—

(A) 38 percent of the total miles of pipelines in the system of the operator that are regulated by—

(i) the Pipeline and Hazardous Materials Safety Administration; or

(ii) a State authority under section 60105 or 60106; or

(B) 1,000 miles.

(3) PROHIBITED AREAS.—Any program established under subsection (a) shall not be located in—

(A) a high population area (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation));

(B) a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations (or a successor regulation)); or

(C) an unusually sensitive area (as described under subsection (a)(1)(B)(ii) of section 60109 in accordance with subsection (b) of that section).

(4) HIGH CONSEQUENCE AREAS FOR HAZARDOUS LIQUID PIPELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report examining the benefits and costs of prohibiting the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)).

(B) CONTENTS OF REPORT.—The report described in subparagraph (A) shall examine—

(i) the safety benefits of allowing the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)); and

(ii) whether additional testing conditions are required to protect those areas while conducting a testing program established under subsection (a) in those areas.

(c) DURATION.—

(1) IN GENERAL.—The term of a testing program established under subsection (a) shall be not more than a period of 3 years beginning on the date of approval of the program.

(2) REQUIREMENT.—The Secretary shall not establish any additional safety-enhancing testing programs under subsection (a) after the date that is 3 years after the date of enactment of this section.

(d) SAFETY STANDARDS.—

(1) IN GENERAL.—The Secretary shall require, as a condition of approval of a testing program under subsection (a), that the safety measures in the testing program are designed to achieve a level of safety that is greater than the level of safety required by this chapter.

(2) DETERMINATION.—

(A) IN GENERAL.—The Secretary may issue an order under subparagraph (A) of section 60118(c)(1) to accomplish the purpose of a testing program for a term not to exceed the time period described in subsection (c) if the condition described in paragraph (1) is met, as determined by the Secretary.

(B) LIMITATION.—An order under subparagraph (A) shall pertain only to those regulations that would otherwise prevent the use of the safety technology to be tested under the testing program.

(3) INCREASED SAFETY CAPABILITIES.—For purposes of paragraph (1), improvement in the reliability, accuracy, durability, or certainty of pipeline safety technologies, techniques, or methods shall constitute an appropriate means of meeting the safety measure requirement described in that paragraph.

(e) CONSIDERATIONS.—In establishing a testing program under subsection (a), the Secretary shall consider—

(1) the accident and incident record of the owners or operators participating in the program;

(2)(A) whether the owners or operators participating in the program have a safety management system in place; and

(B) how the application of that system proposes to eliminate or mitigate potential safety and environmental risks throughout the duration of the program; and

(3) whether the proposed safety technology has been tested through a research and development program carried out by—

(A) the Secretary;

(B) collaborative research development organizations; or

(C) other institutions.

(f) DATA AND FINDINGS.—

(1) IN GENERAL.—As a participant in a testing program established under subsection (a), an owner or operator shall submit to the Secretary detailed findings and a summary of data collected as a result of participation in the testing program.

(2) PUBLIC REPORT.—The Secretary shall make publicly available on the website of the Department of Transportation an annual report for any ongoing testing program established under subsection (a) summarizing the progress of the program.

(g) **AUTHORITY TO REVOKE PARTICIPATION.**—The Secretary shall immediately revoke participation in a testing program under subsection (a) if—

(1)(A) the participant has an accident or incident involving death or personal injury necessitating in-patient hospitalization; and

(B) the testing program is determined to be the cause of, or a contributing factor to, that accident or incident;

(2) the participant fails to comply with the terms and conditions of the testing program; or

(3) in the determination of the Secretary, continued participation in the testing program by the participant would be unsafe or would not be consistent with the goals and objectives of this chapter.

(h) **AUTHORITY TO TERMINATE PROGRAM.**—The Secretary shall immediately terminate a testing program under subsection (a) if continuation of the testing program would not be consistent with the goals and objectives of this chapter.

