

118TH CONGRESS
2D SESSION

H. R. 7655

To amend title 49, United States Code, to improve the safety of pipeline transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2024

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

A BILL

To amend title 49, United States Code, to improve the safety of pipeline transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pipeline Safety, Modernization, and Expansion Act of
6 2024”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

- Sec. 3. Minimum safety standards.
- Sec. 4. Regulation of carbon dioxide pipeline facilities.
- Sec. 5. Purpose and general authority.
- Sec. 6. Eliminating hazardous natural gas leaks.
- Sec. 7. Technical safety standards committees.
- Sec. 8. Opportunity for formal hearing.
- Sec. 9. Special permit program.
- Sec. 10. Strengthening penalties for pipeline safety violations.
- Sec. 11. Authorization levels.
- Sec. 12. Maximum allowable operating pressure.
- Sec. 13. Pipeline safety enhancement programs.
- Sec. 14. Pipeline safety voluntary information-sharing system.
- Sec. 15. Excavation damage prevention.
- Sec. 16. Protecting fuel choice for consumers.
- Sec. 17. Modernizing and expanding pipelines.
- Sec. 18. Regulatory updates.
- Sec. 19. Class location changes.
- Sec. 20. Inspection of in-service breakout tanks.
- Sec. 21. Liquefied natural gas regulatory coordination.
- Sec. 22. Hydrogen study.

1 **SEC. 2. DEFINITIONS.**

2 Section 60101(a)(21)(B) of title 49, United States
3 Code, is amended to read as follows:

4 “(B) does not include—

5 “(i) gathering gas (except through
6 regulated gathering lines) in a rural area
7 outside a populated area designated by the
8 Secretary as a nonrural area; or

9 “(ii) moving gas through a piping sys-
10 tem for a purpose that directly supports
11 the operations of an onshore production,
12 refining, or manufacturing facility, includ-
13 ing for use as fuel or feedstock, if the pip-
14 ing system is—

1 “(I) an in-plant piping system
2 that is located entirely within the
3 boundary of the facility; or

4 “(II) a transfer piping system
5 that extends less than one mile in
6 length outside the boundaries of the
7 facility;”.

8 **SEC. 3. MINIMUM SAFETY STANDARDS.**

9 Section 60102(b) of title 49, United States Code, is
10 amended—

11 (1) in paragraph (2)—

12 (A) in subparagraph (D), by striking “ben-
13 efits” and inserting “safety and economic bene-
14 fits within the United States”; and

15 (B) in subparagraph (E), by inserting
16 “within the United States” after “costs”;

17 (2) in paragraph (3)(B), by striking “benefits”
18 and inserting “safety and economic benefits within
19 the United States”; and

20 (3) in paragraph (5)—

21 (A) by inserting “explicitly” before “re-
22 quired”;

23 (B) by inserting “, economic,” after “safe-
24 ty”; and

1 (C) by inserting “within the United
2 States” after “environmental benefits”.

3 **SEC. 4. REGULATION OF CARBON DIOXIDE PIPELINE FA-**
4 **CILITIES.**

5 (a) FACILITY OPERATION INFORMATION STAND-
6 ARDS.—Section 60102(d)(5) of title 49, United States
7 Code is amended—

8 (1) in subparagraph (B), by striking “; and”;
9 and

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

11 “(D) for pipelines transporting carbon di-
12 oxide, actions and procedures for leak detection
13 and for coordination, communications, and
14 alerts specific to responding to and containing
15 a release from such a pipeline; and”.

16 (b) CARBON DIOXIDE REGULATION.—

17 (1) RULEMAKINGS REQUIRED.—

18 (A) TRANSPORTATION IN LIQUID STATE.—

19 Not later than one year after the date of enact-
20 ment of this Act, the Secretary of Transpor-
21 tation shall issue a final rule to carry out sec-
22 tion 60102(i)(1) of title 49, United States
23 Code; and

24 (B) TRANSPORTATION IN GASEOUS
25 STATE.—Not later than one year after the date

1 of enactment of this Act, the Secretary of
2 Transportation shall issue a final rule to carry
3 out section 60102(i)(2) of title 49, United
4 States Code.

5 (2) TRANSPORTATION IN GASEOUS STATE.—
6 Section 60102(i)(2)(B) of title 49, United States
7 Code, is amended by striking “consider whether ap-
8 plying the minimum safety standards in part 195 of
9 title 49, Code of Federal Regulations, as in effect on
10 the date of enactment of this paragraph, for the
11 transportation of carbon dioxide in a liquid state to
12 the transportation of carbon dioxide in a gaseous
13 state would ensure safety” and inserting “apply the
14 minimum safety standards in part 195 of title 49,
15 Code of Federal Regulations, as appropriate”.

16 (3) CONSIDERATIONS; DISPERSION MOD-
17 ELING.—Section 60102(i) of title 49, United States
18 Code, is amended by adding at the end the fol-
19 lowing:

20 “(4) CONSIDERATIONS.—In prescribing stand-
21 ards under this subsection, the Secretary shall con-
22 sider public input and the adoption of industry con-
23 sensus standards regarding the safe transportation
24 of carbon dioxide.

25 “(5) DISPERSION MODELING.—

1 “(A) SAFETY STANDARDS.—In prescribing
2 standards under this subsection, the Secretary
3 shall prescribe minimum safety standards to re-
4 quire each operator of a pipeline facility by
5 which carbon dioxide is transported to perform
6 vapor dispersion modeling to identify high con-
7 sequence areas (as defined in section 195.450
8 of title 49, Code of Federal Regulations, and
9 paragraph (7)(I)(A) of Appendix C to part 195
10 of such title (or a successor regulation)) that
11 could be affected by a release from such a pipe-
12 line facility.

13 “(B) CONSIDERATIONS.—In performing
14 vapor dispersion modeling pursuant to subpara-
15 graph (A), operators of a pipeline facility by
16 which carbon dioxide is transported shall con-
17 sider—

18 “(i) the topography surrounding the
19 pipeline facility;

20 “(ii) atmospheric conditions that
21 could affect vapor dispersion;

22 “(iii) pipeline facility operating char-
23 acteristics; and

1 “(iv) additional substances present in
2 the pipeline facility that could affect vapor
3 dispersion.

4 “(C) MAINTENANCE OF FILES.—The Sec-
5 retary shall require each operator of a pipeline
6 facility by which carbon dioxide is transported
7 to maintain records documenting the areas that
8 could affect high consequence areas, as deter-
9 mined using the vapor dispersion modeling re-
10 quired pursuant to subparagraph (A), in the
11 manual of written procedures for operating,
12 maintaining, and handling emergencies for such
13 pipeline facility.

14 “(D) PROTECTION OF SENSITIVE INFOR-
15 MATION.—In responding to a public request for
16 information regarding vapor dispersion mod-
17 eling performed pursuant to this paragraph, the
18 Secretary may, taking into account public safe-
19 ty, security, and the need for public access, ex-
20 clude from disclosure (as the Secretary deter-
21 mines appropriate)—

22 “(i) security-sensitive information re-
23 lated to strategies for responding to worst-
24 case carbon dioxide release scenarios;

1 “(ii) security-sensitive information re-
2 lated to carbon dioxide release plumes; and

3 “(iii) security-sensitive information re-
4 lated to plans for responding to a carbon
5 dioxide release.

6 “(E) STATUTORY CONSTRUCTION.—Noth-
7 ing in this paragraph may be construed to re-
8 quire disclosure of information or records that
9 are exempt from disclosure under section 552
10 of title 5.”.

