

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6494
OFFERED BY MR. GRAVES OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

- Sec. 1. Short title; table of contents.
- 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.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

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

5 “(a) GAS AND HAZARDOUS LIQUID.—

6 “(1) IN GENERAL.—From fees collected under
7 section 60301, there are authorized to be appro-
8 priated to the Secretary to carry out section 12 of
9 the Pipeline Safety Improvement Act of 2002 (49
10 U.S.C. 60101 note; Public Law 107–355) and the
11 provisions of this chapter relating to gas and haz-
12 ardous liquid—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(i) \$2,000,000, pursuant to the au-
23 thority in section 12(f) of the Pipeline
24 Safety Improvement Act of 2002 (49
25 U.S.C. 60101 note; Public Law 107–355),

1 shall be used to carry out section 12 of
2 such Act; and

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

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

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

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

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

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

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

1 “(3) UNDERGROUND NATURAL GAS STORAGE
2 FACILITY SAFETY ACCOUNT.—From fees collected
3 under section 60302, there is authorized to be ap-
4 propriated to the Secretary to carry out section
5 60141 \$7,000,000 for each of fiscal years 2024
6 through 2027.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(1) \$31,000,000 for fiscal year 2024.

24 “(2) \$32,000,000 for fiscal year 2025.

25 “(3) \$33,000,000 for fiscal year 2026.

1 “(4) \$34,000,000 for fiscal year 2027.”.

2 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
3 6107 of title 49, United States Code, is amended by strik-
4 ing “\$1,058,000 for each of fiscal years 2021 through
5 2023” and inserting “\$1,060,000 for each of fiscal years
6 2024 through 2027”.

7 (d) EMERGENCY RESPONSE GRANTS.—Section
8 60125(b)(2) of title 49, United States Code, is amended
9 by striking “fiscal years 2021 through 2023” and insert-
10 ing “fiscal years 2024 through 2027”.

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

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

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

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

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

21 (f) DAMAGE PREVENTION PROGRAMS.—Section
22 60134(i) of title 49, United States Code, is amended in
23 the first sentence by striking “fiscal years 2021 through
24 2023” and inserting “fiscal years 2024 through 2027”.

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

4 (1) by striking “\$3,000,000” and inserting
5 “\$2,000,000”; and

6 (2) by striking “2021 through 2023” and in-
7 serting “2024 through 2027”.

8 **SEC. 3. DEFINITIONS.**

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

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

13 (2) in paragraph (18) by inserting “, a carbon
14 dioxide pipeline facility,” after “gas pipeline facil-
15 ity”;

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

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

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

22 (6) by redesignating paragraphs (1), (2), (3),
23 (4), (5), (6), (9), (7), (10), (8), (11), (12), (13),
24 (14), (15), (16), (17), (18), (19), (23), (24), (25),
25 (20), (21), (22), and (26) as paragraphs (4), (5),

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

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

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

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

12 “(A) means a pipeline, a right of way, a
13 facility, a building, or equipment used, or in-
14 tended to be used, in transporting carbon diox-
15 ide or treating carbon dioxide during the trans-
16 portation of such carbon dioxide; but

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

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

1 (8) by inserting after paragraph (8), as so re-
2 designated, the following:

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

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

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

12 “(22) ‘non-public pipeline safety data and infor-
13 mation’ means any pipeline safety data or informa-
14 tion regardless of form or format, that a company
15 does not disclose, disseminate, or make available to
16 the public or that is not otherwise in the public do-
17 main;”;

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

20 “(26) ‘public information’ means any data or
21 information, regardless of form or format, that a
22 company discloses, disseminates, or makes available
23 to the public or that is otherwise in the public do-
24 main;”;

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

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

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

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

14 **SEC. 4. WORKFORCE DEVELOPMENT.**

15 (a) **ADDITIONAL FULL-TIME EQUIVALENT EMPLOY-**
16 **EES.**—In addition to the personnel level authorized for the
17 Pipeline and Hazardous Materials Safety Administration
18 as of the date of enactment of this Act, the Administrator
19 of such Administration may increase the number of full-
20 time equivalent employees in the Office of Pipeline Safety
21 by not more than 30 positions for employees who have
22 advanced engineering, scientific, or other technical exper-
23 tise (or equivalent experience) to—

24 (1) develop and implement pipeline safety poli-
25 cies and regulations; and

1 (2) fulfill congressional rulemaking mandates.

2 (b) REPORT REQUIRED.—Not later than 1 year after
3 the date of enactment of this Act, the Secretary of Trans-
4 portation shall submit to Congress a report on—

5 (1) any progress made on implementation of
6 subsection (a);

7 (2) the implementation of the recruitment and
8 retention incentives authorized in section 102 of the
9 PIPES Act of 2020 (Public Law 116–260);

10 (3) barriers and challenges to hiring and reten-
11 tion at the Administration;

12 (4) staffing levels of inspection and enforcement
13 personnel of the Administration; and

14 (5) any additional workforce needs of the Ad-
15 ministration.

16 (c) EFFECT ON EXISTING REGULATION.—Section
17 102(c) of the PIPES Act of 2020 (49 U.S.C. 60101 note)
18 is amended by striking paragraph (3) and inserting the
19 following:

20 “(3) EFFECT ON EXISTING REGULATION.—In
21 implementing the incentives described in paragraph
22 (1), the Secretary, in consultation with the Adminis-
23 trator of the Pipeline and Hazardous Materials Safe-
24 ty Administration, may waive existing regulations.”.

1 **SEC. 5. REGULATORY UPDATES.**

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

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

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

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

14 (4) any other final rule regarding gas or haz-
15 ardous liquid pipeline facilities that—

16 (A) has not been published in the Federal
17 Register; and

18 (B) is required to be issued under this Act
19 or any other Act.

20 (b) **REQUIREMENTS.**—

21 (1) **PERIODIC UPDATES.**—Not later than 30
22 days after the date of enactment of this Act, and
23 every 30 days thereafter until each outstanding
24 mandate is published in the Federal Register, the
25 Secretary of Transportation shall publish on a pub-
26 licly available website of the Department of Trans-

1 portation an update regarding the status of each
2 such mandate in accordance with subsection (c).

3 (2) NOTIFICATION OF CONGRESS.—On publica-
4 tion of a final rule in the Federal Register for an
5 outstanding mandate, the Secretary shall submit to
6 the Committee on Transportation and Infrastructure
7 and the Committee on Energy and Commerce of the
8 House of Representatives and the Committee on
9 Commerce, Science, and Transportation of the Sen-
10 ate a notification of such publication.

11 (c) CONTENTS.—An update published or a notifica-
12 tion submitted under subsection (b)(1) shall contain, as
13 applicable—

14 (1) with respect to information relating to the
15 Administration—

16 (A) a description of the work plan for each
17 outstanding mandate;

18 (B) an updated rulemaking timeline for
19 each outstanding mandate;

20 (C) the staff allocations with respect to
21 each outstanding mandate;

22 (D) any resource constraints affecting the
23 rulemaking process for each outstanding man-
24 date;

1 (E) any other details associated with the
2 development of each outstanding mandate that
3 affect the progress of the rulemaking process
4 with respect to that outstanding mandate; and

5 (F) a description of all rulemakings re-
6 garding gas or hazardous liquid pipeline facili-
7 ties published in the Federal Register that are
8 not identified under subsection (b)(2); and

9 (2) with respect to information relating to the
10 Office of the Secretary—

11 (A) the date that the outstanding mandate
12 was submitted to the Office of the Secretary for
13 review;

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

16 (C) the staff allocations within the Office
17 of the Secretary with respect to each out-
18 standing mandate;

19 (D) any resource constraints affecting re-
20 view of the outstanding mandate;

21 (E) an estimated timeline of when review
22 of the outstanding mandate will be complete, as
23 of the date of the update;

24 (F) if applicable, the date that the out-
25 standing mandate was returned to the Adminis-

1 tration for revision and the anticipated date for
2 resubmission to the Office of the Secretary;

3 (G) the date that the outstanding mandate
4 was submitted to the Office of Management and
5 Budget for review; and

6 (H) a statement of whether the out-
7 standing mandate remains under review by the
8 Office of Management and Budget.

