

[COMMITTEE PRINT]

118TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

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

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

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Minimum safety standards.

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

1 **SEC. 2. MINIMUM SAFETY STANDARDS.**

2 Section 60102(b) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (2)—

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

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

10 (2) in paragraph (3)(B), by striking “benefits”
11 and inserting “safety and economic benefits within
12 the United States”; and

13 (3) in paragraph (5)—

14 (A) by inserting “explicitly” before “re-
15 quired”;

16 (B) by inserting “, economic,” after “safe-
17 ty”; and

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

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

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

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

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

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

16 (b) CARBON DIOXIDE REGULATION.—

17 (1) RULEMAKINGS REQUIRED.—

18 (A) TRANSPORTATION IN LIQUID STATE.—

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

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

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

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

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

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

25 “(5) DISPERSION MODELING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SEC. 4. ELIMINATING HAZARDOUS NATURAL GAS LEAKS.**

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

21 (1) in subparagraph (D)(ii)—

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

24 (B) by inserting “natural gas” before
25 “leaks”; and

1 (C) by inserting “such gas” after “natural
2 gas from”; and

3 (2) in subparagraph (E)—

4 (A) by inserting “if applicable,” before
5 “the extent”;

6 (B) by striking “pipelines” and inserting
7 “gas pipeline facilities”; and

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

10 **SEC. 5. TECHNICAL SAFETY STANDARDS COMMITTEES.**

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

13 (1) in subsection (c)—

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

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

18 “(4) The Secretary shall, not later than 15 days after
19 prescribing a standard under paragraph (3) with respect
20 to which a committee has prepared a report under para-
21 graph (2), submit to the Committees on Energy and Com-
22 merce and Transportation and Infrastructure of the
23 House of Representatives, and the Committee on Com-
24 merce, Science, and Transportation of the Senate, and

1 make publicly available, a report regarding the reasons the
2 Secretary rejected any conclusions of the committee.”; and

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

5 **SEC. 6. OPPORTUNITY FOR FORMAL HEARING.**

6 (a) ENFORCEMENT PROCEDURES.—Section
7 60117(b)(1) of title 49, United States Code, is amended—

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

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

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

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

17 (b) PROTOCOLS FOR PUBLIC HEARING.—Not later
18 than 1 year after the date of enactment of this Act, the
19 Secretary of Transportation shall publish protocols for
20 hearings open to the public pursuant to section
21 60117(b)(2) of title 49, United States Code, that ensure
22 an orderly process and protection of confidential informa-
23 tion, in accordance with section 554 of title 5, United
24 States Code.

1 **SEC. 7. SPECIAL PERMIT PROGRAM.**

2 (a) COMPLIANCE AND WAIVERS.—Section
3 60118(c)(1) of title 49, United States Code, is amended
4 by adding at the end the following:

5 “(C) LIMITATION ON TERMS.—The Sec-
6 retary shall impose no terms on a waiver under
7 this paragraph that do not apply to known
8 pipeline safety risks applicable to the standard
9 being waived under subparagraph (A).

10 “(D) PUBLICATION.—Upon completion of
11 the application requirements under section
12 190.341 of title 49, Code of Federal Regula-
13 tions, or successor regulations, the Secretary
14 shall publish notice of the application in the
15 Federal Register.

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

22 (b) REPORT TO CONGRESS.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, the Secretary of
25 Transportation shall submit to the Committees on
26 Energy and Commerce and Transportation and In-

1 frastructure of the House of Representatives and the
2 Committee on Commerce, Science, and Transpor-
3 tation of the Senate a report on the implementation
4 by the Administrator of the Pipeline and Hazardous
5 Materials Safety Administration of the amendment
6 made by subsection (a).

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

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

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

14 (C) the date on which each such applica-
15 tion was received;

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

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

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

1 (c) GAO REPORT.—Not later than 1 year after the
2 submission of the report under subsection (b), the Comp-
3 troller General of the United States shall submit to the
4 Committees on Energy and Commerce and Transportation
5 and Infrastructure of the House of Representatives and
6 the Committee on Commerce, Science, and Transportation
7 of the Senate a report assessing the Secretary’s implemen-
8 tation of, and compliance with, subparagraphs (C)
9 through (E) of section 60118(c)(1) of title 49, United
10 States Code.