11 (c) UNDERGROUND SEQUESTRATION OF CARBON DI-
12 OXIDE.—Section 40306 of the Infrastructure Investment
13 and Jobs Act (42 U.S.C. 300h–9) is amended by adding
14 at the end the following:

15 “(d) UNDERGROUND SEQUESTRATION OF CARBON
16 DIOXIDE.—

17 “(1) IN GENERAL.—Effective immediately upon
18 the date of enactment of this subsection, owners or
19 operators may request that the Administrator issue
20 an aquifer exemption for a Class VI well. In addi-
21 tion, owners or operators of Class II wells may re-
22 quest that the Administrator approve an expansion
23 to the areal extent of an aquifer exemption already
24 in place for a Class II well for the purpose of Class
25 VI injection for geologic sequestration.

1 “(2) DESIGNATIONS.—In considering a request
2 under paragraph (1), the Administrator shall des-
3 ignate an aquifer or portion thereof an exempted aqu-
4 ifer, as defined in section 144.3 of title 40, Code
5 of Federal Regulations (or successor regulations), if
6 it meets the criteria set forth in paragraphs (a)
7 through (c) of section 146.4 of title 40, Code of
8 Federal Regulations, as in effect on the date of en-
9 actment of this subsection. In addition, an aquifer or
10 portion thereof shall be considered an exempted aqu-
11 ifer for Class VI wells if the Administrator has des-
12 ignated that aquifer or portion thereof an exempted
13 aquifer for any other purpose.

14 “(3) RULEMAKING.—The Administrator shall
15 revise section 144.7 and section 146.4 of title 40,
16 Code of Federal Regulations, to conform with this
17 subsection.”.

18 **SEC. 5. PURPOSE AND GENERAL AUTHORITY.**

19 (a) WORKER AND PUBLIC SAFETY ZONES.—Section
20 60102 of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 “(u) WORKER AND PUBLIC SAFETY ZONES.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this subsection, the Sec-
25 retary shall prescribe a safety standard requiring

1 each owner or operator of a pipeline facility to estab-
2 lish a worker and public safety zone at the location
3 of any construction, replacement, or repair of the
4 pipeline facility, within which only persons author-
5 ized by the owner or operator of the pipeline facility,
6 including contractors and subcontractors, shall be
7 permitted.

8 “(2) REQUIREMENTS.—In carrying out para-
9 graph (1), the Secretary shall include requirements
10 that the owner or operator of a pipeline facility—

11 “(A) ensure that—

12 “(i) a worker and public safety zone is
13 in place at all times beginning on the date
14 on which the construction, replacement, or
15 repair of the pipeline facility commences
16 and ending on the date on which such con-
17 struction, replacement, or repair is com-
18 pleted; and

19 “(ii) the worker and public safety
20 zone includes any areas associated with
21 such construction, replacement, or repair
22 that are reasonably necessary for such ac-
23 tivities to be carried out; and

24 “(B) post a notice at an appropriate loca-
25 tion at or near the boundary of the worker and

1 public safety zone to increase public awareness
2 and minimize potential hazards of the zone.

3 “(3) SCOPE.—The standards prescribed under
4 this subsection shall not apply to any pipeline facil-
5 ity used in local distribution of gas or hazardous liq-
6 uid, an intrastate gas pipeline facility, or an intra-
7 state hazardous liquid pipeline facility.

8 “(4) CIVIL PENALTY.—

9 “(A) IN GENERAL.—Any unauthorized in-
10 dividual entering a worker and public safety
11 zone established pursuant to this subsection
12 shall be liable to the United States for a civil
13 penalty for each violation.

14 “(B) AMOUNT.—The Secretary shall deter-
15 mine the amount of such penalty using the con-
16 siderations under section 60122(b).

17 “(5) RULE OF CONSTRUCTION.—Nothing in
18 this subsection may be construed to authorize the
19 use of eminent domain.”.

20 (b) ALTERNATIVE TECHNOLOGIES.—Section 60102
21 of title 49, United States Code, is further amended by
22 adding at the end the following:

23 “(v) ALTERNATIVE TECHNOLOGIES.—

24 “(1) REQUESTS FOR COMMENTS.—Not later
25 than 1 year after the date of enactment of this sub-

1 section, and every 5 years thereafter, the Secretary
2 shall issue a request for comments to identify any
3 potential alternative technology that—

4 “(A) is commercially available; and

5 “(B) if used by the operator of a pipeline
6 facility, will provide a level of safety that is
7 equal to, or greater than, that provided by a
8 safety standard prescribed under this chapter.

9 “(2) EVALUATIONS AND PROPOSED RULES.—

10 Not later than 2 years after a request for comments
11 is issued under paragraph (1), the Secretary shall—

12 “(A) evaluate the alternative technologies
13 identified pursuant to such request;

14 “(B) determine whether any such alter-
15 native technologies meet the requirements of
16 subparagraphs (A) and (B) of such paragraph;
17 and

18 “(C) with respect to each alternative tech-
19 nology the Secretary determines meets such re-
20 quirements, issue a proposed rule authorizing
21 operators of pipeline facilities to comply with
22 the applicable safety standard through the use
23 of such alternative technology.

1 “(3) FINAL RULES.—Not later than 1 year
2 after issuing a proposed rule under paragraph (2),
3 the Secretary shall finalize such rule.

4 “(4) LIMITATION.—The Secretary may not, in
5 a final rule issued under paragraph (3), require an
6 operator of a pipeline facility to comply with a safety
7 standard through the use of an alternative tech-
8 nology identified under this subsection.”.

9 **SEC. 6. ELIMINATING HAZARDOUS NATURAL GAS LEAKS.**

10 Section 60108(a)(2) of title 49, United States Code,
11 is amended—

12 (1) in subparagraph (D)(ii)—

13 (A) by inserting “with respect to gas pipe-
14 line facilities,” before “eliminating”;

15 (B) by inserting “natural gas” before
16 “leaks”; and

17 (C) by inserting “such gas” after “natural
18 gas from”; and

19 (2) in subparagraph (E)—

20 (A) by inserting “if applicable,” before
21 “the extent”;

22 (B) by striking “pipelines” and inserting
23 “gas pipeline facilities”; and

24 (C) by striking “of the pipeline” and in-
25 serting “of the gas pipeline facility”.

1 **SEC. 7. TECHNICAL SAFETY STANDARDS COMMITTEES.**

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

4 (1) in subsection (c)—

5 (A) in paragraph (2), by inserting “in ac-
6 cordance with paragraph (4)” after “the Sec-
7 retary shall publish the reasons”; and

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

9 “(4) The Secretary shall, not later than 15 days after
10 prescribing a standard under paragraph (3) with respect
11 to which a committee has prepared a report under para-
12 graph (2), submit to the Committees on Energy and Com-
13 merce and Transportation and Infrastructure of the
14 House of Representatives, and the Committee on Com-
15 merce, Science, and Transportation of the Senate, and
16 make publicly available, a report regarding the reasons the
17 Secretary rejected any conclusions of the committee.”; and

18 (2) in subsection (e), by striking “up to 4
19 times” and inserting “2 times”.

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

21 (a) ENFORCEMENT PROCEDURES.—Section
22 60117(b)(1) of title 49, United States Code, is amended—

23 (1) in subparagraph (I), by striking “and” at
24 the end;

25 (2) in subparagraph (J), by striking the period
26 at the end and inserting “; and”; and

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

2 “(K) in the case of an enforcement matter
3 relating to a notice of a probable violation, pro-
4 vide an opportunity for a formal hearing de-
5 scribed in paragraph (2)(B).”.

