

[DISCUSSION DRAFT]

118TH CONGRESS
1ST 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 2023”.

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. Technical safety standards committees.
- Sec. 5. Strengthening penalties for pipeline safety violations.
- Sec. 6. Authorization levels.
- Sec. 7. Pipeline safety enhancement programs.
- Sec. 8. Pipeline safety voluntary information-sharing system.
- Sec. 9. Protecting fuel choice for consumers.
- Sec. 10. Modernizing and expanding pipelines.
- Sec. 11. Regulatory updates.

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

18 (C) by inserting “within the United
19 States” after “environmental benefits”.

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

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

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

7 and

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

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

14 (b) CARBON DIOXIDE REGULATION.—

15 (1) RULEMAKINGS REQUIRED.—

16 (A) TRANSPORTATION IN LIQUID STATE.—

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

22 (B) TRANSPORTATION IN GASEOUS

23 STATE.—Not later than one year after the date
24 of enactment of this Act, the Secretary of
25 Transportation shall issue a final rule to carry

1 out section 60102(i)(2) of title 49, United
2 States Code.

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

14 (3) CONSIDERATIONS.—Section 60102(i) of
15 title 49, United States Code, is amended by adding
16 at the end the following:

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

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

1 “(d) UNDERGROUND SEQUESTRATION OF CARBON
2 DIOXIDE.—

3 “(1) IN GENERAL.—Effective immediately upon
4 the date of enactment of this subsection, owners or
5 operators may request that the Administrator issue
6 an aquifer exemption for a Class VI well. In addi-
7 tion, owners or operators of Class II wells may re-
8 quest that the Administrator approve an expansion
9 to the areal extent of an aquifer exemption already
10 in place for a Class II well for the purpose of Class
11 VI injection for geologic sequestration.

12 “(2) DESIGNATIONS.—In considering a request
13 under paragraph (1), the Administrator shall des-
14 ignate an aquifer or portion thereof an exempted aq-
15 uifer, as defined in section 144.3 of title 40, Code
16 of Federal Regulations (or successor regulations), if
17 it meets the criteria set forth in paragraphs (a)
18 through (c) of section 146.4 of title 40, Code of
19 Federal Regulations, as in effect on the date of en-
20 actment of this subsection. In addition, an aquifer or
21 portion thereof shall be considered an exempted aq-
22 uifer for Class VI wells if the Administrator has des-
23 ignated that aquifer or portion thereof an exempted
24 aquifer for any other purpose.

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

5 **SEC. 4. TECHNICAL SAFETY STANDARDS COMMITTEES.**

6 Section 60115 of title 49, United States Code, is
7 amended—

8 (1) in subsection (c)(2), by inserting “in ac-
9 cordance with paragraph (4)” after “the Secretary
10 shall publish the reasons”;

11 (2) in subsection (c), by adding at the end the
12 following:

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

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

1 **SEC. 5. STRENGTHENING PENALTIES FOR PIPELINE SAFE-**
2 **TY VIOLATIONS.**

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

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

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

12 **SEC. 6. AUTHORIZATION LEVELS.**

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

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

17 “(a) GAS AND HAZARDOUS LIQUID.—

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

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

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

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

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

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

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

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

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

7 **SEC. 7. PIPELINE SAFETY ENHANCEMENT PROGRAMS.**

8 Section 60142 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a), by striking “The Sec-
11 retary may” and inserting “During the period of cal-
12 endar years 2023 through 2029, the Secretary
13 shall”;

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

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

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

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

23 “(2) OPERATOR MILEAGE LIMITATION.—The
24 Secretary shall limit the miles of pipelines that each

1 operator can test under each program established
2 under subsection (a) to the lesser of—

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

5 “(B) 1,000 miles.”;

6 (3) in subsection (c)—

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

9 (B) in paragraph (2), by striking “3 years
10 after the date of enactment of this section” and
11 inserting “3 years after the date of enactment
12 of the Pipeline Safety, Modernization, and Ex-
13 pansion Act of 2023”;

14 (4) in subsection (d)—

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

17 (B) in paragraph (3)—

18 (i) in the heading, by striking “IN-
19 CREASED SAFETY CAPABILITIES” and in-
20 serting “PIPELINE SAFETY ENHANCE-
21 MENT”; and

22 (ii) by striking “improvement” and in-
23 serting “enhancement”;

24 (5) by striking subsection (h);

1 (6) by redesignating subsections (f) and (g) as
2 subsections (g) and (h), respectively;