(i) **STATE RIGHTS.**—

(1) **EXEMPTION.**—Except as provided in paragraph (2), if a State submits to the Secretary notice that the State requests an exemption from any testing program considered for establishment under this section, the State shall be exempt.

(2) **LIMITATIONS.**—

(A) **IN GENERAL.**—The Secretary shall not grant a requested exemption under paragraph (1) after a testing program is established.

(B) **LATE NOTICE.**—The Secretary shall not grant a requested exemption under paragraph (1) if the notice submitted under that paragraph is submitted to the Secretary more than 30 days after the date on which the Secretary issues an order providing an effective date for the testing program in accordance with subsection (j).

(3) **EFFECT.**—If a State has not submitted a notice requesting an exemption under paragraph (1), the State shall not enforce any law (including regulations) that is inconsistent with a testing program in effect in the State under this section.

(j) **PROGRAM REVIEW PROCESS AND PUBLIC NOTICE.**—

(1) **IN GENERAL.**—The Secretary shall publish in the Federal Register and send directly to each relevant State and each appropriate State authority with a certification in effect under section 60105 a notice of each proposed testing program under subsection (a), including the order to be considered, and provide an opportunity for public comment for not less than 90 days.

(2) **RESPONSE FROM SECRETARY.**—Not later than the date on which the Secretary issues an order providing an effective date of a testing program noticed under paragraph (1), the Secretary shall—

(A) publish the order in the Federal Register; and

(B) respond to each comment submitted under paragraph (1).

(k) **REPORT TO CONGRESS.**—At the conclusion of each testing program, the Secretary shall make publicly available on the website of the Department of Transportation a report containing—

(1) the findings and conclusions of the Secretary with respect to the testing program; and

(2) any recommendations of the Secretary with respect to the testing program, including any recommendations for amendments to laws (including regulations) and the establishment of standards, that—

(A) would enhance the safe operation of **[interstate gas or hazardous liquid pipeline facilities]** *interstate gas pipeline facilities, interstate hazardous liquid pipeline facilities, or interstate carbon dioxide pipeline facilities*; and

(B) are technically, operationally, and economically feasible.

(l) STANDARDS.—If a report under subsection (k) indicates that it is practicable to establish technically, operationally, and economically feasible standards for the use of a safety-enhancing technology and any corresponding operational practices tested by the testing program described in the report, the Secretary, as soon as practicable after submission of the report, may promulgate regulations consistent with chapter 5 of title 5 (commonly known as the “Administrative Procedure Act”) that—

(1) allow operators of **[interstate gas or hazardous liquid pipeline facilities]** *interstate gas pipeline facilities, interstate hazardous liquid pipeline facilities, or interstate carbon dioxide pipeline facilities* to use the relevant technology or practice to the extent practicable; and

(2) establish technically, operationally, and economically feasible standards for the capability and deployment of the technology or practice.

§ 60143. Idled pipelines

(a) DEFINITION OF IDLED.—In this section, the term “idled”, with respect to a pipeline, means that the pipeline—

(1)(A) has ceased normal operations; and

(B) will not resume service for a period of not less than 180 days;

(2) has been isolated from all sources of hazardous liquid, *carbon dioxide*, natural gas, or other gas; and

(3)(A) has been purged of combustibles and hazardous materials and maintains a blanket of inert, nonflammable gas at low pressure; or

(B) has not been purged as described in subparagraph (A), but the volume of gas is so small that there is no potential hazard, as determined by the Secretary pursuant to a rule.

(b) RULEMAKING.—

[(1) IN GENERAL.—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Secretary shall promulgate regulations prescribing the applicability of the pipeline safety requirements to idled natural or other gas transmission and hazardous liquid pipelines.]