6 (b) **PROTOCOLS FOR PUBLIC HEARING.**—Not later
7 than 1 year after the date of enactment of this Act, the
8 Secretary of Transportation shall publish protocols for
9 hearings open to the public pursuant to section
10 60117(b)(2) of title 49, United States Code, that ensure
11 an orderly process and protection of confidential informa-
12 tion, in accordance with section 554 of title 5, United
13 States Code.

14 **SEC. 9. SPECIAL PERMIT PROGRAM.**

15 (a) **COMPLIANCE AND WAIVERS.**—Section
16 60118(c)(1) of title 49, United States Code, is amended
17 by adding at the end the following:

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

23 “(D) **PUBLICATION.**—Upon completion of
24 the application requirements under section
25 190.341 of title 49, Code of Federal Regula-

1 tions, or successor regulations, the Secretary
2 shall publish notice of the application in the
3 Federal Register.

4 “(E) REVIEW OF APPLICATION.—The Sec-
5 retary shall complete a review of each such ap-
6 plication not later than 18 months after pub-
7 lishing a notice in the Federal Register de-
8 scribed in subparagraph (D) with respect to the
9 application.”.

10 (b) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of enactment of this Act, the Secretary of
13 Transportation shall submit to the Committees on
14 Energy and Commerce and Transportation and In-
15 frastructure of the House of Representatives and the
16 Committee on Commerce, Science, and Transpor-
17 tation of the Senate a report on the implementation
18 by the Administrator of the Pipeline and Hazardous
19 Materials Safety Administration of the amendment
20 made by subsection (a).

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

23 (A) a listing of each special permit applica-
24 tion applied for under section 60118(c)(1) of
25 title 49, United States Code;

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

3 (C) the date on which each such applica-
4 tion was received;

5 (D) the date on which each such applica-
6 tion was completed or, in the absence of com-
7 pletion, the status of the application;

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

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

14 (c) GAO REPORT.—Not later than 1 year after the
15 submission of the report under subsection (b), the Comp-
16 troller General of the United States shall submit to the
17 Committees on Energy and Commerce and Transportation
18 and Infrastructure of the House of Representatives and
19 the Committee on Commerce, Science, and Transportation
20 of the Senate a report assessing the Secretary's implemen-
21 tation of, and compliance with, subparagraphs (C)
22 through (E) of section 60118(c)(1) of title 49, United
23 States Code.

1 **SEC. 10. STRENGTHENING PENALTIES FOR PIPELINE SAFE-**
2 **TY VIOLATIONS.**

3 Section 60123(b) of title 49, United States Code, is
4 amended—

5 (1) by striking “damaging or destroying” and
6 inserting “damaging, destroying, or impairing the
7 operation of”; and

8 (2) by inserting “damaging or destroying such
9 a facility under construction and intended to be op-
10 erated as such a facility on completion of the con-
11 struction,” before “or attempting”.

12 **SEC. 11. AUTHORIZATION LEVELS.**

13 Section 60125 of title 49, United States Code, is
14 amended—

15 (1) by amending subsection (a) to read as fol-
16 lows:

17 “(a) GAS AND HAZARDOUS LIQUID.—

18 “(1) IN GENERAL.—From fees collected under
19 section 60301, there are authorized to be appro-
20 priated to the Secretary to carry out section 12 of
21 the Pipeline Safety Improvement Act of 2002 (49
22 U.S.C. 60101 note; Public Law 107–355) and the
23 provisions of this chapter relating to gas and haz-
24 ardous liquid \$150,000,000 for each of fiscal years
25 2024 through 2028, of which—

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

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

7 “(2) TRUST FUND AMOUNTS.—In addition to
8 the amounts authorized to be appropriated under
9 paragraph (1), there are authorized to be appro-
10 priated from the Oil Spill Liability Trust Fund es-
11 tablished by section 9509(a) of the Internal Revenue
12 Code of 1986 to carry out section 12 of the Pipeline
13 Safety Improvement Act of 2002 (49 U.S.C. 60101
14 note; Public Law 107–355) and the provisions of
15 this chapter relating to hazardous liquid
16 \$28,000,000 for each of fiscal years 2024 through
17 2028, of which—

18 “(A) \$3,000,000 shall be used to carry out
19 section 12 of the Pipeline Safety Improvement
20 Act of 2002 (49 U.S.C. 60101 note; Public Law
21 107–355); and

22 “(B) \$13,000,000 shall be used for making
23 grants.

24 “(3) UNDERGROUND NATURAL GAS STORAGE
25 FACILITY SAFETY ACCOUNT.—From fees collected

1 under section 60302, there is authorized to be ap-
2 propriated to the Secretary to carry out section
3 60141 \$8,000,000 for each of fiscal years 2024
4 through 2028.”; and

5 (2) in subsection (b)(2), by striking “2021
6 through 2023” and inserting “2024 through 2028”.

7 **SEC. 12. MAXIMUM ALLOWABLE OPERATING PRESSURE.**

8 Section 60139 of title 49, United States Code, is
9 amended—

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

12 (2) by redesignating subsection (e) as sub-
13 section (f); and

14 (3) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) TESTING RECORDS WORKING GROUP.—

17 “(1) PREVIOUSLY TESTED GAS PIPELINE FA-
18 CILITIES.—Until the publication of a final rule
19 under paragraph (3), the Secretary shall not require
20 an owner or operator of a gas pipeline facility to re-
21 confirm the maximum allowable operating pressure
22 of a transmission line of the gas pipeline facility
23 pursuant to section 192.624 of title 49, Code of
24 Federal Regulations (or any successor regulations),
25 if the owner or operator confirms the material

1 strength of the transmission line through prior test-
2 ing that is—

3 “(A) conducted to a sufficient minimum
4 pressure in accordance with prevailing safety
5 standards and practices, including any applica-
6 ble class location factors; and

7 “(B) documented in contemporaneous
8 records.

9 “(2) WORKING GROUP REPORT.—

10 “(A) IN GENERAL.—Not later than 30
11 days after the date of enactment of the Pipeline
12 Safety, Modernization, and Expansion Act of
13 2024, the Secretary shall create a balanced
14 working group (hereinafter referred to as the
15 ‘Working Group’) to prepare a report on prior
16 testing described in paragraph (1), including
17 recommendations on documentation of such
18 prior testing that is sufficient to confirm the
19 material strength of transmission lines of gas
20 pipeline facilities.

21 “(B) COMPOSITION OF WORKING GROUP.—

22 The Working Group—

23 “(i) shall be comprised of the Admin-
24 istrator of the Pipeline and Hazardous Ma-
25 terials Safety Administration, State pipe-

1 line regulators, the public, and industry
2 stakeholders active in the operation of
3 transmission lines of gas pipeline facilities;
4 and

5 “(ii) may include members of the
6 Technical Pipeline Safety Standards Com-
7 mittee and be conducted in a manner that
8 otherwise ensures input from the public, as
9 determined appropriate by the Secretary.

10 “(C) CONSIDERATION.—In preparing the
11 report required under subparagraph (A), the
12 Working Group—

13 “(i) shall consider historical practices
14 and all available research conducted re-
15 garding contemporaneous records of the
16 minimum pressure of transmission lines of
17 gas pipeline facilities; and

18 “(ii) may consider the need for any
19 additional research or analysis needed to
20 demonstrate the adequacy of any material
21 strength testing performed.