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

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

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

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

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

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

20 **SEC. 8. PIPELINE SAFETY VOLUNTARY INFORMATION-**
21 **SHARING SYSTEM.**

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

1 **“§ 60144. Voluntary information-sharing system**

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

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

8 “(A) gathering, evaluating, and quanti-
9 fying critical pipeline safety data and informa-
10 tion; and

11 “(B) sharing recommended remediation
12 measures and lessons learned across the pipe-
13 line industry in an efficient and confidential
14 manner;

15 “(2) will encourage the voluntary sharing of
16 pipeline safety data and information to improve the
17 safety of pipeline facilities; and

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

20 “(b) GOVERNANCE.—

21 “(1) GOVERNING BOARD.—

22 “(A) ESTABLISHMENT.—Not later than
23 180 days after the date of enactment of the
24 Pipeline Safety, Modernization, and Expansion
25 Act of 2023, the Administrator of the Pipeline
26 and Hazardous Materials Safety Administration

1 shall appoint a governing board for the VIS in
2 accordance with this paragraph, after con-
3 sulting with public and private pipeline safety
4 stakeholders.

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

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

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

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

1 “(C) BOARD TERMS.—Each member of the
2 governing board shall be appointed for three
3 years, with the terms of five of the members ex-
4 piring each year. The term of at least one and
5 not more than two members of each of the
6 three stakeholder groups established in sub-
7 paragraph (B) shall expire each year. In the
8 initial appointment, terms of one, two, and
9 three years shall be established to allow the
10 terms of five members to expire thereafter each
11 year. Each member may be reappointed for con-
12 secutive three-year terms.

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

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

1 “(i) govern and provide strategic over-
2 sight of the VIS;

3 “(ii) develop and make public govern-
4 ance documents, including a charter that
5 describes the scope of the authority and
6 objectives of the governing board;

7 “(iii) select a third-party data man-
8 ager with expertise in data protection, ag-
9 gregation, and analytics;

10 “(iv) approve the criteria and proce-
11 dures governing how the third-party data
12 manager will receive, secure, and accept
13 for inclusion in the VIS pipeline safety
14 data and information;

15 “(v) establish and appoint members to
16 the issue analysis teams;

17 “(vi) collaborate with the issue anal-
18 ysis teams to—

19 “(I) identify the issues and topics
20 to be analyzed by the issue analysis
21 teams; and

22 “(II) specify the type of pipeline
23 safety data and information that the
24 issue analysis teams need to analyze
25 such issues and topics;

1 “(vii) determine the information to be
2 accepted for inclusion in, and shared using,
3 the VIS;

4 “(viii) determine the reports to be ac-
5 cepted for inclusion in, and shared using,
6 the VIS;

7 “(ix) determine which participating
8 entities are authorized to access informa-
9 tion and reports included in the VIS;

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

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

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

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

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

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

11 “(B) accepting for inclusion in the VIS
12 such pipeline safety data and information that
13 meets the criteria and procedures established by
14 the governing board under paragraph
15 (1)(E)(iv);

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

19 “(D) collaborating with the issue analysis
20 teams to analyze and aggregate pipeline safety
21 data and information that is accepted for inclu-
22 sion in the VIS;

23 “(E) preparing reports as requested by the
24 governing board regarding the type of pipeline

1 safety data and information that is included in
2 the VIS; and

3 “(F) making recommendations to the gov-
4 erning board regarding the management of
5 pipeline safety data and information, as appro-
6 priate.

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

10 “(A) consist of technical and subject mat-
11 ter experts;

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

17 “(C) collaborate with the governing board
18 to identify issues and topics for analysis and
19 submit internal reports and recommendations to
20 the governing board on the identified issues and
21 topics.

22 “(5) PARTICIPATION.—

23 “(A) VOLUNTARY PARTICIPATION.—No
24 person shall be required to participate in or

1 submit data or information for inclusion in the
2 VIS.

3 “(B) PROHIBITION.—The criteria and pro-
4 cedures established under paragraph (1)(E)(iv)
5 shall prohibit the acceptance of data or infor-
6 mation about an operator if the operator has
7 not authorized the submission of the data or in-
8 formation.

9 “(C) SHARING OF INFORMATION.—The
10 governing board shall encourage the voluntary
11 sharing of pipeline safety data and information
12 among participating entities.

13 “(c) INFORMATION SHARING.—Pipeline safety data
14 and information accepted for inclusion in the VIS shall
15 be related to the issues and topics identified by the gov-
16 erning board to be analyzed by the issue analysis teams,
17 including—

18 “(1) pipeline integrity risk analysis information;

19 “(2) lessons learned from accidents and near
20 misses;

21 “(3) process improvements;

22 “(4) technology deployment practices;

23 “(5) information obtained through VIS pipeline
24 safety surveys of pipeline operator employees, pro-

1 vided that such surveys are voluntarily agreed to by
2 the pipeline operator; and

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

6 “(d) CONFIDENTIALITY.—

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

12 “(2) DEIDENTIFIED NONPUBLIC INFORMA-
13 TION.—

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

24 “(B) REPORTS.—The governing board, in
25 issuing public reports under subsection

1 (b)(1)(E)(x), shall approve the disclosure of
2 deidentified nonpublic information through the
3 VIS 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 using the VIS.