11 **SEC. 8. STRENGTHENING PENALTIES FOR PIPELINE SAFE-**
12 **TY VIOLATIONS.**

13 Section 60123(b) of title 49, United States Code, is
14 amended—

15 (1) by striking “damaging or destroying” and
16 inserting “damaging, destroying, or impairing the
17 operation of”; and

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

22 **SEC. 9. AUTHORIZATION LEVELS.**

23 Section 60125 of title 49, United States Code, is
24 amended—

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

3 “(a) GAS AND HAZARDOUS LIQUID.—

4 “(1) IN GENERAL.—From fees collected under
5 section 60301, there are authorized to be appro-
6 priated to the Secretary to carry out section 12 of
7 the Pipeline Safety Improvement Act of 2002 (49
8 U.S.C. 60101 note; Public Law 107–355) and the
9 provisions of this chapter relating to gas and haz-
10 ardous liquid \$150,000,000 for each of fiscal years
11 2024 through 2028, of which—

12 “(A) \$9,000,000 shall be used to carry out
13 section 12 of the Pipeline Safety Improvement
14 Act of 2002 (49 U.S.C. 60101 note; Public Law
15 107–355); and

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

18 “(2) TRUST FUND AMOUNTS.—In addition to
19 the amounts authorized to be appropriated under
20 paragraph (1), there are authorized to be appro-
21 priated from the Oil Spill Liability Trust Fund es-
22 tablished by section 9509(a) of the Internal Revenue
23 Code of 1986 to carry out section 12 of the Pipeline
24 Safety Improvement Act of 2002 (49 U.S.C. 60101
25 note; Public Law 107–355) and the provisions of

1 this chapter relating to hazardous liquid
2 \$28,000,000 for each of fiscal years 2024 through
3 2028, of which—

4 “(A) \$3,000,000 shall be used to carry out
5 section 12 of the Pipeline Safety Improvement
6 Act of 2002 (49 U.S.C. 60101 note; Public Law
7 107–355); and

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

10 “(3) UNDERGROUND NATURAL GAS STORAGE
11 FACILITY SAFETY ACCOUNT.—From fees collected
12 under section 60302, there is authorized to be ap-
13 propriated to the Secretary to carry out section
14 60141 \$8,000,000 for each of fiscal years 2024
15 through 2028.”; and

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

18 **SEC. 10. MAXIMUM ALLOWABLE OPERATING PRESSURE.**

19 Section 60139 of title 49, United States Code, is
20 amended—

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

23 (2) by redesignating subsection (e) as sub-
24 section (f); and

1 (3) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) TESTING RECORDS WORKING GROUP.—

4 “(1) PREVIOUSLY TESTED GAS PIPELINE FA-
5 CILITIES.—Until the publication of a final rule
6 under paragraph (3), the Secretary shall not require
7 an owner or operator of a gas pipeline facility to re-
8 confirm the maximum allowable operating pressure
9 of a transmission line of the gas pipeline facility
10 pursuant to section 192.624 of title 49, Code of
11 Federal Regulations (or any successor regulations),
12 if the owner or operator confirms the material
13 strength of the transmission line through prior test-
14 ing that is—

15 “(A) conducted to a sufficient minimum
16 pressure in accordance with prevailing safety
17 standards and practices, including any applica-
18 ble class location factors; and

19 “(B) documented in contemporaneous
20 records.

21 “(2) WORKING GROUP REPORT.—

22 “(A) IN GENERAL.—Not later than 30
23 days after the date of enactment of the Pipeline
24 Safety, Modernization, and Expansion Act of
25 2024, the Secretary shall create a balanced

1 working group (hereinafter referred to as the
2 ‘Working Group’) to prepare a report on prior
3 testing described in paragraph (1), including
4 recommendations on documentation of such
5 prior testing that is sufficient to confirm the
6 material strength of transmission lines of gas
7 pipeline facilities.