22 “(D) APPLICABILITY OF FACA.—Chapter
23 10 of title 5 shall not apply to the Working
24 Group.

1 “(E) SUBMISSION OF REPORT.—Not later
2 than 180 days after the date of enactment of
3 the Pipeline Safety, Modernization, and Expan-
4 sion Act of 2024, the Working Group shall sub-
5 mit to the Secretary the report prepared under
6 subparagraph (A), including any minority
7 views.

8 “(3) RULEMAKING.—Not later than 180 days
9 after receiving the report submitted under para-
10 graph (2)(E), the Secretary shall publish a final rule
11 to implement the recommendations contained in
12 such report that the Secretary determines are nec-
13 essary to confirm the material strength of trans-
14 mission lines of gas pipeline facilities through prior
15 testing.”.

16 **SEC. 13. PIPELINE SAFETY ENHANCEMENT PROGRAMS.**

17 Section 60142 of title 49, United States Code, is
18 amended—

19 (1) in subsection (a), by striking “The Sec-
20 retary may” and inserting “During the period of cal-
21 endar years 2024 through 2030, the Secretary
22 shall”;

23 (2) in subsection (b), by striking paragraphs
24 (1) and (2) and inserting the following:

1 “(1) IN GENERAL.—Testing programs estab-
2 lished under subsection (a) may not exceed—

3 “(A) 5 percent of the total miles of haz-
4 ardous liquid pipelines in the United States;
5 and

6 “(B) 5 percent of the total miles of natural
7 gas pipelines in the United States.

8 “(2) OPERATOR MILEAGE LIMITATION.—The
9 Secretary shall limit the miles of pipelines that each
10 operator can test under each program established
11 under subsection (a) to the lesser of—

12 “(A) 50 percent of the total miles of pipe-
13 lines in the system of the operator; or

14 “(B) 1,000 miles.”;

15 (3) in subsection (c)—

16 (A) in paragraph (1), by striking “3
17 years” and inserting “4 years”; and

18 (B) in paragraph (2), by striking “3 years
19 after the date of enactment of this section” and
20 inserting “3 years after the date of enactment
21 of the Pipeline Safety, Modernization, and Ex-
22 pansion Act of 2024”;

23 (4) in subsection (d)—

24 (A) in paragraph (1), by inserting “equal
25 to or” before “greater than”;

1 (B) in paragraph (2)—

2 (i) in subparagraph (A), by striking
3 “under subparagraph (A) of section
4 60118(c)(1)” and inserting “waiving com-
5 pliance with any part of an applicable
6 standard prescribed under this chapter”;

7 (ii) in subparagraph (B), by striking
8 “pertain only to those regulations that
9 would otherwise prevent the use of the
10 safety technology to be tested under the
11 testing program” and inserting “require no
12 further conditions beyond compliance with
13 this section”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(C) APPLICABILITY OF SECTION
17 60118(C)(1) WAIVER PROCESS.—The process to
18 waive compliance with any part of an applicable
19 standard prescribed under this chapter under
20 subparagraph (A) of this paragraph shall be
21 separate from the process under subparagraph
22 (A) of section 60118(c)(1) and the Secretary
23 may not require a testing program applicant to
24 use the process or otherwise meet the require-
25 ments under section 60118(c)(1) (including any

1 regulations issued thereunder) in order for an
2 order waiving compliance with any part of an
3 applicable standard prescribed under this chap-
4 ter to be issued under subparagraph (A) of this
5 paragraph.”; and

6 (C) in paragraph (3)—

7 (i) in the heading, by striking “IN-
8 CREASED SAFETY CAPABILITIES” and in-
9 serting “PIPELINE SAFETY ENHANCE-
10 MENT”; and

11 (ii) by striking “improvement” and in-
12 serting “enhancement”;

13 (5) by striking subsection (h);

14 (6) by redesignating subsections (f) and (g) as
15 subsections (g) and (h), respectively;

16 (7) by adding the following after subsection (e):

17 “(f) MULTIPLE OPERATORS.—The Secretary may se-
18 lect up to 5 owners or operators under a single application
19 for participation in a testing program to be carried out
20 under subsection (a).”;

21 (8) in subsection (i)(2)(B), by striking “30
22 days” and inserting “10 days”; and

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

24 “(m) APPROVAL PROCESS.—The Secretary estab-
25 lishing and carrying out a testing program under sub-

1 section (a) may not be considered a major Federal action
2 under section 102(2)(C) of the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4 “(n) PROHIBITION.—In establishing and carrying out
5 a testing program under subsection (a), the Secretary may
6 not enforce any requirement not described in this sec-
7 tion.”.

8 **SEC. 14. PIPELINE SAFETY VOLUNTARY INFORMATION-**
9 **SHARING SYSTEM.**

10 (a) IN GENERAL.—Chapter 601 of title 49, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 60144. Voluntary information-sharing system**

14 “(a) ESTABLISHMENT.—The Secretary shall estab-
15 lish a confidential voluntary information-sharing system,
16 in accordance with the recommendations provided under
17 section 10 of the PIPES Act of 2016, that—

18 “(1) is a comprehensive, systematic, and inte-
19 grated structure for—

20 “(A) gathering, evaluating, and quanti-
21 fying critical pipeline safety data and informa-
22 tion; and

23 “(B) sharing recommended remediation
24 measures and lessons learned across the pipe-

1 line industry in an efficient and confidential
2 manner;

3 “(2) will encourage the voluntary sharing of
4 pipeline safety data and information to improve the
5 safety of pipeline facilities; and

6 “(3) may not be used in relation to the enforce-
7 ment of requirements under this chapter.

8 “(b) GOVERNANCE.—

9 “(1) GOVERNING BOARD.—

10 “(A) ESTABLISHMENT.—Not later than
11 180 days after the date of enactment of the
12 Pipeline Safety, Modernization, and Expansion
13 Act of 2024, the Administrator of the Pipeline
14 and Hazardous Materials Safety Administration
15 shall appoint a governing board for the VIS in
16 accordance with this paragraph, after con-
17 sulting with public and private pipeline safety
18 stakeholders.

19 “(B) COMPOSITION OF THE BOARD.—The
20 governing board shall be comprised of 15 mem-
21 bers and shall represent a balanced cross-sec-
22 tion of pipeline safety stakeholders as follows:

23 “(i) 5 individuals shall be representa-
24 tives of departments, agencies, or instru-
25 mentalities of the Federal Government and

1 of the States and territories, one of which
2 shall be the Administrator.

3 “(ii) 5 individuals shall be representa-
4 tives of the gas or hazardous liquid indus-
5 tries, such as operators, trade associations,
6 inspection technology, coating, and ca-
7 thodic protection vendors, and pipeline in-
8 spection organizations.

9 “(iii) 5 individuals shall be represent-
10 atives of general public safety advocacy or-
11 ganizations, such as pipeline safety and en-
12 vironmental advocacy groups, labor and
13 worker safety representatives, and the gen-
14 eral public.

15 “(C) BOARD TERMS.—Each member of the
16 governing board shall be appointed for three
17 years, with the terms of five of the members ex-
18 piring each year. The term of at least one and
19 not more than two members of each of the
20 three stakeholder groups established in sub-
21 paragraph (B) shall expire each year. In the
22 initial appointment, terms of one, two, and
23 three years shall be established to allow the
24 terms of five members to expire thereafter each

1 year. Each member may be reappointed for con-
2 secutive three-year terms.