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the PIPES Act of 2023, the Secretary shall issue a notice of proposed rulemaking prescribing the applicability of the pipeline safety requirements to idled natural gas or other gas transmission and hazardous liquid pipelines.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The applicability of the regulations under paragraph (1) shall be based on the risk that idled natural or other [gas transmission and hazardous liquid pipelines] *gas transmission, hazardous liquid, and carbon dioxide pipelines* pose to the public, property, and the environment, and shall include requirements to resume operation.

(B) INSPECTION.—The Secretary or an appropriate State agency shall inspect each idled pipeline and verify that the pipeline has been purged of combustibles and hazardous materials, if required under subsection (a).

(C) REQUIREMENTS FOR REINSPECTION.—The Secretary shall determine the requirements for periodic reinspection of idled natural or other [gas transmission and hazardous liquid pipelines] *gas transmission, hazardous liquid, and carbon dioxide pipelines*.

(D) RESUMPTION OF OPERATIONS.—As a condition to allowing an idled pipeline to resume operations, the Secretary shall require that, prior to resuming operations, the pipeline shall be—

(i) inspected with—

(I) hydrostatic pressure testing;

(II) an internal inspection device; or

(III) if the use of hydrostatic pressure testing or an internal inspection device is not technologically feasible, another comparable technology or practice; and

(ii) in compliance with regulations promulgated under this chapter, including any regulations that became effective while the pipeline was idled.

(E) CONSIDERATION.—*In promulgating regulations under this section, the Secretary shall consider the adoption of industry consensus standards.*

§ 60144. Voluntary information-sharing system

(a) ESTABLISHMENT.—

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

(2) PURPOSE.—*The purpose of the VIS is to establish a comprehensive, systematic, and integrated structure to gather, evaluate, and quantify critical pipeline safety data and information and to share recommended remediation measures and lessons learned across the pipeline industry in an effort to improve pipeline safety, including damage prevention efforts, while protecting participant confidentiality.*

(3) IMPLEMENTATION AND MANAGEMENT.—*In establishing the VIS under this section, the Secretary shall implement and manage such VIS based on the Pipeline Safety Voluntary Information-Sharing System Recommendation Report prepared pursu-*

ant to section 10 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (49 U.S.C. 60108 note).

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

(b) *GOVERNANCE.*—

(1) *IN GENERAL.*—A Governing Board, a Program Manager, a Third-Party Information Manager, and Issue Analysis Teams shall govern the VIS.

(2) *GOVERNING BOARD.*—

(A) *IN GENERAL.*—Not later than 180 days after the date of enactment of this section, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall appoint a Governing Board after consulting with public and private pipeline safety stakeholders.

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

(i) At least 3 individuals shall be selected from departments, agencies, instrumentalities of the Federal Government, Territories, State governments, or local governments, 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, 2, and 3 years shall be established to allow the terms of 3 members to expire thereafter each year.

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

(D) *CO-CHAIRS.*—

(i) *IN GENERAL.*—The Governing Board shall be cochaired by—

(I) the Administrator;

(II) a representative of the stakeholder group described in subparagraph (B)(ii), who shall be appointed with advice and consent of the Governing Board; and

(III) a representative of the stakeholder group described in subparagraph (B)(iii), who shall be appointed with advice and consent of the Governing Board.

(ii) *RESPONSIBILITIES.*—The co-chairs of the Governing Board shall be jointly responsible for organizing and conducting meetings of the Governing Board.

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

(i) govern and provide strategic oversight to the VIS;

(ii) develop governance documents, including a Governing Board charter that is made available to the public, and that describes the scope of the authority and objectives of the Board;

(iii) select a Third-Party Data Manager described in paragraph (4) with expertise in data protection, aggregation, and analytics and geographic information systems;

(iv) approve the criteria and procedures governing how the Third-Party Data Manager described in paragraph (4) will receive and accept pipeline safety data and information and who will have the authority to view VIS data;

(v) establish and appoint members to Issue Analysis Teams described in paragraph (5) that consist of technical and subject matter experts;