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

10 “(i) shall be comprised of the Admin-
11 istrator of the Pipeline and Hazardous Ma-
12 terials Safety Administration, State pipe-
13 line regulators, the public, and industry
14 stakeholders active in the operation of
15 transmission lines of gas pipeline facilities;
16 and

17 “(ii) may include members of the
18 Technical Pipeline Safety Standards Com-
19 mittee and be conducted in a manner that
20 otherwise ensures input from the public, as
21 determined appropriate by the Secretary.

22 “(C) CONSIDERATION.—In preparing the
23 report required under subparagraph (A), the
24 Working Group—

1 “(i) shall consider historical practices
2 and all available research conducted re-
3 garding contemporaneous records of the
4 minimum pressure of transmission lines of
5 gas pipeline facilities; and

6 “(ii) may consider the need for any
7 additional research or analysis needed to
8 demonstrate the adequacy of any material
9 strength testing performed.

10 “(D) APPLICABILITY OF FACA.—Chapter
11 10 of title 5 shall not apply to the Working
12 Group.

13 “(E) SUBMISSION OF REPORT.—Not later
14 than 180 days after the date of enactment of
15 the Pipeline Safety, Modernization, and Expan-
16 sion Act of 2024, the Working Group shall sub-
17 mit to the Secretary the report prepared under
18 subparagraph (A), including any minority
19 views.

20 “(3) RULEMAKING.—Not later than 180 days
21 after receiving the report submitted under para-
22 graph (2)(E), the Secretary shall publish a final rule
23 to implement the recommendations contained in
24 such report that the Secretary determines are nec-
25 essary to confirm the material strength of trans-

1 mission lines of gas pipeline facilities through prior
2 testing.”.

3 **SEC. 11. PIPELINE SAFETY ENHANCEMENT PROGRAMS.**

4 Section 60142 of title 49, United States Code, is
5 amended—

6 (1) in subsection (a), by striking “The Sec-
7 retary may” and inserting “During the period of cal-
8 endar years 2024 through 2030, the Secretary
9 shall”;

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

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

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

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

19 “(2) OPERATOR MILEAGE LIMITATION.—The
20 Secretary shall limit the miles of pipelines that each
21 operator can test under each program established
22 under subsection (a) to the lesser of—

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

25 “(B) 1,000 miles.”;

1 (3) in subsection (c)—

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

4 (B) in paragraph (2), by striking “3 years
5 after the date of enactment of this section” and
6 inserting “3 years after the date of enactment
7 of the Pipeline Safety, Modernization, and Ex-
8 pansion Act of 2024”;

9 (4) in subsection (d)—

10 (A) in paragraph (1), by inserting “equal
11 to or” before “greater than”; and

12 (B) in paragraph (3)—

13 (i) in the heading, by striking “IN-
14 CREASED SAFETY CAPABILITIES” and in-
15 serting “PIPELINE SAFETY ENHANCE-
16 MENT”; and

17 (ii) by striking “improvement” and in-
18 serting “enhancement”;

19 (5) by striking subsection (h);

20 (6) by redesignating subsections (f) and (g) as
21 subsections (g) and (h), respectively;

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

23 “(f) MULTIPLE OPERATORS.—The Secretary may se-
24 lect up to 5 owners or operators under a single application

1 for participation in a testing program to be carried out
2 under subsection (a).”;

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

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

6 “(m) APPROVAL PROCESS.—The Secretary estab-
7 lishing and carrying out a testing program under sub-
8 section (a) may not be considered a major Federal action
9 under section 102(2)(C) of the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

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

15 **SEC. 12. PIPELINE SAFETY VOLUNTARY INFORMATION-**
16 **SHARING SYSTEM.**

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

20 **“§ 60144. Voluntary information-sharing system**

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

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

3 “(A) gathering, evaluating, and quanti-
4 fying critical pipeline safety data and informa-
5 tion; and