3 “(D) CO-CHAIRS.—The governing board
4 shall be co-chaired by the Administrator, who
5 shall appoint as co-chairs, with advice and con-
6 sent of the governing board, a member ap-
7 pointed under each of clauses (ii) and (iii) of
8 subparagraph (B). The co-chairs shall be jointly
9 responsible for organizing and conducting meet-
10 ings of the governing board.

11 “(E) AUTHORITY.—The governing board
12 shall make decisions by a super-majority, de-
13 fined as two-thirds plus one of the governing
14 board members, and shall have the authority
15 to—

16 “(i) govern and provide strategic over-
17 sight of the VIS;

18 “(ii) develop and make public govern-
19 ance documents, including a charter that
20 describes the scope of the authority and
21 objectives of the governing board;

22 “(iii) select a third-party data man-
23 ager with expertise in data protection, ag-
24 gregation, and analytics;

1 “(iv) approve the criteria and proce-
2 dures governing how the third-party data
3 manager will receive, secure, and accept
4 for inclusion in the VIS pipeline safety
5 data and information;

6 “(v) establish and appoint members to
7 the issue analysis teams;

8 “(vi) collaborate with the issue anal-
9 ysis teams to—

10 “(I) identify the issues and topics
11 to be analyzed by the issue analysis
12 teams; and

13 “(II) specify the type of pipeline
14 safety data and information that the
15 issue analysis teams need to analyze
16 such issues and topics;

17 “(vii) determine the information to be
18 accepted for inclusion in, and shared using,
19 the VIS;

20 “(viii) determine the reports to be ac-
21 cepted for inclusion in, and shared using,
22 the VIS;

23 “(ix) determine which participating
24 entities are authorized to access informa-
25 tion and reports included in the VIS;

1 “(x) at least once per year, issue a
2 public report on VIS processes, member-
3 ship of the governing board, issues being
4 investigated and analyzed, pipeline safety
5 data and information that the VIS has re-
6 quested for submission to the VIS, and
7 safety trends identified; and

8 “(xi) perform other functions as the
9 governing board decides are necessary or
10 appropriate, consistent with the purpose of
11 the VIS.

12 “(F) FEDERAL ADVISORY COMMITTEE ACT
13 INAPPLICABLE.—The governing board shall not
14 be subject to the requirements of chapter 10 of
15 title 5, United States Code.

16 “(2) PROGRAM MANAGEMENT.—The Adminis-
17 trator shall provide program management and ad-
18 ministrative support for the VIS, including oversight
19 of the third-party data manager.

20 “(3) THIRD-PARTY DATA MANAGER.—The
21 third-party data manager selected by the governing
22 board shall provide data management and data over-
23 sight services for the VIS, including—

24 “(A) receiving and securing pipeline safety
25 data and information submitted to the VIS;

1 “(B) accepting for inclusion in the VIS
2 such pipeline safety data and information that
3 meets the criteria and procedures established by
4 the governing board under paragraph
5 (1)(E)(iv);

6 “(C) deidentifying, storing, and managing
7 pipeline safety data and information that is ac-
8 cepted for inclusion in the VIS;

9 “(D) collaborating with the issue analysis
10 teams to analyze and aggregate pipeline safety
11 data and information that is accepted for inclu-
12 sion in the VIS;

13 “(E) preparing reports as requested by the
14 governing board regarding the type of pipeline
15 safety data and information that is included in
16 the VIS; and

17 “(F) making recommendations to the gov-
18 erning board regarding the management of
19 pipeline safety data and information, as appro-
20 priate.

21 “(4) ISSUE ANALYSIS TEAMS.—The issue anal-
22 ysis teams established by the governing board
23 shall—

24 “(A) consist of technical and subject mat-
25 ter experts;

1 “(B) work with the third-party data man-
2 ager to aggregate and analyze pipeline safety
3 data and information submitted to the VIS that
4 is related to issues and topics identified by the
5 governing board; and

6 “(C) collaborate with the governing board
7 to identify issues and topics for analysis and
8 submit internal reports and recommendations to
9 the governing board on the identified issues and
10 topics.

11 “(5) PARTICIPATION.—

12 “(A) VOLUNTARY PARTICIPATION.—No
13 person shall be required to participate in or
14 submit data or information for inclusion in the
15 VIS.

16 “(B) PROHIBITION.—The criteria and pro-
17 cedures established under paragraph (1)(E)(iv)
18 shall prohibit the acceptance of data or infor-
19 mation about an operator if the operator has
20 not authorized the submission of the data or in-
21 formation.

22 “(C) SHARING OF INFORMATION.—The
23 governing board shall encourage the voluntary
24 sharing of pipeline safety data and information
25 among participating entities.

1 “(c) INFORMATION SHARING.—Pipeline safety data
2 and information accepted for inclusion in the VIS shall
3 be related to the issues and topics identified by the gov-
4 erning board to be analyzed by the issue analysis teams,
5 including—

6 “(1) pipeline integrity risk analysis information;

7 “(2) lessons learned from accidents and near
8 misses;

9 “(3) process improvements;

10 “(4) technology deployment practices;

11 “(5) information obtained through VIS pipeline
12 safety surveys of pipeline operator employees, pro-
13 vided that such surveys are voluntarily agreed to by
14 the pipeline operator; and

15 “(6) pipeline safety data and information that
16 may lead to the identification of pipeline safety
17 risks, as determined by the governing board.

18 “(d) CONFIDENTIALITY.—

19 “(1) NONPUBLIC INFORMATION.—To facilitate
20 the sharing of otherwise nonpublic pipeline safety
21 data and information in the VIS, nonpublic informa-
22 tion accepted for inclusion in the VIS shall be kept
23 confidential, except as provided in paragraph (2).

24 “(2) DEIDENTIFIED NONPUBLIC INFORMA-
25 TION.—

1 “(A) SAFETY.—The governing board may
2 approve the disclosure of deidentified nonpublic
3 information through the VIS, or by the Admin-
4 istrator of the Pipeline and Hazardous Mate-
5 rials Safety Administration, that the governing
6 board in its sole discretion determines is appro-
7 priate to disclose to improve pipeline safety,
8 based on analysis of the deidentified informa-
9 tion and any safety findings or recommenda-
10 tions.

11 “(B) REPORTS.—The governing board, in
12 issuing public reports under subsection
13 (b)(1)(E)(x), shall approve the disclosure of
14 deidentified nonpublic information through the
15 VIS that the governing board determines is nec-
16 essary to adequately describe and illustrate the
17 issues and topics being investigated and ana-
18 lyzed using the VIS.

19 “(3) PROHIBITION.—Except as provided in
20 paragraph (2), no person, including any governing
21 board member, the third-party data manager, any
22 issue analysis team member, nor any Federal, State,
23 local, or Tribal agency, having or obtaining access to
24 nonpublic information accepted for inclusion in the
25 VIS, shall release or communicate such nonpublic in-

1 formation, in either an identified or deidentified
2 form, to any person the governing board has not au-
3 thorized to access such information.

4 “(e) APPLICABILITY OF FOIA.—Any nonpublic infor-
5 mation that is accepted for inclusion in the VIS and subse-
6 quently obtained by the Secretary or the Administrator
7 from the VIS is exempt from the requirements of section
8 552 of title 5, and specifically exempt from release under
9 subsection (b)(3) of such section.