9 **SEC. 6. INCORPORATION BY REFERENCE.**

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

13 “(l) UPDATING STANDARDS.—

14 “(1) IN GENERAL.—Not less frequently than
15 once every 4 years, or if an interested person other-
16 wise petitions in accordance with section 190.331 of
17 title 49, Code of Federal Regulations (or successor
18 regulation), the Secretary shall review, and update
19 as necessary, incorporated industry standards that
20 have been adopted, either partially or in full, as part
21 of the Federal pipeline safety regulatory program
22 under this chapter that are modified and published
23 by a standards development organization, as such
24 term is defined in section 2(a) of the National Coop-

1 erative Research and Production Act of 1993 (15
2 U.S.C. 4301(a)).

3 “(2) DISCRETION IN ADOPTING INDUSTRY
4 STANDARDS.—The Secretary may decline to adopt
5 an industry standard that is inconsistent with appli-
6 cable law or otherwise impracticable, including in
7 circumstances where the use of an industry standard
8 would not serve the needs of the Federal pipeline
9 safety regulatory program, or would impose undue
10 burdens.

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

13 “(A) maintain a publicly available list of
14 all industry standards considered for adoption
15 under this chapter and the agency’s adjudica-
16 tion of each considered standard;

17 “(B) include the reasoning for not adopt-
18 ing an industry standard, whether in full or in
19 part, on the list under subparagraph (A); and

20 “(C) submit to the Committee on Trans-
21 portation and Infrastructure and the Com-
22 mittee on Energy and Commerce of the House
23 of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Sen-
25 ate such list not later than—

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

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

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

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

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

16 (2) submit to the Committee on Transportation
17 and Infrastructure and the Committee on Energy
18 and Commerce of the House of Representatives and
19 the Committee on Commerce, Science, and Trans-
20 portation of the Senate a report on the review con-
21 ducted under paragraph (1).

22 **SEC. 7. INSPECTION ACTIVITY REPORTING.**

23 (a) INSPECTION AND ENFORCEMENT PRIORITIES.—
24 Not later than 1 year after the date of enactment of this
25 Act, the Secretary of Transportation shall establish, and

1 make available to the public in an electronically accessible
2 format, a report containing the inspection and enforce-
3 ment priorities of the Office of Pipeline Safety of the Pipe-
4 line and Hazardous Materials Safety Administration for
5 fiscal years 2024 through 2027. Such report shall include
6 a description of—

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

9 (2) how the inspection and enforcement prior-
10 ities will improve pipeline safety; and

11 (3) how the Administrator communicates and
12 coordinates the implementation of inspection and en-
13 forcement priorities with regional offices and State
14 inspectors operating under delegated authority.

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

19 (c) SUMMARY OF PIPELINE INSPECTIONS.—Not later
20 than June 1 of each year beginning with the year after
21 the date of enactment of this Act, the Administrator shall
22 make available to the public in an electronically accessible
23 format a summary of Federal and State pipeline inspec-
24 tions conducted under direct or delegated authority of title

1 49, United States Code, during the previous calendar year,
2 to include—

3 (1) the date of the inspection;

4 (2) the name of the pipeline owner or operator;

5 (3) the pipeline system or segment inspected;

6 (4) the region or regions of the Pipeline and
7 Hazardous Materials Safety Administration in which
8 the inspected system or segment operates;

9 (5) the State or States in which the inspected
10 system or segment operates; and

11 (6) any violations, or proposed violations, found
12 as a result of pipeline inspections.

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

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

17 (1) in subparagraph (A) by inserting “, if appli-
18 cable” after “each proposed standard”; and

19 (2) in subparagraph (B) by inserting “, if appli-
20 cable” after “each proposed standard”.

21 (b) REPORT.—Section 60115(c)(2) of title 49, United
22 States Code, is amended by inserting “and provide written
23 notification of such reasons to the Committee on Trans-
24 portation and Infrastructure and the Committee on En-
25 ergy and Commerce of the House of Representatives and

1 the Committee on Commerce, Science, and Transportation
2 of the Senate at the time a final rulemaking relating to
3 the standard is issued” after “publish the reasons”.

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

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

9 It is the sense of Congress that—

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

19 (A) inform the work of the Secretary;

20 (B) assist the Administrator of the Pipe-
21 line and Hazardous Materials Safety Adminis-
22 tration in developing the scope of a rule; and

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

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

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

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Secretary of Transpor-
11 tation shall rename the Community Liaison Services with-
12 in the Office of Pipeline Safety of the Pipeline and Haz-
13 ardous Materials Safety Administration as the Office of
14 Public Engagement (hereinafter in this section referred to
15 as the “Office”).

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

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

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

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

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

3 (c) PUBLIC ACCESS.—The Office shall ensure that
4 activities carried out by the Office and information prod-
5 ucts developed by the Office are accessible to the public.

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

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

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

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

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

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

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

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

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

12 “(E) CONSIDERATION.—In promulgating
13 regulations under this section, the Secretary
14 shall consider the adoption of industry con-
15 sensus standards.”.

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

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

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

21 “(A) IN GENERAL.—As part of the review con-
22 ducted under paragraph (3), the Secretary shall
23 allow for an alternative method of maintaining
24 rights-of-way for pipelines and other pipeline facili-
25 ties under a voluntary program carried out by the

1 operator if such alternative method achieves a level
2 of safety at least equal to the level of safety required
3 by regulations issued under this chapter.

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

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

11 “(ii) the development of habitat and forage
12 for pollinators and other wildlife through seed-
13 ing or planting of diverse native forbs and
14 grasses;

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

21 “(I) increasing mowing height;

22 “(II) reducing mowing frequency; and

23 “(III) refraining from mowing mon-
24 arch and other pollinator habitat during

1 periods in which monarchs or other polli-
2 nators are present;

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

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

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

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

20 “(I) native plant identification;

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

23 “(III) land management practices;

24 and

1 “(IV) integrated vegetation manage-
2 ment.

3 “(C) SAVINGS CLAUSE.—Nothing in this section
4 exempts an operator from compliance with the appli-
5 cable requirements under this chapter or any appli-
6 cable regulations promulgated under this chapter.

7 “(D) CONSULTATION.—

8 “(i) AVAILABLE GUIDANCE.—In developing
9 such alternative methods, an operator shall con-
10 sult any available guidance issued by—

11 “(I) the Secretary; or

12 “(II) an applicable State agency car-
13 rying out compliance activities on behalf of
14 the Secretary in accordance with section
15 60105.

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

21 **SEC. 14. STUDY ON COMPOSITE MATERIALS FOR PIPE-**
22 **LINES.**

23 (a) STUDY ON USE OF COMPOSITE MATERIALS.—
24 Not later than 2 years after the date of enactment of this
25 Act, the Secretary of Transportation shall complete a

1 study assessing the potential and existing use of pipelines
2 constructed with composite materials to safely transport
3 hydrogen and hydrogen blended with natural gas.

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

6 (1) any commercially available composite pipe-
7 line materials;

8 (2) any completed or ongoing tests and data re-
9 garding composite pipeline materials available to the
10 Secretary or other Federal agencies; and

11 (3) any recommended standards, including con-
12 sensus standards, and Federal agency authorizations
13 relating to use of composite pipeline materials.