6 “(B) sharing recommended remediation
7 measures and lessons learned across the pipe-
8 line industry in an efficient and confidential
9 manner;

10 “(2) will encourage the voluntary sharing of
11 pipeline safety data and information to improve the
12 safety of pipeline facilities; and

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

15 “(b) GOVERNANCE.—

16 “(1) GOVERNING BOARD.—

17 “(A) ESTABLISHMENT.—Not later than
18 180 days after the date of enactment of the
19 Pipeline Safety, Modernization, and Expansion
20 Act of 2024, the Administrator of the Pipeline
21 and Hazardous Materials Safety Administration
22 shall appoint a governing board for the VIS in
23 accordance with this paragraph, after con-
24 sulting with public and private pipeline safety
25 stakeholders.

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

5 “(i) 5 individuals shall be representa-
6 tives of departments, agencies, or instru-
7 mentalities of the Federal Government and
8 of the States and territories, one of which
9 shall be the Administrator.

10 “(ii) 5 individuals shall be representa-
11 tives of the gas or hazardous liquid indus-
12 tries, such as operators, trade associations,
13 inspection technology, coating, and ca-
14 thodic protection vendors, and pipeline in-
15 spection organizations.

16 “(iii) 5 individuals shall be represent-
17 atives of general public safety advocacy or-
18 ganizations, such as pipeline safety and en-
19 vironmental advocacy groups, labor and
20 worker safety representatives, and the gen-
21 eral public.

22 “(C) BOARD TERMS.—Each member of the
23 governing board shall be appointed for three
24 years, with the terms of five of the members ex-
25 piring each year. The term of at least one and

1 not more than two members of each of the
2 three stakeholder groups established in sub-
3 paragraph (B) shall expire each year. In the
4 initial appointment, terms of one, two, and
5 three years shall be established to allow the
6 terms of five members to expire thereafter each
7 year. Each member may be reappointed for con-
8 secutive three-year terms.

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

17 “(E) AUTHORITY.—The governing board
18 shall make decisions by a super-majority, de-
19 fined as two-thirds plus one of the governing
20 board members, and shall have the authority
21 to—

22 “(i) govern and provide strategic over-
23 sight of the VIS;

24 “(ii) develop and make public govern-
25 ance documents, including a charter that

1 describes the scope of the authority and
2 objectives of the governing board;

3 “(iii) select a third-party data man-
4 ager with expertise in data protection, ag-
5 gregation, and analytics;

6 “(iv) approve the criteria and proce-
7 dures governing how the third-party data
8 manager will receive, secure, and accept
9 for inclusion in the VIS pipeline safety
10 data and information;

11 “(v) establish and appoint members to
12 the issue analysis teams;

13 “(vi) collaborate with the issue anal-
14 ysis teams to—

15 “(I) identify the issues and topics
16 to be analyzed by the issue analysis
17 teams; and

18 “(II) specify the type of pipeline
19 safety data and information that the
20 issue analysis teams need to analyze
21 such issues and topics;

22 “(vii) determine the information to be
23 accepted for inclusion in, and shared using,
24 the VIS;

1 “(viii) determine the reports to be ac-
2 cepted for inclusion in, and shared using,
3 the VIS;

4 “(ix) determine which participating
5 entities are authorized to access informa-
6 tion and reports included in the VIS;

7 “(x) at least once per year, issue a
8 public report on VIS processes, member-
9 ship of the governing board, issues being
10 investigated and analyzed, pipeline safety
11 data and information that the VIS has re-
12 quested for submission to the VIS, and
13 safety trends identified; and

14 “(xi) perform other functions as the
15 governing board decides are necessary or
16 appropriate, consistent with the purpose of
17 the VIS.

18 “(F) FEDERAL ADVISORY COMMITTEE ACT
19 INAPPLICABLE.—The governing board shall not
20 be subject to the requirements of chapter 10 of
21 title 5, United States Code.

22 “(2) PROGRAM MANAGEMENT.—The Adminis-
23 trator shall provide program management and ad-
24 ministrative support for the VIS, including oversight
25 of the third-party data manager.