(vi) collaborate with Issue Analysis Teams described in paragraph (5) to identify the issues and topics to be analyzed;

(vii) collaborate with Issue Analysis Teams described in paragraph (5) to specify the type of de-identified pipeline safety data and information that Issue Analysis Teams need in order to analyze the issues identified under clause (vi) and topics;

(viii) determine the information to be disseminated;

(ix) determine the reports to be disseminated;

(x) at least once per year, issue a report to the public on VIS processes, membership of the Governing Board, issues or topics being investigated and analyzed, pipeline safety data and information that the VIS has requested for submission to the VIS, and safety trends identified; and

(xi) perform other functions as the Governing Board decides are necessary or appropriate consistent with the purpose of the VIS.

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

(4) *THIRD-PARTY DATA MANAGER.*—

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

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

(i) accept pipeline safety data and information submitted to the VIS that meets the criteria and procedures established by the Governing Board under paragraph (2)(E)(iv);

(ii) de-identify, securely store, and manage pipeline safety data and information that is accepted by the VIS;

(iii) collaborate with Issue Analysis Teams described in paragraph (5) to aggregate and analyze de-identified pipeline safety data and information that is accepted by the VIS;

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

(v) make recommendations regarding the management of pipeline safety data and information, as appropriate.

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

(A) work with the Third-Party Data Manager described in paragraph (4) to aggregate and analyze de-identified pipeline safety data and information accepted by the VIS;

(B) collaborate with the Governing Board to identify issues and topics for analysis and submit internal reports and recommendations to the Governing Board; and

(C) prepare reports as requested by the Governing Board regarding issues and topics identified for additional research by the Governing Board.

(6) *PARTICIPATION.*—

(A) *IN GENERAL.*—The submission of pipeline safety data and information to the VIS by any person shall be voluntary, with no person compelled to participate in or submit data or information for inclusion in the VIS.

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

(C) *SHARING OF INFORMATION.*—The Governing Board shall encourage the voluntary sharing of pipeline safety data and information among operators of gas, carbon dioxide, and hazardous liquid gathering, transmission, and distribution pipelines and facilities, employees, labor unions, contractors, in-line inspection service providers, non-destructive evaluation experts, the Pipeline and Hazardous Materials Safety Administration, representatives of State pipeline safety agencies, local and Tribal governments, pipeline safety advocacy groups, manufacturers, research and academic institutions, and other pipeline stakeholders.

(c) *INFORMATION SHARING.*—

(1) *INCLUSIONS.*—Pipeline safety data and information accepted by the VIS may include—

- (A) *pipeline integrity risk analysis information;*
 - (B) *lessons learned from accidents and near misses;*
 - (C) *process improvements;*
 - (D) *technology deployment practices;*
 - (E) *information obtained through VIS pipeline safety surveys of pipeline operator employees, as long as such surveys are voluntarily agreed to by the pipeline operator; and*
 - (F) *pipeline safety data and information which may lead to the identification of pipeline safety risks.*
- (d) **CONFIDENTIALITY.**—
- (1) **IN GENERAL.**—
- (A) **CONFIDENTIALITY.**—*To facilitate the sharing of otherwise non-public pipeline safety data and information (hereinafter known as “non-public information”) in the VIS, non-public information accepted by the VIS and which may be analyzed, stored, or managed by the VIS shall be kept confidential by the VIS.*
- (B) **RULE OF CONSTRUCTION.**—*Subparagraph (A) shall not be construed to apply to public information that may be submitted to the VIS or to non-public information that is required to be submitted to any Federal, State, local, or Tribal agency under any other provision of law.*
- (2) **DISCLOSURE OF DE-IDENTIFIED, NON-PUBLIC INFORMATION.**—
- (A) **IN GENERAL.**—*Notwithstanding subsections (e) and (f), the Governing Board may approve the disclosure of de-identified, non-public information by the VIS or by the Administrator of the Pipeline and Hazardous Materials Safety Administration based on analysis of the de-identified information and any safety findings or recommendations that the Governing Board in the sole discretion of the Board determines to publish or authorizes the Administrator to publish to improve pipeline safety.*
- (B) **PUBLIC REPORTS.**—*In issuing public reports under subsection (b)(2)(E)(x), the Governing Board shall approve the disclosure of de-identified, non-public information by the VIS that the Governing Board determines is necessary to adequately describe and illustrate the issues and topics being investigated and analyzed by the VIS.*
- (3) **LIMITATION.**—*Except as provided in paragraph (2), no person, including any VIS Governing Board member, the Program Manager, the Third-Party Data Manager described in subsection (b)(4), an Issue Analysis Team member described in subsection (b)(5), or any Federal, State, local, or Tribal agency, having or obtaining access to non-public information by virtue of the acceptance of such information to the VIS, shall release or communicate VIS held non-public information, in either an identified or de-identified form, to any person that does not have the authority to view VIS data.*
- (e) **APPLICABILITY OF FOIA.**—*Any non-public information that is accepted by the VIS and which may be analyzed, stored, or managed by the VIS and subsequently obtained by the Secretary or the Administrator by virtue of the acceptance of such information to the VIS shall be exempt from the requirements of section 552 of title 5*