14 (c) PUBLIC PARTICIPATION.—To ensure adequate
15 public participation in completing the study under sub-
16 section (a), the Secretary shall—

17 (1) hold a public meeting with interested stake-
18 holders, including the affected industries, interest
19 groups, and other individuals with relevant expertise;

20 (2) release a draft version of the study for pub-
21 lic comment for a period of not less than 60 days;
22 and

23 (3) address any substantive comments sub-
24 mitted by the public during the public comment pe-

1 riod under paragraph (2) in preparing the final
2 study.

3 (d) PUBLIC MEETING.—Not later than 60 days after
4 the closing of the public comment period under subsection
5 (c)(2), the Secretary shall hold a public meeting to present
6 the findings of the study under this section and any re-
7 sponses to public comments received under such sub-
8 section.

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

10 (a) FEDERAL SHARE.—

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

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

24 (3) SMALL AND MID-SIZED INSTITUTIONS DE-
25 FINED.—In this subsection, the term “small and

1 mid-sized institutions” means academic institutions
2 eligible for a grant under the Competitive Academic
3 Agreement Program with a current total enrollment
4 of 17,500 students or less, including graduate and
5 undergraduate as well as full- and part-time stu-
6 dents.

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

11 (1) the recipients of such grants; and

12 (2) any grantees that were provided a 100-per-
13 cent Federal share under this section.

14 **SEC. 16. GEOHAZARD MITIGATION STUDY.**

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

18 (1) the results of a study that—

19 (A) evaluates Federal and State, as appli-
20 cable, requirements for gas, hazardous liquid,
21 and carbon dioxide pipeline facility design,
22 siting, construction, operation and maintenance,
23 and integrity management relating to
24 geohazards, including seismicity, land subsid-
25 ence, landslides, slope instability, frost heave,

1 soil settlement, erosion, river scour, washouts,
2 floods, unstable soil, water currents, hurricanes,
3 dynamic geologic conditions, tsunamis, tor-
4 nados, wildfires, floods, ice storms, or other
5 hazards that may cause a pipeline to move or
6 be affected by abnormal external loads;

7 (B) evaluates any industry consensus
8 standards or best practices related to the re-
9 quirements described in subparagraph (A);

10 (C) evaluates the implementation by opera-
11 tors of Federal and State regulations related to
12 geohazards and application of recommendations
13 included in the Advisory Bulletin of the Pipeline
14 and Hazardous Materials Safety Administration
15 titled “Pipeline Safety: Potential for Damage to
16 Pipeline Facilities Caused by Earth Movement
17 and Other Geological Hazards”, issued on May
18 2, 2019 (PHMSA–019–0087);

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

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

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

7 (b) REPORT TO CONGRESS.—Upon completion of the
8 report under subsection (a), the Comptroller General shall
9 submit to the Secretary of Transportation, the Committee
10 on Transportation and Infrastructure and the Committee
11 on Energy and Commerce of the House of Representa-
12 tives, and the Committee on Commerce, Science, and
13 Transportation of the Senate the report.

14 **SEC. 17. 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 Committee on
14 Transportation and Infrastructure and Committee
15 on Energy and Commerce of the House of Rep-
16 resentatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report
18 on the implementation by the Administrator of the
19 Pipeline and Hazardous Materials Safety Adminis-
20 tration of the amendment 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 Committee on Transportation and Infrastructure and the
18 Committee on Energy and Commerce of the House of
19 Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a report assess-
21 ing the Secretary's implementation of, and compliance
22 with, subparagraphs (C) through (E) of section
23 60118(c)(1) of title 49, United States Code.

1 **SEC. 18. 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 (c) and (d), respectively; and

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

12 “(b) LEADING PRACTICES.—A State one-call pro-
13 gram shall consider implementing leading practices that—

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

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

20 “(3) examine and limit exemptions to one-call
21 programs to prevent common excavation damage in-
22 cidents, including—

23 “(A) excavation or demolition performed
24 by the owner of a single-family residential prop-
25 erty;

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

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

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

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

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

16 “(6) specify the responsibilities of the exca-
17 vator, including the reporting of damages due to ex-
18 cavation activities;

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

21 “(8) require the use of white lining or electronic
22 white lining;

23 “(9) require a positive response, such as the
24 utility, municipality, or other entity placing the
25 marks positively responds to the notification center

1 and the excavator checks for a positive response be-
2 fore beginning excavation;

3 “(10) encourage newly installed underground
4 facilities to be locatable;

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

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

12 “(13) encourage robust training for locate pro-
13 fessionals; and

14 “(14) encourage the use of commercially avail-
15 able technologies to locate underground facilities,
16 such as geographic information systems and en-
17 hanced positive response.”.

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

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

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

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

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

5 “(A) effective, active, and consistent en-
6 forcement of State one-call laws (including con-
7 sistency in the application of enforcement re-
8 sources, fines, and penalties to all relevant
9 stakeholders, such as operators, locators, and
10 excavators);

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

16 “(i) information about the nature of
17 the incident, including the facility damaged
18 and the apparent cause of such damage
19 (with supporting documentation);

20 “(ii) the organizations or entities in-
21 volved;

22 “(iii) the impact to public safety, util-
23 ity operations, and customer service; and

24 “(iv) the impact to the environment;

1 “(C) data reporting requirements, to a
2 nonprofit organization specifically established
3 for the purpose of reducing construction-related
4 damage to underground facilities, of damage
5 and near-miss events to underground facilities
6 from excavation damage, including root cause,
7 facility damaged, type of excavator, work per-
8 formed, equipment type, and State; and

9 “(D) performance measures to determine
10 the effectiveness of excavation damage preven-
11 tion efforts.”.

12 **SEC. 19. INTEGRITY MANAGEMENT STUDY.**

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

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

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

1 (2) consult with pipeline stakeholders in the de-
2 velopment of findings under the study, including
3 State and Federal regulators, pipeline operators,
4 public safety organizations, and environmental orga-
5 nizations.

6 (c) ELEMENTS.—The study described under sub-
7 section (a) shall include—

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

12 (2) a review of the implementation and enforce-
13 ment by the Secretary of integrity management reg-
14 ulations and any modifications of the regulations
15 issued by the Secretary pursuant to section 60109 of
16 title 49, United States Code;

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

21 (A) the frequency of such incidents, acci-
22 dents, and repairs before and after the imple-
23 mentation of the Federal integrity management
24 requirements described in subsection (a); and

1 (B) the frequency of such incidents, acci-
2 dents, and repairs during the period of time
3 such integrity management requirements have
4 been in effect;

5 (4) development of metrics to gauge the effec-
6 tiveness of the implementation and enforcement of
7 such integrity management regulations;

8 (5) an assessment of how integrity management
9 informs operator activities, including planning and
10 completion of repairs, and whether the implementa-
11 tion of integrity management regulations by opera-
12 tors of pipeline facilities has had a demonstrable ef-
13 fect on improving gas and hazardous liquid pipeline
14 safety; and

15 (6) identification of areas where pipeline safety
16 has improved and where it has not improved due to
17 integrity management.

18 (d) REPORT TO CONGRESS.—The Secretary shall—

19 (1) require the National Academies to submit to
20 the Secretary a report on the results of the study
21 under subsection (a); and

22 (2) not later than 2 years after the date of en-
23 actment of this Act, submit to the Committee on
24 Transportation and Infrastructure and the Com-
25 mittee on Energy and Commerce of the House of

1 Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate such re-
3 port.

4 **SEC. 20. HYDROGEN STUDY.**

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

- 11 (1) modifications or alternatives to—
12 (A) odorants and leak-detection methods;
13 (B) pipeline materials; and
14 (C) operational standards; and
15 (2) modifications to pipeline infrastructure.

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

- 18 (1) an identification of any technical challenges
19 with repurposing existing natural gas infrastructure
20 to allow such infrastructure to be used for hydrogen-
21 natural gas blended service; and
22 (2) an examination of hydrogen-natural gas
23 blended pipeline systems currently operating, includ-
24 ing in the United States, the United Kingdom, Can-
25 ada, Europe, Australia, and Hong Kong.