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

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

7 “(B) accepting for inclusion in the VIS
8 such pipeline safety data and information that
9 meets the criteria and procedures established by
10 the governing board under paragraph
11 (1)(E)(iv);

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

15 “(D) collaborating with the issue analysis
16 teams to analyze and aggregate pipeline safety
17 data and information that is accepted for inclu-
18 sion in the VIS;

19 “(E) preparing reports as requested by the
20 governing board regarding the type of pipeline
21 safety data and information that is included in
22 the VIS; and

23 “(F) making recommendations to the gov-
24 erning board regarding the management of

1 pipeline safety data and information, as appro-
2 priate.

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

6 “(A) consist of technical and subject mat-
7 ter experts;

8 “(B) work with the third-party data man-
9 ager to aggregate and analyze pipeline safety
10 data and information submitted to the VIS that
11 is related to issues and topics identified by the
12 governing board; and

13 “(C) collaborate with the governing board
14 to identify issues and topics for analysis and
15 submit internal reports and recommendations to
16 the governing board on the identified issues and
17 topics.

18 “(5) PARTICIPATION.—

19 “(A) VOLUNTARY PARTICIPATION.—No
20 person shall be required to participate in or
21 submit data or information for inclusion in the
22 VIS.

23 “(B) PROHIBITION.—The criteria and pro-
24 cedures established under paragraph (1)(E)(iv)
25 shall prohibit the acceptance of data or infor-

1 mation about an operator if the operator has
2 not authorized the submission of the data or in-
3 formation.

4 “(C) SHARING OF INFORMATION.—The
5 governing board shall encourage the voluntary
6 sharing of pipeline safety data and information
7 among participating entities.

8 “(c) INFORMATION SHARING.—Pipeline safety data
9 and information accepted for inclusion in the VIS shall
10 be related to the issues and topics identified by the gov-
11 erning board to be analyzed by the issue analysis teams,
12 including—

13 “(1) pipeline integrity risk analysis information;

14 “(2) lessons learned from accidents and near
15 misses;

16 “(3) process improvements;

17 “(4) technology deployment practices;

18 “(5) information obtained through VIS pipeline
19 safety surveys of pipeline operator employees, pro-
20 vided that such surveys are voluntarily agreed to by
21 the pipeline operator; and

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

25 “(d) CONFIDENTIALITY.—

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

6 “(2) DEIDENTIFIED NONPUBLIC INFORMA-
7 TION.—

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

18 “(B) REPORTS.—The governing board, in
19 issuing public reports under subsection
20 (b)(1)(E)(x), shall approve the disclosure of
21 deidentified nonpublic information through the
22 VIS that the governing board determines is nec-
23 essary to adequately describe and illustrate the
24 issues and topics being investigated and ana-
25 lyzed using the VIS.

1 “(3) PROHIBITION.—Except as provided in
2 paragraph (2), no person, including any governing
3 board member, the third-party data manager, any
4 issue analysis team member, nor any Federal, State,
5 local, or Tribal agency, having or obtaining access to
6 nonpublic information accepted for inclusion in the
7 VIS, shall release or communicate such nonpublic in-
8 formation, in either an identified or deidentified
9 form, to any person the governing board has not au-
10 thorized to access such information.

11 “(e) APPLICABILITY OF FOIA.—Any nonpublic infor-
12 mation that is accepted for inclusion in the VIS and subse-
13 quently obtained by the Secretary or the Administrator
14 from the VIS is exempt from the requirements of section
15 552 of title 5, and specifically exempt from release under
16 subsection (b)(3) of such section.

17 “(f) EXCLUSIONS.—

18 “(1) EXCLUDED EVIDENCE.—Except as pro-
19 vided in paragraph (3), nonpublic information ac-
20 cepted for inclusion in the VIS shall not be obtained
21 from the VIS—

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

1 “(B) to initiate any enforcement action or
2 civil litigation against a pipeline operator or its
3 employees or contractors relating to a probable
4 violation under this chapter (including any reg-
5 ulation promulgated or order issued under this
6 chapter).