10 “(f) EXCLUSIONS.—

11 “(1) EXCLUDED EVIDENCE.—Except as pro-
12 vided in paragraph (3), nonpublic information ac-
13 cepted for inclusion in the VIS shall not be obtained
14 from the VIS—

15 “(A) for use as evidence for any purpose in
16 any Federal, State, local, Tribal, or private liti-
17 gation, including any action or proceeding; or

18 “(B) to initiate any enforcement action or
19 civil litigation against a pipeline operator or its
20 employees or contractors relating to a probable
21 violation under this chapter (including any reg-
22 ulation promulgated or order issued under this
23 chapter).

24 “(2) EXCLUSION FROM DISCOVERY.—Except as
25 provided in paragraph (3), nonpublic information ac-

1 cepted for inclusion in the VIS shall not be subject
2 to discovery from the VIS in any Federal, State,
3 local, Tribal, or private litigation or other pro-
4 ceeding.

5 “(3) LIMITATIONS ON EXCLUSIONS.—The ex-
6 clusions described in paragraphs (1) and (2) shall
7 not apply to—

8 “(A) data or information that is evidence
9 of a criminal violation;

10 “(B) data or information not related to the
11 activities described in subsection (a)(1) for
12 which the VIS is established;

13 “(C) data or information otherwise re-
14 quired to be reported to the Secretary under
15 part 191 (including information about an inci-
16 dent or accident), part 192, part 194, part 195,
17 or part 199 of title 49, Code of Federal Regula-
18 tions (or a successor regulation) or required to
19 be reported under the requirements of a State
20 authority; or

21 “(D) data or information developed or ob-
22 tained from a source other than the VIS.

23 “(g) NO EFFECT ON DISCOVERY.—

24 “(1) IN GENERAL.—Nothing in this section, nor
25 any rule, regulation, or amendment shall be con-

1 strued to create a defense to a discovery request or
2 otherwise limit or affect the discovery of pipeline
3 safety data and information arising from a cause of
4 action authorized under any under Federal, State, or
5 local law.

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

9 “(h) REPORTING.—Not later than the end of each fis-
10 cal year, the Secretary shall submit to Congress a report
11 on the status of the VIS.

12 “(i) DEFINITIONS.—In this section:

13 “(1) NONPUBLIC INFORMATION.—The term
14 ‘nonpublic information’ means any data or informa-
15 tion, regardless of form or format, that a company
16 does not disclose, disseminate, or make available to
17 the public or that is not otherwise in the public do-
18 main.

19 “(2) PARTICIPATING ENTITY.—The term ‘par-
20 ticipating entity’ means an entity determined appro-
21 priate by the Secretary to submit information for in-
22 clusion in the VIS, or to be authorized to access in-
23 formation and reports included in the VIS, includ-
24 ing—

1 “(A) an operator of a pipeline facility, and
2 related employees, labor unions, contractors, in-
3 line inspection service providers, and non-
4 destructive evaluation experts;

5 “(B) the Pipeline and Hazardous Materials
6 Safety Administration; and

7 “(C) a representative of a State pipeline
8 safety agency, a Tribal agency, a pipeline safety
9 advocacy group, a manufacturer of materials or
10 equipment used in pipeline facilities, a research
11 or academic institution, and other pipeline
12 stakeholders.

13 “(3) PUBLIC INFORMATION.—The term ‘public
14 information’ means any data or information, regard-
15 less of form or format, that a company discloses,
16 disseminates, or makes available to the public or
17 that is otherwise in the public domain.

18 “(4) VIS.—The term ‘VIS’ means the vol-
19 untary information-sharing system established under
20 subsection (a).”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for chapter 601 of title 49, United States Code, is amend-
23 ed by adding at the end the following:

“60144.Voluntary information-sharing system.”.

1 **SEC. 15. EXCAVATION DAMAGE PREVENTION.**

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

4 (1) in subsection (b) by inserting “adoption or
5 progress toward adoption of the leading practices
6 listed in subsection (b) and” before “legislative and
7 regulatory”;

8 (2) by redesignating subsections (b) and (c) as
9 subsections (d) and (e), respectively;

10 (3) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) LEADING PRACTICES.—Each State shall adopt
13 as a part of its State one-call notification program leading
14 practices that—

15 “(1) identify the size and scope of a one-call
16 ticket for standard locate requests, including process
17 exceptions for special large project tickets;

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

21 “(3) examine and limit exemptions to the State
22 one-call notification program to prevent common ex-
23 cavation damage incidents, including limiting exemp-
24 tions for—

1 “(A) excavation or demolition performed
2 by the owner of a single-family residential prop-
3 erty;

4 “(B) any excavation of 18 inches or less
5 when maintenance activities are performed;

6 “(C) repairing, connecting, adjusting, or
7 conducting routine maintenance of a private or
8 public underground utility facility; and

9 “(D) municipalities, public works organiza-
10 tions, and State departments of transportation
11 for road maintenance;

12 “(4) specify tolerance zone horizontal dimen-
13 sions and requirements for hand-dig, hydro, vacuum
14 excavation, and other nonintrusive methods;

15 “(5) specify emergency excavation notification
16 requirements, including defining emergency exca-
17 vation and identifying the notification requirements
18 for an emergency excavation;

19 “(6) specify the responsibilities of the exca-
20 vator, including the reporting of damages due to ex-
21 cavation activities;

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

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

4 “(9) require a positive response, meaning the
5 utility, municipality, or other entity marks the area
6 of excavation in positive response to the notification
7 center and the excavator confirms a positive re-
8 sponse before beginning excavation;

9 “(10) require newly installed underground fa-
10 cilities to be locatable;

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

13 “(12) require training programs and require-
14 ments for third-party excavators performing exca-
15 vation activities that are not subject to pipeline con-
16 struction requirements under part 192 or part 195
17 of title 49, Code of Federal Regulations (or any suc-
18 cessor regulations);

19 “(13) require training for locate professionals;
20 and

21 “(14) encourage the use of commercially avail-
22 able technologies to locate underground facilities,
23 such as geographic information systems and en-
24 hanced positive response.

25 “(c) REPORT TO CONGRESS.—

1 “(1) INITIAL REPORT.—Not later than 3 years
2 after the date of enactment of the Pipeline Safety,
3 Modernization, and Expansion Act of 2024, the Sec-
4 retary shall submit to the Committees on Energy
5 and Commerce and Transportation and Infrastruc-
6 ture of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of
8 the Senate a report detailing—

9 “(A) the adoption of the leading practices
10 described in such subsection;

11 “(B) recommendations to increase the
12 adoption of such leading practices and rec-
13 ommendations for the reduction of excavation
14 damage incidents; and

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

18 “(2) ADDITIONAL REPORTS.—Not later than
19 once every 2 years beginning after the submittal of
20 the report under paragraph (1), the Secretary shall
21 submit to the Committees on Energy and Commerce
22 and Transportation and Infrastructure of the House
23 of Representatives and the Committee on Commerce,
24 Science, and Transportation of the Senate a report
25 detailing—

1 “(A) the adoption of the leading practices
2 described in subsection (b);

3 “(B) recommendations to increase the
4 adoption of such leading practices and rec-
5 ommendations for the reduction of excavation
6 damage incidents; and

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

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

11 “(f) SAVINGS CLAUSE.—This section shall not af-
12 fect—

13 “(1) the eligibility of a State or State authority
14 for a grant or payment under section 60107 or
15 60134;

16 “(2) the requirements of section 60105 with re-
17 spect to certifications under such section; or

18 “(3) the requirements of section 60106 with re-
19 spect to agreements under such section.”.