1 (c) CONSIDERATIONS.—In conducting the study
2 under subsection (a), the Comptroller General shall con-
3 sider—

4 (1) any changes that domestic and international
5 operators of natural gas pipeline systems have im-
6 plemented to the processes, pipeline materials, me-
7 tering, and operational standards used by such oper-
8 ators to account for the operation and integrity of
9 natural gas pipeline systems that use a hydrogen
10 content at variable percentages above 5 percent by
11 volume; and

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

15 (A) natural gas pipeline systems materials,
16 including cast iron, steel, composite pipe, and
17 plastic pipe; and

18 (B) components of such systems, including
19 valves and meters.

20 (d) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General shall
22 submit to the Committee on Transportation and Infra-
23 structure and the Committee on Energy and Commerce
24 of the House of Representatives and the Committee on
25 Commerce, Science, and Transportation of the Senate a

1 report on the results of the study conducted under sub-
2 section (a).

3 (e) RULEMAKING.—The results of the study under
4 subsection (a) should inform the rulemaking efforts of the
5 Secretary relating to hydrogen-natural gas blending. The
6 Secretary may determine that rulemaking efforts related
7 to hydrogen should be advanced before completion of the
8 study under subsection (a).

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

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

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

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

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

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

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

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

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

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

18 or

19 “(C) at a construction site.”.

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

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

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

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

12 (b) MEMBERSHIP.—

13 (1) IN GENERAL.—The Working Group shall
14 consist of certain representatives of the Federal gov-
15 ernment, as such term is defined in section
16 111(a)(3)(F)(i)–(v) of the PIPES Act of 2020 (Pub-
17 lic Law 116–260), as designated by the Secretary of
18 Transportation or appropriate Federal agency lead-
19 ership.

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

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

5 (c) EVALUATION.—

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

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

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

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

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

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

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

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

1 **SEC. 24. PIPELINE SAFETY VOLUNTARY INFORMATION-**
2 **SHARING SYSTEM.**

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

6 **“§ 60144. Voluntary information-sharing system**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a confidential voluntary information-sharing sys-
10 tem (referred to in this section as ‘VIS’) to encour-
11 age the sharing of pipeline safety data and informa-
12 tion in a non-punitive context in order to improve
13 the safety of gas, carbon dioxide, and hazardous liq-
14 uid gathering, transmission, and distribution pipe-
15 lines and facilities, including storage facilities.

16 “(2) PURPOSE.—The purpose of the VIS is to
17 establish a comprehensive, systematic, and inte-
18 grated structure to gather, evaluate, and quantify
19 critical pipeline safety data and information and to
20 share recommended remediation measures and les-
21 sons learned across the pipeline industry in an effort
22 to improve pipeline safety, including damage preven-
23 tion efforts, while protecting participant confiden-
24 tiality.

25 “(3) IMPLEMENTATION AND MANAGEMENT.—In
26 establishing the VIS under this section, the Sec-

1 retary shall implement and manage such VIS based
2 on the Pipeline Safety Voluntary Information-Shar-
3 ing System Recommendation Report prepared pur-
4 suant to section 10 of the Protecting Our Infra-
5 structure of Pipelines and Enhancing Safety Act of
6 2016 (49 U.S.C. 60108 note).

7 “(4) INAPPLICABILITY OF FACa.—The VIS
8 shall not be considered a Federal advisory committee
9 and shall not be subject to the requirements of chap-
10 ter 10 of title 5.

11 “(b) GOVERNANCE.—

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

15 “(2) GOVERNING BOARD.—

16 “(A) IN GENERAL.—Not later than 180
17 days after the date of enactment of this section,
18 the Administrator of the Pipeline and Haz-
19 ardous Materials Safety Administration shall
20 appoint a Governing Board after consulting
21 with public and private pipeline safety stake-
22 holders.

23 “(B) COMPOSITION OF THE BOARD.—The
24 Governing Board shall be comprised of at least
25 9 members and shall represent a balanced

1 cross-section of pipeline safety stakeholders
2 with pipeline safety knowledge or experience as
3 follows:

4 “(i) at least 3 individuals shall be se-
5 lected from departments, agencies, instru-
6 mentalities of the Federal Government,
7 Territories, State governments, or local
8 governments, 1 of which shall be the Ad-
9 ministrator.

10 “(ii) at least 3 individuals shall be se-
11 lected from the gas, carbon dioxide, or haz-
12 ardous liquid industries, such as operators,
13 trade associations, inspection technology,
14 coating, and cathodic protection vendors,
15 and pipeline inspection organizations.

16 “(iii) at least 3 individuals shall be se-
17 lected from public safety advocate organi-
18 zations, such as pipeline safety and envi-
19 ronmental advocacy groups, public safety-
20 focused research institutions, or labor and
21 worker safety representatives.

22 “(C) BOARD TERMS.—

23 “(i) IN GENERAL.—Each member of
24 the Governing Board shall be appointed for

1 a term of 3 years, with the terms of 3 of
2 the members expiring each year.

3 “(ii) TERM EXPIRATION.—The term
4 of at least 1 member of each of the 3
5 stakeholder groups established in subpara-
6 graph (B) shall expire each year.

7 “(iii) INITIAL APPOINTMENT.—In the
8 initial appointment of members, terms of
9 1, 2, and 3 years shall be established to
10 allow the terms of 3 members to expire
11 thereafter each year.

12 “(iv) REAPPOINTMENT.—Each mem-
13 ber may be reappointed for consecutive 3-
14 year terms.

15 “(D) CO-CHAIRS.—

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

18 “(I) the Administrator;

19 “(II) a representative of the
20 stakeholder group described in sub-
21 paragraph (B)(ii), who shall be ap-
22 pointed with advice and consent of the
23 Governing Board; and

24 “(III) a representative of the
25 stakeholder group described in sub-

1 paragraph (B)(iii), who shall be ap-
2 pointed with advice and consent of the
3 Governing Board.

4 “(ii) RESPONSIBILITIES.—The co-
5 chairs of the Governing Board shall be
6 jointly responsible for organizing and con-
7 ducting meetings of the Governing Board.

8 “(E) AUTHORITY.—The Governing Board
9 shall make decisions by a super-majority of two-
10 thirds plus 1 of the Governing Board members
11 and shall have the authority to—

12 “(i) govern and provide strategic over-
13 sight to the VIS;

14 “(ii) develop governance documents,
15 including a Governing Board charter that
16 is made available to the public, and that
17 describes the scope of the authority and
18 objectives of the Board;

19 “(iii) select a Third-Party Data Man-
20 ager described in paragraph (4) with ex-
21 pertise in data protection, aggregation, and
22 analytics and geographic information sys-
23 tems;

24 “(iv) approve the criteria and proce-
25 dures governing how the Third-Party Data

1 Manager described in paragraph (4) will
2 receive and accept pipeline safety data and
3 information and who will have the author-
4 ity to view VIS data;

5 “(v) establish and appoint members to
6 Issue Analysis Teams described in para-
7 graph (5) that consist of technical and
8 subject matter experts;

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

12 “(vii) collaborate with Issue Analysis
13 Teams described in paragraph (5) to speci-
14 fy the type of de-identified pipeline safety
15 data and information that Issue Analysis
16 Teams need in order to analyze the issues
17 identified under clause (vi) and topics;

18 “(viii) determine the information to be
19 disseminated;

20 “(ix) determine the reports to be dis-
21 seminated;

22 “(x) at least once per year, issue a re-
23 port to the public on VIS processes, mem-
24 bership of the Governing Board, issues or
25 topics being investigated and analyzed,

1 pipeline safety data and information that
2 the VIS has requested for submission to
3 the VIS, and safety trends identified; and

4 “(xi) perform other functions as the
5 Governing Board decides are necessary or
6 appropriate consistent with the purpose of
7 the VIS.