7 “(2) EXCLUSION FROM DISCOVERY.—Except as
8 provided in paragraph (3), nonpublic information ac-
9 cepted for inclusion in the VIS shall not be subject
10 to discovery from the VIS in any Federal, State,
11 local, Tribal, or private litigation or other pro-
12 ceeding.

13 “(3) LIMITATIONS ON EXCLUSIONS.—The ex-
14 clusions described in paragraphs (1) and (2) shall
15 not apply to—

16 “(A) data or information that is evidence
17 of a criminal violation;

18 “(B) data or information not related to the
19 activities described in subsection (a)(1) for
20 which the VIS is established;

21 “(C) data or information otherwise re-
22 quired to be reported to the Secretary under
23 part 191 (including information about an inci-
24 dent or accident), part 192, part 194, part 195,
25 or part 199 of title 49, Code of Federal Regula-

1 tions (or a successor regulation) or required to
2 be reported under the requirements of a State
3 authority; or

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

6 “(g) NO EFFECT ON DISCOVERY.—

7 “(1) IN GENERAL.—Nothing in this section, nor
8 any rule, regulation, or amendment shall be con-
9 strued to create a defense to a discovery request or
10 otherwise limit or affect the discovery of pipeline
11 safety data and information arising from a cause of
12 action authorized under any under Federal, State, or
13 local law.

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

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

20 “(i) DEFINITIONS.—In this section:

21 “(1) NONPUBLIC INFORMATION.—The term
22 ‘nonpublic information’ means any data or informa-
23 tion, regardless of form or format, that a company
24 does not disclose, disseminate, or make available to

1 the public or that is not otherwise in the public do-
2 main.

3 “(2) PARTICIPATING ENTITY.—The term ‘par-
4 ticipating entity’ means an entity determined appro-
5 priate by the Secretary to submit information for in-
6 clusion in the VIS, or to be authorized to access in-
7 formation and reports included in the VIS, includ-
8 ing—

9 “(A) an operator of a pipeline facility, and
10 related employees, labor unions, contractors, in-
11 line inspection service providers, and non-
12 destructive evaluation experts;

13 “(B) the Pipeline and Hazardous Materials
14 Safety Administration; and

15 “(C) a representative of a State pipeline
16 safety agency, a Tribal agency, a pipeline safety
17 advocacy group, a manufacturer of materials or
18 equipment used in pipeline facilities, a research
19 or academic institution, and other pipeline
20 stakeholders.

21 “(3) PUBLIC INFORMATION.—The term ‘public
22 information’ means any data or information, regard-
23 less of form or format, that a company discloses,
24 disseminates, or makes available to the public or
25 that is otherwise in the public domain.

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

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

“60144.Voluntary information-sharing system.”.

7 **SEC. 13. EXCAVATION DAMAGE PREVENTION.**

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

10 (1) in subsection (b) by inserting “adoption or
11 progress toward adoption of the leading practices
12 listed in subsection (b) and” before “legislative and
13 regulatory”;

14 (2) by redesignating subsections (b) and (c) as
15 subsections (d) and (e), respectively;

16 (3) by inserting after subsection (a) the fol-
17 lowing:

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

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

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

4 “(3) examine and limit exemptions to the State
5 one-call notification program to prevent common ex-
6 cavation damage incidents, including limiting exemp-
7 tions for—

8 “(A) excavation or demolition performed
9 by the owner of a single-family residential prop-
10 erty;

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

13 “(C) repairing, connecting, adjusting, or
14 conducting routine maintenance of a private or
15 public underground utility facility; and

16 “(D) municipalities, public works organiza-
17 tions, and State departments of transportation
18 for road maintenance;

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

22 “(5) specify emergency excavation notification
23 requirements, including defining emergency exca-
24 vation and identifying the notification requirements
25 for an emergency excavation;

1 “(6) specify the responsibilities of the exca-
2 vator, including the reporting of damages due to ex-
3 cavation activities;

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

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

9 “(9) require a positive response, meaning the
10 utility, municipality, or other entity marks the area
11 of excavation in positive response to the notification
12 center and the excavator confirms a positive re-
13 sponse before beginning excavation;

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

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

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

24 “(13) require training for locate professionals;
25 and

1 “(14) require the use of commercially available
2 technologies to locate underground facilities, such as
3 geographic information systems and enhanced posi-
4 tive response.

