



MEMORANDUM

March 4, 2024

TO: Members of the Subcommittee on Energy, Climate, and Grid Security

FROM: Committee Majority Staff

RE: Subcommittee on Energy, Climate, and Grid Security Markup

I. INTRODUCTION

On Wednesday, March 6, 2024, at 10:00 a.m. (ET), the Subcommittee on Energy, Climate, and Grid Security will meet in open markup session in 2123 Rayburn House Office Building to consider the following:

- H.R. ___, Pipeline Safety, Modernization, and Expansion Act (Rep. Duncan);
- H.R. ___, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for clothes washers that are not cost-effective or technologically feasible, and for other purposes;
- H.R. ___, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for clothes dryers that are not cost-effective or technologically feasible, and for other purposes;
- H.R. ___, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for dishwashers that are not cost-effective or technologically feasible, and for other purposes;
- H.R. ___, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for refrigerators, refrigerator-freezers, and freezers that are not cost-effective or technologically feasible, and for other purposes; and,
- H.R. ___, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for room air conditioners that are not cost-effective or technologically feasible, and for other purposes.

In keeping with Chair Rodgers' announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to EandCdocs@mail.house.gov. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time.

II. EXPLANATION OF LEGISLATION

- **H.R. ___, Pipeline Safety, Modernization, and Expansion Act (Rep. Duncan)**
Sec. 1. Short Title. This section provides that the Act may be cited as the "Pipeline Safety, Modernization, and Expansion Act of 2024."

Sec. 2. Minimum Safety Standards. This section requires the Pipeline and Hazardous Materials Safety Administration (PHMSA) to consider the “safety and economic benefits within the United States” when conducting the cost-benefit analysis of proposed regulations.

Sec. 3. Regulation of Carbon Dioxide Pipeline Facilities. This section requires PHMSA to finalize safety standards for pipeline facilities that transport carbon dioxide no later than one year from the date of enactment. Additionally, it requires PHMSA to prescribe minimum safety standards to require CO2 pipeline operators to employ vapor dispersion modeling to identify high consequence areas that could be affected by a CO2 pipeline release. The section also clarifies the authority of the Environmental Protection Agency (EPA) to identify areas suitable for underground sequestration of carbon dioxide.

Sec. 4. Eliminating Hazardous Natural Gas Leaks. This section clarifies the Congressional intent of provisions relating to leak detection that were adopted in the PIPES Act of 2020. This section clarifies that the underlying provisions are limited to natural gas pipelines and natural gas leaks.

Sec. 5. Technical Safety Standards Committees. This section requires PHMSA to conduct technical safety advisory meetings more regularly to review and improve proposed regulations.

Sec. 6. Opportunity for Formal Hearing. This section provides pipeline operators that have been issued a notice of enforcement from PHMSA an opportunity for an on-the-record hearing conducted by an administrative law judge.

Sec. 7. Special Permit Program. This section requires 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. The section also mandates a report to Congress on the status of safety waivers sought under the special permit program and directs the Government Accountability Office to provide a report on PHMSA’s implementation of this provision.

Sec. 8. Strengthening Penalties for Pipeline Safety Violations. This section strengthens penalties for “damaging, destroying, or impairing the operation of” pipeline facilities.

Sec. 9. Authorization Levels. This section reauthorizes PHMSA’s pipeline safety programs for five years.

Sec. 10. Maximum Allowable Operating Pressure. This section clarifies requirements to conduct pressure testing and confirm the material strength of natural gas transmission pipelines.

Sec. 11. Pipeline Safety Enhancement Programs. This section directs PHMSA to conduct a pilot program to test innovative pipeline safety technologies and integrity management practices that meet or exceed PHMSA’s safety regulations.

Sec. 12. Pipeline Safety Voluntary Information Sharing System. This section directs PHMSA to establish a voluntary information sharing system to gather, evaluate, and quantify critical pipeline safety data and information to improve safety.

Sec. 13. Excavation Damage Prevention. This section updates PHMSA's assessment criteria for State Damage Prevention Programs and describes additional leading practices state one-call programs should consider implementing to prevent excavation damage to pipelines and other underground utilities.

Sec. 14. Protecting Fuel Choice for Consumers. This section prohibits a State or municipality from banning the transportation of an energy source, including natural gas or liquid fuels, that are sold in interstate commerce using a pipeline facility regulated by PHMSA.

Sec. 15. Modernizing and Expanding Pipelines. This section authorizes the Federal Energy Regulatory Commission (FERC) to issue any federal permit required for the construction, modification, expansion, inspection, repair, or maintenance of an existing pipeline or a new pipeline co-located within an existing right-of-way. A person may request FERC to make a final decision on a permit if the federal agency with statutory authority, or the State to which authority has been delegated by the federal agency, fails to complete a proceeding within one year after the application was filed.

Sec. 16. Regulatory Updates. This section requires PHMSA to report to Congress on outstanding regulations and overdue congressional mandates required by prior pipeline safety laws.

Sec. 17. 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. 18. Inspection of In-Service Breakout Tanks. This section authorizes PHMSA to prescribe minimum safety standards to require CO₂ pipeline operators to employ vapor dispersion modeling to identify high consequence areas that could be affected by a CO₂ pipeline release.

- **H.R. ____, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for clothes washers that are not cost-effective or technologically feasible, and for other purposes.**

This bill would prohibit the Secretary of Energy from prescribing or enforcing energy efficiency standards for clothes washers that are not technologically feasible and economically justified, that are likely to result in additional net costs to consumers, or that is not likely to result in significant conservation of energy.

- **H.R. __, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for clothes dryers that are not cost-effective or technologically feasible, and for other purposes.**

This bill would prohibit the Secretary of Energy from prescribing or enforcing energy efficiency standards for clothes dryers that are not technologically feasible and economically justified, that are likely to result in additional net costs to consumers, or that is not likely to result in significant conservation of energy.

- **H.R. __, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for dishwashers that are not cost-effective or technologically feasible, and for other purposes.**

This bill would prohibit the Secretary of Energy from prescribing or enforcing energy efficiency standards for dishwashers that are not technologically feasible and economically justified, that are likely to result in additional net costs to consumers, or that are not likely to result in significant conservation of energy.

- **H.R. __, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for refrigerators, refrigerator-freezers, and freezers that are not cost-effective or technologically feasible, and for other purposes.**

This bill would prohibit the Secretary of Energy from prescribing or enforcing energy efficiency standards for refrigerators and freezers that are not technologically feasible and economically justified, that are likely to result in additional net costs to consumers, or that are not likely to result in significant conservation of energy.

- **H.R. __, To prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for room air conditioners that are not cost-effective or technologically feasible, and for other purposes.**

This bill would prohibit the Secretary of Energy from prescribing or enforcing energy efficiency standards for room air conditioners that are not technologically feasible and economically justified, that are likely to result in additional net costs to consumers, or that are not likely to result in significant conservation of energy.

III. STAFF CONTACTS

If you have any questions regarding this markup, please contact Mary Martin, Brandon Mooney, or Elise Krekorian of the Committee Staff at (202) 225-3641.