8 “(3) PROGRAM MANAGER.—The Administrator
9 shall provide the day-to-day program management
10 and administrative support for the VIS, including
11 oversight of the Third-Party Data Manager de-
12 scribed in paragraph (4).

13 “(4) THIRD-PARTY DATA MANAGER.—

14 “(A) IN GENERAL.—A Third-Party Data
15 Manager shall provide data management and
16 data oversight services for the VIS.

17 “(B) RESPONSIBILITIES.—In fulfilling the
18 responsibilities described in subparagraph (A),
19 the Third-Party Data Manager shall—

20 “(i) accept pipeline safety data and
21 information submitted to the VIS that
22 meets the criteria and procedures estab-
23 lished by the Governing Board under para-
24 graph (2)(E)(iv);

1 “(ii) de-identify, securely store, and
2 manage pipeline safety data and informa-
3 tion that is accepted by the VIS;

4 “(iii) collaborate with Issue Analysis
5 Teams described in paragraph (5) to ag-
6 gregate and analyze de-identified pipeline
7 safety data and information that is accept-
8 ed by the VIS;

9 “(iv) prepare reports as requested by
10 the Governing Board regarding the type of
11 pipeline safety data and information that
12 is managed by the VIS; and

13 “(v) make recommendations regarding
14 the management of pipeline safety data
15 and information, as appropriate.

16 “(5) ISSUE ANALYSIS TEAMS.—Issue Analysis
17 Teams of the VIS shall—

18 “(A) work with the Third-Party Data
19 Manager described in paragraph (4) to aggre-
20 gate and analyze de-identified pipeline safety
21 data and information accepted by the VIS;

22 “(B) collaborate with the Governing Board
23 to identify issues and topics for analysis and
24 submit internal reports and recommendations to
25 the Governing Board; and

1 “(C) prepare reports as requested by the
2 Governing Board regarding issues and topics
3 identified for additional research by the Gov-
4 erning Board.

5 “(6) PARTICIPATION.—

6 “(A) IN GENERAL.—The submission of
7 pipeline safety data and information to the VIS
8 by any person shall be voluntary, with no per-
9 son compelled to participate in or submit data
10 or information for inclusion in the VIS.

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

15 “(C) SHARING OF INFORMATION.—The
16 Governing Board shall encourage the voluntary
17 sharing of pipeline safety data and information
18 among operators of gas, carbon dioxide, and
19 hazardous liquid gathering, transmission, and
20 distribution pipelines and facilities, employees,
21 labor unions, contractors, in-line inspection
22 service providers, non-destructive evaluation ex-
23 perts, the Pipeline and Hazardous Materials
24 Safety Administration, representatives of State
25 pipeline safety agencies, local and Tribal gov-

1 ernments, pipeline safety advocacy groups,
2 manufacturers, research and academic institu-
3 tions, and other pipeline stakeholders.

4 “(c) INFORMATION SHARING.—

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

7 “(A) pipeline integrity risk analysis infor-
8 mation;

9 “(B) lessons learned from accidents and
10 near misses;

11 “(C) process improvements;

12 “(D) technology deployment practices;

13 “(E) information obtained through VIS
14 pipeline safety surveys of pipeline operator em-
15 ployees, as long as such surveys are voluntarily
16 agreed to by the pipeline operator; and

17 “(F) pipeline safety data and information
18 which may lead to the identification of pipeline
19 safety risks.

20 “(d) CONFIDENTIALITY.—

21 “(1) IN GENERAL.—

22 “(A) CONFIDENTIALITY.—To facilitate the
23 sharing of otherwise non-public pipeline safety
24 data and information (hereinafter known as
25 ‘non-public information’) in the VIS, non-public

1 information accepted by the VIS and which
2 may be analyzed, stored, or managed by the
3 VIS shall be kept confidential by the VIS.

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

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

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

24 “(B) PUBLIC REPORTS.—In issuing public
25 reports under subsection (b)(2)(E)(x), the Gov-

1 erning Board shall approve the disclosure of de-
2 identified, non-public information by the VIS
3 that the Governing Board determines is nec-
4 essary to adequately describe and illustrate the
5 issues and topics being investigated and ana-
6 lyzed by the VIS.

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

19 “(e) APPLICABILITY OF FOIA.—Any non-public in-
20 formation that is accepted by the VIS and which may be
21 analyzed, stored, or managed by the VIS and subsequently
22 obtained by the Secretary or the Administrator by virtue
23 of the acceptance of such information to the VIS shall be
24 exempt from the requirements of section 552 of title 5

1 and specifically exempt from release under subsection
2 (b)(3) of such section.

3 “(f) EXCLUSIONS.—

4 “(1) EXCLUDED EVIDENCE.—Except as pro-
5 vided in paragraph (3), non-public information ac-
6 cepted by the VIS and which may be analyzed,
7 stored, or managed by the VIS shall not be obtained
8 from the VIS—

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

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

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

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

5 “(A) evidence of a criminal violation;

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

8 “(C) otherwise required to be reported to
9 the Secretary under part 191 (including infor-
10 mation about an incident or accident), part
11 192, part 194, part 195, or part 199 of title
12 49, Code of Federal Regulations (or successor
13 regulations), or required to be reported under
14 the requirements of a State authority; or

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

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

22 “(h) NO EFFECT ON DISCOVERY.—

23 “(1) RULE OF CONSTRUCTION.—Nothing in
24 this section or any rule, regulation, or amendment
25 issued pursuant to this section shall be construed to

1 create a defense to a discovery request or otherwise
2 limit or affect the discovery of pipeline safety data
3 and information arising from a cause of action au-
4 thorized under any under Federal, State, or local
5 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 “(i) EXPENSES.—

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

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

17 “(3) FEDERAL EMPLOYEES.—Paragraph (1)
18 shall not apply to members of the VIS Governing
19 Board that are employees of the Federal Govern-
20 ment.

21 “(j) REPORT ON VIS.—Not later than 2 years after
22 the date of enactment of this section, the Secretary shall
23 submit to the Committee on Transportation and Infra-
24 structure and the Committee on Energy and Commerce
25 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate,
2 and make publicly available, a report that includes—

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

5 “(2) an estimate of the annual cost to maintain
6 the VIS program, including an assessment and pro-
7 jection of costs associated with the Third-Party
8 Data Manager, data sourcing and storage, data gov-
9 ernance, data architecture, data consumption, and
10 the VIS operations and administration by the Pipe-
11 line and Hazardous Materials Safety Administration;

12 “(3) the methodology for determining the esti-
13 mate under paragraph (2);

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

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

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

22 “(7) recommendations to ensure sufficient
23 funding for the ongoing activities of the VIS pro-
24 gram, including a reasonable fee assessed on author-
25 ized participants in the VIS program.

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

5 “(1) \$1,000,000 for fiscal year 2024;

6 “(2) \$10,000,000 for fiscal year 2025;

7 “(3) \$10,000,000 for fiscal year 2026; and

8 “(4) \$10,000,000 for fiscal year 2027.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 601 of title 49, United States Code, is amended by
11 adding at the end the following:

“60144.Voluntary information-sharing system.”.