5 “(c) REPORT TO CONGRESS.—

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

14 “(A) the adoption of the leading practices
15 described in such subsection;

16 “(B) recommendations to increase the
17 adoption of such leading practices and rec-
18 ommendations for the reduction of excavation
19 damage incidents; and

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

23 “(2) ADDITIONAL REPORTS.—Not later than
24 once every 2 years beginning after the submittal of
25 the report under paragraph (1), the Secretary shall

1 submit to the Committees on Energy and Commerce
2 and Transportation and Infrastructure of the House
3 of Representatives and the Committee on Commerce,
4 Science, and Transportation of the Senate a report
5 detailing—

6 “(A) the adoption of the leading practices
7 described in subsection (b);

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

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

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

16 “(f) SAVINGS CLAUSE.—This section shall not af-
17 fect—

18 “(1) the eligibility of a State or State authority
19 for a grant or payment under section 60107 or
20 60134;

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

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

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

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

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

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

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

12 “(A) effective, active, and consistent en-
13 forcement of the State one-call notification pro-
14 gram, as such term is defined in section 6102,
15 (including consistency in the application of en-
16 forcement resources, fines, and penalties to all
17 relevant stakeholders, such as operators, loca-
18 tors, and excavators);

19 “(B) data reporting requirements, includ-
20 ing—

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

1 “(I) information about the nature
2 of the incident, including the facility
3 damaged and the apparent cause of
4 such damage (with supporting docu-
5 mentation);

6 “(II) the organizations or entities
7 involved;

8 “(III) the impact to public safe-
9 ty, utility operations, and customer
10 service; and

11 “(IV) the impact to the environ-
12 ment; and

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

23 “(C) data reporting requirements, to a
24 nonprofit organization specifically established
25 for the purpose of reducing construction-related

1 damage to pipelines and other underground fa-
2 cilities, of damage and near-miss events to un-
3 derground facilities from excavation damage, in-
4 cluding root cause, facility damaged, type of ex-
5 cavator, work performed, equipment type, and
6 State; and

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

10 **SEC. 14. PROTECTING FUEL CHOICE FOR CONSUMERS.**

11 Notwithstanding the first sentence of section
12 60104(c)(1) of title 49, United States Code, a State or
13 municipality may not adopt or continue in force a law,
14 regulation, or standard that has the effect, directly or indi-
15 rectly, of limiting or prohibiting the transportation or dis-
16 tribution for sale or resale of an energy source that is sold
17 in interstate commerce and transported using a pipeline
18 facility (as defined in section 60101 of such title).

19 **SEC. 15. MODERNIZING AND EXPANDING PIPELINES.**

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

23 (1) any construction, modification, expansion,
24 inspection, repair, or maintenance under chapter
25 601 of title 49, United States Code, of any pipeline

1 facility that is constructed, or for which construction
2 has commenced, prior to the date of enactment of
3 this Act; or

4 (2) the construction, modification, expansion,
5 inspection, repair, or maintenance of pipeline facility
6 that has not been constructed, or for which con-
7 struction has not commenced, prior to such date of
8 enactment, that is to be co-located within the bound-
9 ary of a pipeline or electrical right-of-way that exists
10 as of such date of enactment.

11 (b) REQUEST FOR ISSUANCE.—A person who has
12 filed for a Federal authorization from a relevant permit-
13 ting entity may request that the Commission issue the
14 Federal authorization under this section if the relevant
15 permitting entity—

16 (1) notifies the person and the Commission that
17 it waives its authority to issue the Federal author-
18 ization; or

19 (2) does not complete a proceeding that is re-
20 quired for the Federal authorization by the date that
21 is 1 year after the date on which the person filed for
22 the Federal authorization.