and specifically exempt from release under subsection (b)(3) of such section.

(f) *EXCLUSIONS.*—

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

(A) for use as evidence for any purpose in any Federal, State, local, Tribal, or private litigation, including any action or proceeding; or

(B) to initiate any enforcement action or civil litigation against a pipeline operator or employees or contractors of such operator relating to a probable violation under this chapter (including any regulation promulgated or order issued under this chapter).

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

(3) *LIMITATIONS ON EXCLUSIONS.*—The exclusions described in paragraphs (1) and (2) shall not apply to non-public information accepted by the VIS that is—

(A) evidence of a criminal violation;

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

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

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

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

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

(h) *NO EFFECT ON DISCOVERY.*—

(1) *RULE OF CONSTRUCTION.*—Nothing in this section or any rule, regulation, or amendment issued pursuant to this section shall be construed to create a defense to a discovery request or otherwise limit or affect the discovery of pipeline safety data and information arising from a cause of action authorized under any Federal, State, or local law.

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

(i) *EXPENSES.*—

(1) *IN GENERAL.*—Members of the VIS Governing Board and Issue Analysis Teams may be paid expenses under section 5703 of title 5.

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

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

(j) *REPORT ON VIS.*—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available, a report that includes—

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

(2) an estimate of the annual cost to maintain the VIS program, including an assessment and projection of costs associated with the Third-Party Data Manager, data sourcing and storage, data governance, data architecture, data consumption, and the VIS operations and administration by the Pipeline and Hazardous Materials Safety Administration;

(3) the methodology for determining the estimate under paragraph (2);

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

(5) the number of Pipeline and Hazardous Materials Safety Administration positions needed to maintain the VIS program;

(6) the projected timeline for the implementation of the VIS program to meet the purposes under subsection (a)(2); and

(7) recommendations to ensure sufficient funding for the ongoing activities of the VIS program, including a reasonable fee assessed on authorized participants in the VIS program.

(k) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated for the establishment of a voluntary information-sharing program under this section—

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

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

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

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

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CHAPTER 603—USER FEES

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§ 60301. User fees

(a) *SCHEDULE OF FEES.*—The Secretary of Transportation shall prescribe a schedule of fees for all [natural gas and hazardous liquids] *natural gas, hazardous liquids, and carbon dioxide* transported by pipelines subject to chapter 601 of this title. The fees shall be based on usage (in reasonable relationship to volume-miles, miles, revenues, or a combination of volume-miles, miles, and revenues) of the pipelines. The Secretary shall consider the allocation of resources of the Department of Transportation when establishing the schedule.