12 **SEC. 25. CARBON DIOXIDE PIPELINES.**

13 (a) PURPOSE AND GENERAL AUTHORITY.—Section
14 60102 of title 49, United States Code, is amended—

15 (1) in subsection (b)—

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

18 and

19 (B) in paragraph (2)(A)—

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

22 and

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

1 “(ii) carbon dioxide pipeline safety in-
2 formation;”;

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

6 (3) in subsection (d)(2)—

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

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

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

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

14 (4) in subsection (e) by striking “transportation
15 of gas or hazardous liquid” and inserting “transpor-
16 tation of gas, hazardous liquid, or carbon dioxide”;

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

22 (6) in subsection (i)—

23 (A) in paragraph (1) by striking “a haz-
24 ardous liquid” and all that follows through

1 “such a facility” and inserting “a pipeline facil-
2 ity in a liquid and supercritical state”;

3 (B) in paragraph (3) by inserting “ pre-
4 scribe the location of a carbon dioxide storage
5 facility or to” before “regulate piping”;

6 (C) by redesignating paragraph (3) as
7 paragraph (4);

8 (D) by inserting after paragraph (2) the
9 following:

10 “(3) STORAGE OF CARBON DIOXIDE.—

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

16 “(B) STORAGE OF CARBON DIOXIDE INCI-
17 DENTAL TO PIPELINE TRANSPORTATION.—In
18 this paragraph, the term ‘storage of carbon di-
19 oxide incidental to pipeline transportation’—

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

23 “(ii) does not include—

24 “(I) with respect to each State,
25 the long-term containment of carbon

1 dioxide in subsurface geologic forma-
2 tions or other activity subject to the
3 requirements of a State underground
4 injection control program prescribed
5 by the Administrator of the Environ-
6 mental Protection Agency and appli-
7 cable to the State, or adopted by the
8 State and approved by the Adminis-
9 trator, under part C of the Safe
10 Drinking Water Act (42 U.S.C. 300h
11 et seq.); or

12 “(II) the temporary storage of
13 carbon dioxide in any excepted pipe-
14 lines listed in paragraph (b) of section
15 195.1 of title 49, Code of Federal
16 Regulations, as of the date of enact-
17 ment of the PIPES Act of 2023.”;
18 and

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

20 “(5) DISPERSION MODELING.—

21 “(A) SAFETY STANDARDS.—The Secretary
22 shall prescribe minimum safety standards to re-
23 quire each operator of a carbon dioxide pipeline
24 facility to employ vapor dispersion modeling to
25 identify high consequence areas, as defined at

1 section 195.450 of title 49, Code of Federal
2 Regulations, and paragraph (7)(I)(A) of Appen-
3 dix C to part 195 of such title, that could be
4 affected by a release from such a pipeline.

5 “(B) CONSIDERATIONS.—In performing
6 the vapor dispersion modeling under subpara-
7 graph (A), operators of a carbon dioxide pipe-
8 line facility shall consider—

9 “(i) the topography surrounding the
10 pipeline;

11 “(ii) atmospheric conditions that
12 could affect vapor dispersion;

13 “(iii) pipeline operating characteris-
14 ties; and

15 “(iv) additional substances present in
16 the pipeline that could affect vapor disper-
17 sion.

18 “(C) MAINTENANCE OF FILES.—The Sec-
19 retary shall require each operator of a carbon
20 dioxide pipeline facility to maintain records doc-
21 umenting the areas that could affect high con-
22 sequence areas, as determined using the vapor
23 dispersion modeling required pursuant to sub-
24 paragraph (A), in the manual of written proce-

1 dures for operating, maintaining, and handling
2 emergencies for such pipeline.

3 “(D) PROTECTION OF SENSITIVE INFOR-
4 MATION.—In responding to a public request for
5 information regarding carbon dioxide dispersion
6 modeling, the Secretary may, taking into ac-
7 count public safety, security, and the need for
8 public access, exclude from disclosure (as the
9 Secretary determines appropriate)—

10 “(i) security sensitive information re-
11 lated to strategies for responding to worst-
12 case carbon dioxide release scenarios;

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

15 “(iii) security sensitive information re-
16 lated to plans for responding to a carbon
17 dioxide release.

18 “(E) STATUTORY CONSTRUCTION.—Noth-
19 ing in this section may be construed to require
20 disclosure of information or records that are ex-
21 empt from disclosure under section 552 of title
22 5.”.

23 (b) REGULATIONS REQUIRED.—Not later than 1 year
24 after the date of publishing a notice of proposed rule-
25 making titled “Pipeline Safety: Safety of Carbon Dioxide

1 and Hazardous Liquid Pipelines” (or any other notice of
2 proposed rulemaking covering substantially similar regu-
3 latory requirements), the Secretary shall issue a final rule
4 based on such proposed rulemaking. The final rule shall
5 address the issue of gaseous carbon dioxide as required
6 under section 60102(i)(2) of title 49, United States Code,
7 and other carbon dioxide safety issues identified by the
8 Secretary.

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

14 (d) STATE PIPELINE SAFETY GRANTS.—Section
15 60107(a)(2) of title 49, United States Code, is amended
16 by inserting “or interstate carbon dioxide” after “inter-
17 state hazardous liquid”.

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

20 (1) in subsection (a)(1) by striking “gas pipe-
21 line facility or hazardous liquid pipeline facility” and
22 inserting “gas pipeline facility, hazardous liquid
23 pipeline facility, or carbon dioxide pipeline facility”;
24 and

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

5 (f) HIGH-DENSITY POPULATION AREAS AND ENVI-
6 RONMENTALLY SENSITIVE AREAS.—Section 60109 of title
7 49, United States Code, is amended—

8 (1) in subsection (a)(1)(B)—

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

11 (B) by inserting “and carbon dioxide”
12 after “each hazardous liquid” each place it ap-
13 pears; and

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

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

19 (3) in subsection (g)—

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

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

1 (g) TECHNICAL SAFETY STANDARDS COMMIT-
2 TEES.—Section 60115 of title 49, United States Code, is
3 amended—

4 (1) in subsection (b)(2)—

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

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

18 (2) in subsection (b)(3)(B) by striking “the
19 natural gas or hazardous liquid industry” and in-
20 serting “the natural gas industry, the hazardous liq-
21 uid industry, or the carbon dioxide industry”;

22 (3) in subsection (b)(4)(B) by striking “natural
23 gas pipelines or hazardous liquid pipeline facilities”
24 and inserting “natural gas pipelines, hazardous liq-

1 uid pipeline facilities, or carbon dioxide pipeline fa-
2 cilities”;

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

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

14 (h) PUBLIC EDUCATION PROGRAMS.—Section 60116
15 of title 49, United States Code, is amended by striking
16 “gas or hazardous liquid pipeline facility” and inserting
17 “gas pipeline facility, hazardous liquid pipeline facility, or
18 carbon dioxide pipeline facility”.

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

21 (1) in subsection (o)(1)—

22 (A) in subparagraph (A) by striking “liq-
23 uid pipeline facility or liquefied natural gas
24 pipeline facility” and inserting “liquid pipeline

1 facility, a liquefied natural gas pipeline facility,
2 or a carbon dioxide pipeline facility”; and

3 (B) in subparagraph (B)(i)(II) by inserting
4 “or carbon dioxide pipeline facility” after “haz-
5 arduous liquid pipeline facility”; and

6 (2) in subsection (p)—

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

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

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

1 (k) EMERGENCY RESPONSE GRANTS.—Section
2 60125(b)(1) of title 49, United States Code, is amended
3 by striking “gas or hazardous liquid pipelines” and insert-
4 ing “gas pipelines, hazardous liquid pipelines, or carbon
5 dioxide pipelines”.

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

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

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

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

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

21 “(3) with respect to a carbon dioxide pipeline
22 facility, activities equivalent to the activities de-
23 scribed with respect to a hazardous liquid pipeline
24 facility under section 195.501 of such title.”.

1 (n) ENFORCEMENT TRANSPARENCY.—Section
2 60135(a)(1) of title 49, United States Code, is amended
3 by striking “gas and hazardous liquid pipeline” and in-
4 serting “gas, hazardous liquid, and carbon dioxide pipe-
5 line”.