20 (b) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
21 tion 60134(c) of title 49, United States Code, is amend-
22 ed—

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

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

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

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

6 “(A) effective, active, and consistent en-
7 forcement of the State one-call notification pro-
8 gram, as such term is defined in section 6102,
9 (including consistency in the application of en-
10 forcement resources, fines, and penalties to all
11 relevant stakeholders, such as operators, loca-
12 tors, and excavators);

13 “(B) data reporting requirements, includ-
14 ing—

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

20 “(I) information about the nature
21 of the incident, including the facility
22 damaged and the apparent cause of
23 such damage (with supporting docu-
24 mentation);

1 “(II) the organizations or entities
2 involved;

3 “(III) the impact to public safe-
4 ty, utility operations, and customer
5 service; and

6 “(IV) the impact to the environ-
7 ment; and

8 “(ii) to a nationally focused nonprofit
9 organization specifically established for the
10 purpose of reducing construction-related
11 damages to pipelines and other under-
12 ground facilities, of damages and near-
13 miss events to pipelines and other under-
14 ground facilities from excavation damages,
15 including potential contributing factors, fa-
16 cility damaged, type of excavator, work
17 performed, equipment type, and State; and

18 “(C) performance measures to determine
19 the effectiveness of excavation damage preven-
20 tion efforts.”.

21 **SEC. 16. PROTECTING FUEL CHOICE FOR CONSUMERS.**

22 Notwithstanding the first sentence of section
23 60104(c)(1) of title 49, United States Code, a State or
24 municipality may not adopt or continue in force a law,
25 regulation, or standard that has the effect, directly or indi-

1 rectly, of limiting or prohibiting the transportation or dis-
2 tribution for sale or resale of an energy source that is sold
3 in interstate commerce and transported using a pipeline
4 facility (as defined in section 60101 of such title).

5 **SEC. 17. MODERNIZING AND EXPANDING PIPELINES.**

6 (a) IN GENERAL.—The Commission may, if re-
7 quested under subsection (b), issue a Federal authoriza-
8 tion under this section for—

9 (1) any construction, modification, expansion,
10 inspection, repair, or maintenance under chapter
11 601 of title 49, United States Code, of any pipeline
12 facility that is constructed, or for which construction
13 has commenced, prior to the date of enactment of
14 this Act; or

15 (2) the construction, modification, expansion,
16 inspection, repair, or maintenance of pipeline facility
17 that has not been constructed, or for which con-
18 struction has not commenced, prior to such date of
19 enactment, that is to be co-located within the bound-
20 ary of a pipeline or electrical right-of-way that exists
21 as of such date of enactment.

22 (b) REQUEST FOR ISSUANCE.—A person who has
23 filed for a Federal authorization from a relevant permit-
24 ting entity may request that the Commission issue the

1 Federal authorization under this section if the relevant
2 permitting entity—

3 (1) notifies the person and the Commission that
4 it waives its authority to issue the Federal author-
5 ization; or

6 (2) does not complete a proceeding that is re-
7 quired for the Federal authorization by the date that
8 is 1 year after the date on which the person filed for
9 the Federal authorization.

10 (c) ISSUANCE.—

11 (1) REQUIREMENTS.—Pursuant to a request
12 under subsection (b), the Commission—

13 (A) shall consider the request and publish
14 a decision whether to issue the Federal author-
15 ization under this section; and

16 (B) may issue a Federal authorization
17 under this section only after notice and oppor-
18 tunity for a hearing and in accordance with the
19 Federal law under which the Federal authoriza-
20 tion is required.

21 (2) EFFECT.—A Federal authorization issued
22 under this section shall be deemed to have been
23 issued under the Federal law under which the Fed-
24 eral authorization is required.

1 (d) RULEMAKING.—Not later than 180 days after the
2 date of enactment of this Act, the Commission shall issue
3 a final rule establishing procedures to carry out this sec-
4 tion (which may not include any changes to any regulatory
5 requirement in effect on the date of enactment of this Act
6 relating to any authority of the Commission under any
7 other provision of law).

8 (e) DEFINITIONS.—In this section:

9 (1) COMMISSION.—The term “Commission”
10 means the Federal Energy Regulatory Commission.

11 (2) FEDERAL AUTHORIZATION.—The term
12 “Federal authorization” means any authorization re-
13 quired under Federal law in connection with an ap-
14 plication for the construction, modification, expan-
15 sion, inspection, repair, or maintenance of a pipeline
16 facility, including a permit, special use authoriza-
17 tion, certification, opinion, or other approval (includ-
18 ing a any authorization required pursuant to a gen-
19 eral permit).

20 (3) PIPELINE FACILITY.—The term “pipeline
21 facility” has the meaning given that term in section
22 60101 of title 49, United States Code.

23 (4) RELEVANT PERMITTING ENTITY.—The
24 term “relevant permitting entity” means, with re-
25 spect to a Federal authorization—

1 (A) the Federal agency with statutory au-
2 thority to issue the Federal authorization; or

3 (B) a State in which the applicable pipeline
4 facility is to be constructed, modified, or ex-
5 panded, to which authority to issue the Federal
6 authorization has been delegated by the Federal
7 agency described in subparagraph (A).

8 **SEC. 18. REGULATORY UPDATES.**

9 (a) REPORTS.—

10 (1) IN GENERAL.—The Secretary of Transpor-
11 tation shall submit reports to the Committees on
12 Energy and Commerce and Transportation and In-
13 frastructure of the House of Representatives and the
14 Committee on Commerce, Science, and Transpor-
15 tation of the Senate regarding the status of a final
16 rule for each outstanding regulation.

17 (2) DEADLINES.—The Secretary shall submit a
18 report under this subsection not later than 120 days
19 after the date of enactment of this Act, and every
20 90 days thereafter until a final rule has been issued
21 for each outstanding regulation described in sub-
22 section (c)(2)(A).

23 (b) CONTENTS.—The Secretary shall include in each
24 report submitted under subsection (a)—

1 (1) a description of the work plan for each out-
2 standing regulation;

3 (2) an updated rulemaking timeline for each
4 outstanding regulation;

5 (3) current staff allocations with respect to
6 each outstanding regulation;

7 (4) any resource constraints affecting the rule-
8 making process for each outstanding regulation; and

9 (5) any other details associated with the devel-
10 opment of each outstanding regulation that affect
11 the progress of the rulemaking process.

12 (c) **OUTSTANDING REGULATION DEFINED.**—In this
13 section, the term “outstanding regulation” means a regu-
14 lation relating to pipeline safety—

15 (1) for which no final rule, including an interim
16 final rule or direct final rule, has been issued; and

17 (2) that—

18 (A) is required under any law for which
19 more than 2 years have passed since the statu-
20 tory deadline for the regulation; or

21 (B) is being developed under an authority
22 not described in subparagraph (A), and is con-
23 sidered to be a significant regulatory action
24 under Executive Order 12866.

1 **SEC. 19. CLASS LOCATION CHANGES.**

2 Not later than 90 days after the date of enactment
3 of this Act, the Secretary of Transportation shall issue a
4 final rule amending the safety standards for class location
5 changes in parts 191 and 192 of title 49, Code of Federal
6 Regulations, based on the notice of proposed rulemaking
7 published by the Pipeline and Hazardous Materials Safety
8 Administration on October 14, 2020, titled “Pipeline Safe-
9 ty: Class Location Change Requirements” (85 Fed. Reg.
10 65142), including consideration of all documents in Dock-
11 et No. PHMSA–2017–0151.