(b) IMPOSITION AND TIME OF COLLECTION.—A fee shall be imposed on each person operating a gas pipeline transmission facility, a liquefied natural ~~gas pipeline facility, or a hazardous liquid pipeline facility~~ *gas pipeline facility, a hazardous liquid pipeline facility, or a carbon dioxide pipeline facility* to which chapter 601 of this title applies. The fee shall be collected before the end of the fiscal year to which it applies.

(c) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(d) USE OF FEES.—A fee collected under this section—

(1)(A) related to a gas pipeline facility may be used only for an activity related to gas under chapter 601 of this title; ~~and~~

(B) related to a hazardous liquid pipeline facility may be used only for an activity related to hazardous liquid under chapter 601 of this title; and

(C) related to a carbon dioxide pipeline facility may be used only for an activity related to carbon dioxide under chapter 601 of this title; and

(2) may be used only to the extent provided in advance in an appropriation law.

(e) LIMITATIONS.—Fees prescribed under subsection (a) of this section shall be sufficient to pay for the costs of activities described in subsection (d) of this section. However, the total amount collected for a fiscal year may not be more than 105 percent of the total amount of the appropriations made for the fiscal year for activities to be financed by the fees.

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PIPES ACT OF 2016

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SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) of title 49, United States Code is amended—

(1) in paragraph (1) by striking “there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, \$90,679,000, of which \$4,746,000 is for carrying out such section 12 and \$36,194,000 is for making grants.” and inserting the following: “there is authorized to be appropriated to the Department of Transportation from fees collected under section 60301—

“(A) \$124,500,000 for fiscal year 2016, of which \$9,000,000 shall be expended for carrying out such section 12 and \$39,385,000 shall be expended for making grants;

“(B) \$128,000,000 for fiscal year 2017 of which \$9,000,000 shall be expended for carrying out such section 12 and \$41,885,000 shall be expended for making grants;

“(C) \$131,000,000 for fiscal year 2018, of which \$9,000,000 shall be expended for carrying out such section

12 and \$44,885,000 shall be expended for making grants;
and

“(D) \$134,000,000 for fiscal year 2019, of which \$9,000,000 shall be expended for carrying out such section 12 and \$47,885,000 shall be expended for making grants.”;

(2) in paragraph (2) by striking “there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), \$18,573,000, of which \$2,174,000 is for carrying out such section 12 and \$4,558,000 is for making grants.” and inserting the following: “there is authorized to be appropriated from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355)—

“(A) \$22,123,000 for fiscal year 2016, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants;

“(B) \$22,123,000 for fiscal year 2017, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants;

“(C) \$23,000,000 for fiscal year 2018, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants;
and

“(D) \$23,000,000 for fiscal year 2019, of which \$3,000,000 shall be expended for carrying out such section 12 and \$8,067,000 shall be expended for making grants.”;
and

(3) by adding at the end the following:

“(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—To carry out section 60141, there is authorized to be appropriated to the Department of Transportation from fees collected under section 60302 \$8,000,000 for each of fiscal years 2017 through 2019.”.

(b) OPERATIONAL EXPENSES.—There are authorized to be appropriated to the Secretary of Transportation for the necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration the following amounts:

【(1) \$25,000,000 for fiscal year 2021.

【(2) \$26,000,000 for fiscal year 2022.

【(3) \$27,000,000 for fiscal year 2023.】

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

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

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

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

(c) ONE-CALL NOTIFICATION PROGRAMS.—

(1) IN GENERAL.—Section 6107 of title 49, United States Code, is amended to read as follows:

* * * * *

(2) CLERICAL AMENDMENT.—The analysis for chapter 61 of title 49, United States Code, is amended by striking the item relating to section 6107 and inserting the following:

“6107. Funding.”.

(d) PIPELINE SAFETY INFORMATION GRANTS TO COMMUNITIES.—The first sentence of section 60130(c) of title 49, United States Code, is amended to read as follows: “Of the amounts made available under section 2(b) of the PIPES Act of 2016, the Secretary shall expend \$1,500,000 for each of fiscal years 2016 through 2019 to carry out this section.”.