6 (o) PIPELINE CONTROL ROOM MANAGEMENT.—Sec-
7 tion 60137 and title 49, United States Code, is amend-
8 ed—

9 (1) in subsection (a) by striking “gas or haz-
10 arduous liquid pipeline” and inserting “gas, haz-
11 arduous liquid, or carbon dioxide pipeline”;

12 (2) in subsection (d) by striking “gas or haz-
13 arduous liquid pipeline” and inserting “gas, haz-
14 arduous liquid, or carbon dioxide pipeline”; and

15 (3) in subsection (e) by striking “gas or haz-
16 arduous liquid pipeline” and inserting “gas, haz-
17 arduous liquid, or carbon dioxide pipeline”.

18 (p) PIPELINE SAFETY ENHANCEMENT PROGRAMS.—
19 Section 60142 of title 49, United States Code, is amend-
20 ed—

21 (1) in subsection (a)—

22 (A) in paragraph (1) by striking “or” at
23 the end;

24 (B) by redesignating paragraph (2) as
25 paragraph (3); and

1 (C) by inserting after paragraph (1) the
2 following:

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

4 (2) in subsection (k)(2)(A) by striking “inter-
5 state gas or hazardous liquid pipeline facilities” and
6 inserting “interstate gas pipeline facilities, interstate
7 hazardous liquid pipeline facilities, or interstate car-
8 bon dioxide pipeline facilities”; and

9 (3) in subsection (l)(1) by striking “interstate
10 gas or hazardous liquid pipeline facilities” and in-
11 sserting “interstate gas pipeline facilities, interstate
12 hazardous liquid pipeline facilities, or interstate car-
13 bon dioxide pipeline facilities”.

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

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

18 (2) in subsection (b) by striking “gas trans-
19 mission and hazardous liquid pipelines” and insert-
20 ing “gas transmission, hazardous liquid, and carbon
21 dioxide pipelines” each place it appears.

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

1 (1) in subsection (a) by striking “natural gas
2 and hazardous liquids” and inserting “natural gas,
3 hazardous liquids, and carbon dioxide”;

4 (2) in subsection (b) by striking “gas pipeline
5 facility, or a hazardous liquid pipeline facility” and
6 inserting “gas pipeline facility, a hazardous liquid
7 pipeline facility, or a carbon dioxide pipeline facil-
8 ity”; and

9 (3) in subsection (d)(1)—

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

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

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

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

17 (a) ENFORCEMENT PROCEDURES.—Section
18 60117(b)(1) of title 49, United States Code, is amended—

19 (1) in subparagraph (I) by striking “and” at
20 the end;

21 (2) in subparagraph (J) by striking the period
22 and inserting “; and”; and

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

24 “(K) allow the respondent an opportunity
25 for a hearing on the record conducted by an ad-

1 administrative law judge, in accordance with sec-
2 tion 554 of title 5, for a notice of probable vio-
3 lation enforcement matter—

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

6 “(ii) where the respondent can reason-
7 ably show the cost of the proposed compli-
8 ance action will exceed \$125,000.”.

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

16 (c) **REPORT ON USE OF FORMAL HEARING PROC-**
17 **ESS.**—Not later than 3 years after the date of enactment
18 of this Act, the Secretary shall submit to the Committee
19 on Transportation and Infrastructure and the Committee
20 on Energy and Commerce of the House of Representatives
21 and the Committee on Commerce, Science, and Transpor-
22 tation of the Senate a report detailing—

23 (1) the number of hearings held pursuant to
24 subparagraph (K) of section 60117(b)(1) of title 49,
25 United States Code;

1 (2) the status of each such hearing;

2 (3) an analysis comparing the informal hearing
3 process and the formal hearing process that de-
4 scribes—

5 (A) the length of time to resolve an en-
6 forcement action under section 60117 of title
7 49, United States Code;

8 (B) the cost of the enforcement action
9 process to—

10 (i) the respondent; and

11 (ii) the Pipeline and Hazardous Mate-
12 rials Safety Administration; and

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

15 (4) any additional resources that are needed by
16 the Secretary in response to implementing this pro-
17 vision for each fiscal year to carry out the amend-
18 ment made by subsection (a) and

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

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

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

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

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

4 “(2) BUDGET ESTIMATE.—The budget esti-
5 mates of the Secretary for each fiscal year shall in-
6 clude—

7 “(A) a summary of amounts claimed,
8 amounts reimbursed, and the percentages reim-
9 bursed in the preceding 3 fiscal years for the
10 program under this section; and

11 “(B) the estimated funding necessary to
12 fund 80 percent of the cost of the personnel,
13 equipment, and activities under this section for
14 the subsequent calendar year.”.

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

16 (a) INSPECTION OF IN-SERVICE BREAKOUT
17 TANKS.—Not later than 1 year after the date of enact-
18 ment of this Act, the Secretary of Transportation may re-
19 view and, if determined appropriate, may amend the safety
20 standards in part 195 of title 49, Code of Federal Regula-
21 tions, relating to the internal inspection of the bottoms
22 of in-service breakout tanks to allow for risk-based inspec-
23 tions.

24 (b) CONSIDERATION.—If the Secretary amends the
25 safety standards described in subsection (a), the Secretary

1 may consider the 5th edition of standard 653 published
2 by the American Petroleum Institute issued November
3 2014 titled “Tank Inspection, Repair, Alteration, and Re-
4 construction”.

5 (c) SCOPE.—If the Secretary amends the safety
6 standards described in subsection (a), the Secretary shall
7 ensure that such standards achieve a level of safety that
8 is equivalent to the level of safety required under such part
9 195, as in effect on the date of enactment of this Act.

10 **SEC. 29. DISCLOSURE OF SAFETY INFORMATION ASSES-**
11 **MENT.**

12 (a) ASSESSMENT.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation shall conduct an assessment on how gas pipeline
15 facility, hazardous liquid pipeline facility, and carbon diox-
16 ide pipeline facility owners and operators engage with, and
17 provide safety information to, the public and State or local
18 emergency response organizations.

19 (b) SAFETY INFORMATION.—In conducting the as-
20 sessment required under subsection (a), the Secretary
21 shall consider—

22 (1) pipeline safety materials that the owners
23 and operators of pipelines described in subsection
24 (a) voluntarily provide to the public;

1 (2) methods of interaction between pipeline fa-
2 cility owners and operators and the public and State
3 and local emergency response entities;

4 (3) Federal, State, and local government regu-
5 lations governing information that pipeline facility
6 owners and operators are required to share with the
7 public;

8 (4) industry consensus standards regarding the
9 sharing of pipeline safety and emergency response
10 information;

11 (5) specific data that could be shared with local
12 and State emergency response and planning agen-
13 cies, local public officials, and governing councils to
14 enhance information sharing and pipeline safety,
15 specifically—

16 (A) the identification of general pipeline lo-
17 cation, or information including location, the
18 products transported by pipeline or stored at an
19 underground natural gas facility, data on
20 breakout tanks or production facilities that in-
21 cludes pipeline classification and impact areas,
22 and owner or operator emergency response
23 planning materials; and

1 (B) information emergency response orga-
2 nizations ask pipeline owners and operators to
3 voluntarily share with the public;

4 (6) emergency response materials that pipeline
5 facility owners and operators voluntarily provide to
6 emergency response organizations;

7 (7) how pipeline facility owners and operators
8 communicate with emergency response organiza-
9 tions, including—

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

13 (B) the measures taken by emergency re-
14 sponse organizations to secure any sensitive in-
15 formation shared;

16 (8) emergency response planning guidance and
17 requirements issued by emergency response organi-
18 zations for pipeline facility owners and operators;
19 and

20 (9) changes emergency response organizations
21 recommend to improve communication with the pub-
22 lic and emergency response coordination organiza-
23 tions.

24 (c) CONSULTATION.—In conducting the assessment
25 under subsection (a), the Secretary shall consult with both

1 large and small pipeline facility owners and operators,
2 urban and rural State, local, and Tribal governments,
3 emergency response organizations, and pipeline safety or-
4 ganizations.