23 (c) ISSUANCE.—

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

1 (A) shall consider the request and publish
2 a decision whether to issue the Federal author-
3 ization under this section; and

4 (B) may issue a Federal authorization
5 under this section only after notice and oppor-
6 tunity for a hearing and in accordance with the
7 Federal law under which the Federal authoriza-
8 tion is required.

9 (2) EFFECT.—A Federal authorization issued
10 under this section shall be deemed to have been
11 issued under the Federal law under which the Fed-
12 eral authorization is required.

13 (d) RULEMAKING.—Not later than 180 days after the
14 date of enactment of this Act, the Commission shall issue
15 a final rule establishing procedures to carry out this sec-
16 tion (which may not include any changes to any regulatory
17 requirement in effect on the date of enactment of this Act
18 relating to any authority of the Commission under any
19 other provision of law).

20 (e) DEFINITIONS.—In this section:

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

23 (2) FEDERAL AUTHORIZATION.—The term
24 “Federal authorization” means any authorization re-
25 quired under Federal law in connection with an ap-

1 plication for the construction, modification, expansion,
2 sion, inspection, repair, or maintenance of a pipeline
3 facility, including a permit, special use authorization,
4 certification, opinion, or other approval (including
5 any authorization required pursuant to a general
6 permit).

7 (3) PIPELINE FACILITY.—The term “pipeline
8 facility” has the meaning given that term in section
9 60101 of title 49, United States Code.

10 (4) RELEVANT PERMITTING ENTITY.—The
11 term “relevant permitting entity” means, with respect
12 to a Federal authorization—

13 (A) the Federal agency with statutory
14 authority to issue the Federal authorization; or

15 (B) a State in which the applicable pipeline
16 facility is to be constructed, modified, or expanded,
17 to which authority to issue the Federal
18 authorization has been delegated by the Federal
19 agency described in subparagraph (A).

20 **SEC. 16. REGULATORY UPDATES.**

21 (a) REPORTS.—

22 (1) IN GENERAL.—The Secretary of Transportation
23 shall submit reports to the Committees on
24 Energy and Commerce and Transportation and Infrastructure
25 of the House of Representatives and the

1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate regarding the status of a final
3 rule for each outstanding regulation.

4 (2) DEADLINES.—The Secretary shall submit a
5 report under this subsection not later than 120 days
6 after the date of enactment of this Act, and every
7 90 days thereafter until a final rule has been issued
8 for each outstanding regulation described in sub-
9 section (c)(2)(A).

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

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

14 (2) an updated rulemaking timeline for each
15 outstanding regulation;

16 (3) current staff allocations with respect to
17 each outstanding regulation;

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

20 (5) any other details associated with the devel-
21 opment of each outstanding regulation that affect
22 the progress of the rulemaking process.

23 (c) OUTSTANDING REGULATION DEFINED.—In this
24 section, the term “outstanding regulation” means a regu-
25 lation relating to pipeline safety—

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

3 (2) that—

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

7 (B) is being developed under an authority
8 not described in subparagraph (A), and is con-
9 sidered to be a significant regulatory action
10 under Executive Order 12866.

11 **SEC. 17. CLASS LOCATION CHANGES.**

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

22 **SEC. 18. INSPECTION OF IN-SERVICE BREAKOUT TANKS.**

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

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

5 (2) amend such safety standards to allow for
6 risk-based inspections if the Secretary determines
7 that allowing risk-based inspections will achieve an
8 equivalent level of safety to the level of safety re-
9 quired under such part 195, relating to the internal
10 inspection of the bottoms of in-service breakout
11 tanks, as in effect on the date of enactment of this
12 Act.

13 (b) CONSIDERATION.—In amending the safety stand-
14 ards under subsection (a), the Secretary shall consider the
15 5th edition of standard 653 published by the American
16 Petroleum Institute issued in November 2014 titled
17 “Tank Inspection, Repair, Alteration, and Reconstruc-
18 tion”.