(e) PIPELINE INTEGRITY PROGRAM.—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

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PIPELINE SAFETY IMPROVEMENT ACT OF 2002

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SEC. 12. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The heads of the participating agencies shall carry out a program of research, development, demonstration, and standardization to ensure the integrity of pipeline facilities.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the heads of the participating agencies shall enter into a memorandum of understanding detailing their respective responsibilities in the program authorized by subsection (a).

(2) AREAS OF EXPERTISE.—Under the memorandum of understanding, each of the participating agencies shall have the primary responsibility for ensuring that the elements of the program within its expertise are implemented in accordance with this section. The Department of Transportation’s responsibilities shall reflect its lead role in pipeline safety and expertise in pipeline inspection, integrity management, and damage prevention. The Department of Energy’s responsibilities shall reflect its expertise in system reliability, low-volume gas leak detection, and surveillance technologies. The National Institute of Standards and Technology’s responsibilities shall reflect its expertise in materials research and assisting in the development of consensus technical standards, as that term is used in section 12(d)(4) of Public Law 104–13 (15 U.S.C. 272 note).

(c) PROGRAM ELEMENTS.—The program authorized by subsection (a) shall include research, development, demonstration, and standardization activities related to—

(1) materials inspection;

(2) stress and fracture analysis, detection of cracks, abrasion, and other abnormalities inside pipelines that lead to pipeline failure, and development of new equipment or technologies that are inserted into pipelines to detect anomalies;

- (3) internal inspection and leak detection technologies, including detection of leaks at very low volumes;
- (4) methods of analyzing content of pipeline throughput;
- (5) pipeline security, including improving the real-time surveillance of pipeline rights-of-way, developing tools for evaluating and enhancing pipeline security and infrastructure, reducing natural, technological, and terrorist threats, and protecting first response units and persons near an incident;
- (6) risk assessment methodology, including vulnerability assessment and reduction of third-party damage;
- (7) communication, control, and information systems surety;
- (8) fire safety of pipelines;
- (9) improved excavation, construction, and repair technologies;
- (10) corrosion detection and improving methods, best practices, and technologies for identifying, detecting, preventing, and managing internal and external corrosion and other safety risks; and
- (11) other appropriate elements.

The results of activities carried out under paragraph (10) shall be used by the participating agencies to support development and improvement of national consensus standards.

(d) PROGRAM PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Director of the National Institute of Standards and Technology, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. Such program plan shall be submitted to the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee for review, and the report to Congress shall include the comments of the committees. The 5-year program plan shall be based on the memorandum of understanding under subsection (b) and take into account related activities of other Federal agencies.

(2) CONSULTATION.—In preparing the program plan and selecting and prioritizing appropriate project proposals, the Secretary of Transportation shall consult with or seek the advice of appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries, utilities, manufacturers, institutions of higher learning, Federal agencies, pipeline research institutions, national laboratories, State pipeline safety officials, labor organizations, environmental organizations, pipeline safety advocates, and professional and technical societies.

(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation, in coordination with the Director of the National Institute of Standards and Technology, as appropriate, shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of

implementation of the program every 2 years. The biennial report shall include a summary of updated research needs and priorities identified through the consultation requirements of paragraph (2).

(B) CONSULTATION.—The Secretary shall comply with the consultation requirements of paragraph (2) when preparing the program plan and in the selection and prioritization of research and development projects.

(C) FUNDING FROM NON-FEDERAL SOURCES.—The Secretary shall ensure that—

(i) at least 30 percent of the costs of technology research and development activities may be carried out using non-Federal sources;

(ii) at least 20 percent of the costs of basic research and development with universities may be carried out using non-Federal sources; and

(iii) up to 100 percent of the costs of research and development for purely governmental purposes may be carried out using Federal funds.