5 (d) REPORT TO CONGRESS.—Not later than 180
6 days after completion of the assessment in subsection (a),
7 the Secretary shall submit to the Committee on Transpor-
8 tation and Infrastructure and the Committee on Energy
9 and Commerce of the House of Representatives and the
10 Committee on Commerce, Science, and Transportation of
11 the Senate, a report containing the findings of the assess-
12 ment under subsection (a) and any legislative rec-
13 ommendations of the Secretary.

14 (e) GUIDANCE.—Not later than 180 days after the
15 submission of the report under subsection (d), the Sec-
16 retary may issue guidance to improve pipeline safety infor-
17 mation sharing with the public and other interested par-
18 ties to advance pipeline safety.

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

22 **SEC. 30. ASSESSMENT OF CERTAIN PIPELINE SAFETY DEFI-**
23 **NITIONS.**

24 (a) EVALUATION.—Not later than 1 year after the
25 date of enactment of this Act, the Secretary of Transpor-

1 tation shall evaluate the definition in section
2 192.5(b)(3)(ii) of title 49, Code of Federal Regulations,
3 and the definition of identified site in section 192.903 of
4 title 49, Code of Federal Regulations, to determine the
5 adequacy for protecting buildings and occupied outdoor fa-
6 cilities from pipeline safety incidents.

7 (b) CONSIDERATIONS.—In carrying out the evalua-
8 tion under subsection (a), the Secretary shall consider—

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

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

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

18 (A) safety; and

19 (B) the efficiency of carrying out class de-
20 terminations.

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

1 **SEC. 31. REPORT ASSESSING THE COSTS OF PIPELINE FAIL-**
2 **URES.**

3 (a) REPORT ASSESSING THE COSTS OF PIPELINE
4 FAILURES.—Not later than 180 days after the date of en-
5 actment of this Act, the Secretary of Transportation shall
6 enter into an agreement with the National Academies
7 under which the National Academies shall, not later than
8 3 years after such date of enactment, conduct a study of
9 the direct and indirect costs related to the failure or shut-
10 down of a gas, hazardous liquid, or carbon dioxide pipeline
11 facility.

12 (b) ELEMENTS.—The study described under sub-
13 section (a) may include an analysis of—

14 (1) the direct and indirect costs related to a
15 failure or shutdown of a gas, hazardous liquid, or
16 carbon dioxide pipeline facility, including local com-
17 munity emergency response costs, local planning for
18 emergency response, and local community impact
19 costs of loss of product;

20 (2) the costs to an operator of such a facility
21 of complying with enforcement actions related to a
22 pipeline facility failure or shutdown, such as correc-
23 tive action or consent orders, safety orders, and
24 emergency orders;

25 (3) the direct and indirect costs related to fail-
26 ure or shutdown of a gas, hazardous liquid, or car-

1 bon dioxide pipeline facility resulting from a cyber
2 attack or intrusion, including any economic and sup-
3 ply chain impacts;

4 (4) the impact to emergency response planning
5 and resources of local communities, operators of gas,
6 hazardous liquid, or carbon dioxide pipeline facilities,
7 and the State, Federal, local, and Tribal govern-
8 ments in responding to and mitigating the impacts
9 of a failure or shutdown of a gas, hazardous liquid,
10 or carbon dioxide pipeline facility;

11 (5) the costs of environmental remediation re-
12 sulting from a gas, hazardous liquid, or carbon diox-
13 ide pipeline facility failure or shutdown;

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

17 (A) increases in product costs;

18 (B) damage to public and private property;

19 and

20 (C) the potential costs of moving gas, haz-
21 ardous liquid, or carbon dioxide by other means
22 of transportation, including by rail, truck, and
23 barge; and

24 (7) increased energy costs to households and
25 businesses reliant on the movement of the gas, haz-

1 ardous liquid or carbon dioxide due to the shutdown
2 or failure of a pipeline facility.

3 (c) CONSULTATION.—In conducting the study under
4 subsection (a), the National Academies shall consult with
5 economists, State, Federal, local, and Tribal governments,
6 emergency management officials, and pipeline stake-
7 holders, including pipeline facility operators and public
8 safety and environmental groups.

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

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

14 (2) submit to the Committee on Transportation
15 and Infrastructure and the Committee on Energy
16 and Commerce of the House of Representatives and
17 the Committee on Commerce, Science, and Trans-
18 portation of the Senate a report containing the re-
19 sults of such study.

20 **SEC. 32. STUDY ON LOCALIZED EMERGENCY ALERT SYS-**
21 **TEM FOR PIPELINE FACILITIES INCIDENTS.**

22 (a) GAO REVIEW.—Not later than 18 months after
23 the date of enactment of this Act, the Comptroller General
24 of the United States shall submit to the Secretary of
25 Transportation, the Committee on Transportation and In-

1 frastructure and the Committee on Energy and Commerce
2 of the House of Representatives, and the Committee on
3 Commerce, Science, and Transportation of the Senate a
4 study assessing—

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

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

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

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

18 (2) consider whether a localized emergency alert
19 system can be established by such owners and opera-
20 tors or incorporated into existing public alert, broad-
21 cast, and electronic emergency alert systems, includ-
22 ing by assessing—

23 (A) whether a localized emergency alert
24 system established and maintained by an owner
25 or operator of a covered facility would conflict

1 with, or impede the operation of, existing emer-
2 gency alert systems;

3 (B) the feasibility, benefits, costs, and
4 technological needs of incorporating facility sys-
5 tem data into existing emergency alert systems;

6 (C) whether local emergency management
7 organizations may need additional hardware,
8 software, personnel, or communications support
9 to incorporate a localized emergency alert sys-
10 tem into an existing emergency alert system;

11 (D) whether other systems could support
12 notification to the public of an incident or acci-
13 dent at a covered facility, such as the National
14 Response Center, the Reverse-911 telecommuni-
15 cation system, or severe weather warning sys-
16 tems; and

17 (E) whether localized emergency alert sys-
18 tems have been considered, studied, or imple-
19 mented in other high hazard industries, such as
20 industrial gases, chemicals, petrochemicals, and
21 petroleum refining, and the results of any study
22 or implementation of such systems in such in-
23 dustries;

24 (3) consult with owners and operators of large
25 and small covered facilities, public safety advocacy

1 groups, and urban and rural State and local emer-
2 gency management officials;

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

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

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

16 (7) assess the types of incidents and accidents
17 at covered facilities, by commodities transported and
18 the unique characteristics of such incident or acci-
19 dent, that should be reported through a localized
20 emergency alert system and the content of the infor-
21 mation that should be provided;

22 (8) assess which members of the public should
23 receive communications from localized emergency
24 alert systems, including individuals, persons, or or-
25 ganizations located in the vicinity of high con-

1 sequence areas, unusually sensitive areas, and any
2 other defining characteristics as determined by the
3 Comptroller General; and

4 (9) consider whether any Federal requirements
5 or mandates are needed in order to establish an ef-
6 fective localized emergency alert system for incidents
7 or accidents at covered facilities.

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

12 (d) DEFINITIONS.—In this section:

13 (1) COVERED FACILITY.—The term “covered
14 facility” means a gas pipeline facility, a hazardous
15 liquid pipeline facility, or a carbon dioxide pipeline
16 facility, including a liquefied natural gas storage fa-
17 cility or an underground natural gas storage facility,
18 as defined in section 60101 of title 49, United
19 States Code.

20 (2) LOCALIZED EMERGENCY ALERT SYSTEM.—
21 The term “localized emergency alert system” means
22 a system that provides to individuals in the imme-
23 diate vicinity of a covered facility an electronic noti-

- 1 fication of an incident or accident at such facility
- 2 that presents an immediate risk to life or property.