12 **SEC. 20. INSPECTION OF IN-SERVICE BREAKOUT TANKS.**

13 (a) INSPECTION OF IN-SERVICE BREAKOUT
14 TANKS.—Not later than 1 year after the date of enact-
15 ment of this Act, the Secretary of Transportation shall—

16 (1) review the safety standards in part 195 of
17 title 49, Code of Federal Regulations, relating to the
18 internal inspection of the bottoms of in-service
19 breakout tanks; and

20 (2) amend such safety standards to allow for
21 risk-based inspections if the Secretary determines
22 that allowing risk-based inspections will achieve an
23 equivalent level of safety to the level of safety re-
24 quired under such part 195, relating to the internal
25 inspection of the bottoms of in-service breakout

1 tanks, as in effect on the date of enactment of this
2 Act.

3 (b) CONSIDERATION.—In amending the safety stand-
4 ards under subsection (a), the Secretary shall consider the
5 5th edition of standard 653 published by the American
6 Petroleum Institute issued in November 2014 titled
7 “Tank Inspection, Repair, Alteration, and Reconstruc-
8 tion”.

9 **SEC. 21. LIQUEFIED NATURAL GAS REGULATORY COORDI-
10 NATION.**

11 (a) ESTABLISHMENT AND PURPOSE.—The Secretary
12 of Transportation shall establish and convene a Liquefied
13 Natural Gas Regulatory Safety Working Group through
14 the National Center of Excellence for Liquefied Natural
15 Gas Safety to clarify the authority of covered agencies in
16 the authorizing and oversight of LNG facilities, other than
17 peak shaving facilities, and improve coordination of the
18 authority of such agencies.

19 (b) MEMBERSHIP.—

20 (1) IN GENERAL.—The Working Group shall
21 consist of representatives of covered agencies des-
22 ignated by the Secretary of Transportation or the
23 head of a covered agency.

24 (2) CHAIR.—The Administrator of the Pipeline
25 and Hazardous Materials Safety Administration, or

1 a designee of the Administrator, shall serve as the
2 Chair of the Working Group, unless another member
3 of the Working Group is selected by unanimous con-
4 sent of the members of the Working Group.

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

9 (c) EVALUATION.—

10 (1) IN GENERAL.—The Working Group shall
11 evaluate the authorities of each covered agency per-
12 taining to the siting and design, construction, oper-
13 ation and maintenance, and operational and process
14 safety regulations of LNG facilities.

15 (2) NEGOTIATION.—The Working Group shall
16 negotiate the terms of agreements or memorandums
17 between each covered agency pursuant to subsection
18 (d) to establish procedures for—

19 (A) the application of the respective au-
20 thorities of each Federal agency in a manner
21 that ensures, through effective regulation, that
22 LNG facilities are safe and in the public inter-
23 est;

1 (B) resolving conflicts concerning overlap-
2 ping jurisdiction among the covered agencies;
3 and

4 (C) avoiding, to the extent possible and if
5 appropriate, conflicting or duplicative regula-
6 tion, inspection protocols, and reporting obliga-
7 tions between the covered agencies.

8 (d) INTERAGENCY AGREEMENTS AND MEMORAN-
9 DUMS OF UNDERSTANDING.—Not later than 2 years after
10 the date of enactment of this Act, the covered agencies
11 shall enter into interagency agreements or memorandums
12 of understanding with respect to best practices and indi-
13 vidual agency safety oversight and enforcement respon-
14 sibilities regarding LNG facilities, other than peak shav-
15 ing facilities.

16 (e) REPORT TO CONGRESS.—Not later than 1 year
17 after the date on which the covered agencies enter into
18 agreements or memorandums under subsection (d), the
19 Secretary of Transportation shall submit to the Com-
20 mittee on Energy and Commerce and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Commerce, Science,
23 and Transportation of the Senate a report on such agree-
24 ments or memorandums entered into and how such agree-
25 ments or memorandums have contributed to the improved

1 safety and enforcement oversight coordination of LNG fa-
2 cilities.

3 (f) DEFINITIONS.—In this section:

4 (1) COVERED AGENCY.—The term “covered
5 agency” means each of the following:

6 (A) The Pipeline and Hazardous Materials
7 Safety Administration.

8 (B) The Federal Energy Regulatory Com-
9 mission.

10 (C) The Department of Energy.

11 (D) The Occupational Safety and Health
12 Administration.

13 (E) The Coast Guard.

14 (2) LNG.—The term “LNG” means liquefied
15 natural gas.

16 (3) WORKING GROUP.—The term “Working
17 Group” means the Liquefied Natural Gas Regu-
18 latory Safety Working Group established under sub-
19 section (a).

20 **SEC. 22. HYDROGEN STUDY.**

21 (a) IN GENERAL.—The Comptroller General of the
22 United States shall conduct a study on existing gas pipe-
23 line facilities that transport a gas blend, containing great-
24 er than 5 percent hydrogen by volume, to identify the
25 changes that operators have implemented to such gas

1 pipeline facilities in order to transport such a gas blend
2 safely.

3 (b) ADDITIONAL CONTENTS.—The study under sub-
4 section (a) shall include—

5 (1) an identification of any technical challenges
6 with repurposing existing natural gas pipeline infra-
7 structure to allow such natural gas pipeline infra-
8 structure to be used for distributing gas blends de-
9 scribed in subsection (a); and

10 (2) an examination of the changes made by
11 international operators to gas pipeline facilities to
12 transport gas blends described in subsection (a)
13 safely, including changes made to pipeline facilities
14 in the United Kingdom, Canada, Europe, Australia,
15 and Hong Kong.

16 (c) CONSIDERATIONS.—In conducting the study
17 under subsection (a), the Comptroller General shall con-
18 sider—

19 (1) changes that domestic and international op-
20 erators of gas pipeline facilities have implemented to
21 safely transport a gas blend described in subsection
22 (a), including changes to odorants and leak-detection
23 methods, pipeline materials, metering, and oper-
24 ational standards used by such operators to account

1 for the operation and integrity of gas pipeline facili-
2 ties; and

3 (2) how such operators have taken into account
4 the effect of transporting a gas blend described in
5 subsection (a) on gas pipeline facility infrastructure,
6 including—

7 (A) gas pipeline facility materials, includ-
8 ing cast iron, steel, composite pipe, and plastic
9 pipe; and

10 (B) components of a gas pipeline facility,
11 including valves and meters.

12 (d) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Comptroller General shall
14 submit to the Committee on Energy and Commerce and
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on Com-
17 merce, Science, and Transportation of the Senate a report
18 on the results of the study conducted under subsection (a).

19 (e) RULEMAKING.—The Secretary of Transportation
20 may consider the results of the study under subsection (a)
21 in issuing any final rule related to the transportation of
22 a gas blend that contains greater than 5 percent hydrogen
23 by volume.

24 (f) STATUTORY CONSTRUCTION.—Nothing in this
25 section shall be construed to prohibit or otherwise limit

1 the authority of the Secretary of Transportation to issue
2 a final rule relating to the transportation of a gas blend
3 that contains greater than 5 percent hydrogen by volume
4 prior to the submission of the report under subsection (d).

5 (g) GAS PIPELINE FACILITY DEFINED.—In this sec-
6 tion, the term “gas pipeline facility” has the meaning
7 given such term in section 60101 of title 49, United States
8 Code.

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