(e) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the heads of the participating agencies shall transmit jointly to Congress a report on the status and results to date of the implementation of the program plan prepared under subsection (d).

(f) PIPELINE INTEGRITY PROGRAM.—Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), **[\$3,000,000]** *\$2,000,000* shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention, and mitigation of oil spills for each of the fiscal years **[2021 through 2023]** *2024 through 2027*.

(g) PARTICIPATING AGENCIES DEFINED.—In this section, the term “participating agencies” means the Department of Transportation, the Department of Energy, and the National Institute of Standards and Technology.

(h) INDEPENDENT EXPERTS.—Not later than 180 days after the date of enactment of the PIPES Act of 2016, the Secretary shall—

(1) implement processes and procedures to ensure that activities listed under subsection (c), to the greatest extent practicable, produce results that are peer-reviewed by independent experts and not by persons or entities that have a financial interest in the pipeline, petroleum, or natural gas industries, or that would be directly impacted by the results of the projects; and

(2) submit to the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the processes and procedures implemented under paragraph (1).

(i) CONFLICT OF INTEREST.—The Secretary shall take all practical steps to ensure that each recipient of an agreement under this section discloses in writing to the Secretary any conflict of interest on a research and development project carried out under this section, and includes any such disclosure as part of the final deliverable

pursuant to such agreement. The Secretary may not make an award under this section directly to a pipeline owner or operator that is regulated by the Pipeline and Hazardous Materials Safety Administration or a State-certified regulatory authority if there is a conflict of interest relating to such owner or operator.

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PIPES ACT OF 2020

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DIVISION R—PROTECTING OUR INFRA- STRUCTURE OF PIPELINES AND EN- HANCING SAFETY ACT OF 2020

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TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

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SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.

(a) INSPECTOR TRAINING.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) review the inspector training programs provided at the Inspector Training and Qualifications Division of the Administration in Oklahoma City, Oklahoma; and

(2) determine whether any of the programs referred to in paragraph (1), or any portions of the programs, could be provided online through teletraining or another type of distance learning.

(b) STAFFING.—

(1) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees (as compared to the number of positions on the date of enactment of this Act) by 8 full-time employees with subject matter expertise in pipeline safety, pipeline facilities, and pipeline systems to finalize outstanding rulemakings and fulfill congressional mandates.

(2) PIPELINE INSPECTION AND ENFORCEMENT PERSONNEL.—The Secretary shall ensure that the number of full-time positions for pipeline inspection and enforcement personnel in the Office of Pipeline Safety of the Administration does not fall below the following:

- (A) 224 for fiscal year 2021.
- (B) 235 for fiscal year 2022.
- (C) 247 for fiscal year 2023.

(c) RECRUITMENT AND RETENTION INCENTIVES.—

(1) IN GENERAL.—The Secretary shall use incentives, as necessary, to recruit and retain a qualified workforce, including inspection and enforcement personnel and attorneys and sub-

ject matter experts at the Office of Pipeline Safety of the Administration, including—

(A) special pay rates permitted under section 5305 of title 5, United States Code;

(B) repayment of student loans permitted under section 5379 of that title;

(C) tuition assistance permitted under chapter 41 of that title;

(D) recruitment incentives permitted under section 5753 of that title; and

(E) retention incentives permitted under section 5754 of that title.

(2) CONTINUED SERVICE AGREEMENT.—The Secretary shall ensure that the incentives described in paragraph (1) are accompanied by a continued service agreement.

[(3) APPROVAL.—The Secretary shall request, as necessary, the approval of the Office of Personnel Management to use the incentives described in paragraph (1).]

(3) *EFFECT ON EXISTING REGULATION.*—*In implementing the incentives described in paragraph (1), the Secretary, in consultation with the Administrator of the Pipeline and Hazardous Materials Safety Administration, may waive existing regulations.*

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