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

17 “(e) APPLICABILITY OF FOIA.—Any nonpublic infor-
18 mation that is accepted for inclusion in the VIS and subse-
19 quently obtained by the Secretary or the Administrator
20 from the VIS is exempt from the requirements of section
21 552 of title 5, and specifically exempt from release under
22 subsection (b)(3) of such section.

23 “(f) EXCLUSIONS.—

24 “(1) EXCLUDED EVIDENCE.—Except as pro-
25 vided in paragraph (3), nonpublic information ac-

1 cepted for inclusion in the VIS shall not be obtained
2 from the VIS—

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

6 “(B) to initiate any enforcement action or
7 civil litigation against a pipeline operator or its
8 employees or contractors relating to a probable
9 violation under this chapter (including any reg-
10 ulation promulgated or order issued under this
11 chapter).

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

18 “(3) LIMITATIONS ON EXCLUSIONS.—The ex-
19 clusions described in paragraphs (1) and (2) shall
20 not apply to—

21 “(A) data or information that is evidence
22 of a criminal violation;

23 “(B) data or information not related to the
24 activities described in subsection (a)(1) for
25 which the VIS is established;

1 “(C) data or information otherwise re-
2 quired to be reported to the Secretary under
3 part 191 (including information about an inci-
4 dent or accident), part 192, part 194, part 195,
5 or part 199 of title 49, Code of Federal Regula-
6 tions (or a successor regulation) or required to
7 be reported under the requirements of a State
8 authority; or

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

11 “(g) NO EFFECT ON DISCOVERY.—

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

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

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

25 “(i) DEFINITIONS.—In this section:

1 “(1) NONPUBLIC INFORMATION.—The term
2 ‘nonpublic information’ means any data or informa-
3 tion, regardless of form or format, that a company
4 does not disclose, disseminate, or make available to
5 the public or that is not otherwise in the public do-
6 main.

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

13 “(A) an operator of a pipeline facility, and
14 related employees, labor unions, contractors, in-
15 line inspection service providers, and non-
16 destructive evaluation experts;

17 “(B) the Pipeline and Hazardous Materials
18 Safety Administration; and

19 “(C) a representative of a State pipeline
20 safety agency, a Tribal agency, a pipeline safety
21 advocacy group, a manufacturer of materials or
22 equipment used in pipeline facilities, a research
23 or academic institution, and other pipeline
24 stakeholders.

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

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

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

 “60144.Voluntary information-sharing system.”.

12 **SEC. 9. PROTECTING FUEL CHOICE FOR CONSUMERS.**

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

21 **SEC. 10. MODERNIZING AND EXPANDING PIPELINES.**

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

1 (1) any construction, modification, expansion,
2 inspection, repair, or maintenance under chapter
3 601 of title 49, United States Code, of any pipeline
4 facility that is constructed, or for which construction
5 has commenced, prior to the date of enactment of
6 this Act; or

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

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

19 (1) notifies the person and the Commission that
20 it waives its authority to issue the Federal author-
21 ization; or

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

1 (c) ISSUANCE.—

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

4 (A) shall consider the request and publish
5 a decision whether to issue the Federal author-
6 ization under this section; and

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

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

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

23 (e) DEFINITIONS.—In this section:

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

1 (2) FEDERAL AUTHORIZATION.—The term
2 “Federal authorization” means any authorization re-
3 quired under Federal law in connection with an ap-
4 plication for the construction, modification, expan-
5 sion, inspection, repair, or maintenance of a pipeline
6 facility, including a permit, special use authoriza-
7 tion, certification, opinion, or other approval (includ-
8 ing a any authorization required pursuant to a gen-
9 eral permit).

10 (3) PIPELINE FACILITY.—The term “pipeline
11 facility” has the meaning given that term in section
12 60101 of title 49, United States Code.

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

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

18 (B) a State in which the applicable pipeline
19 facility is to be constructed, modified, or ex-
20 panded, to which authority to issue the Federal
21 authorization has been delegated by the Federal
22 agency described in subparagraph (A).

23 **SEC. 11. REGULATORY UPDATES.**

24 (a) REPORTS.—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation shall submit reports to the Committees on
3 Energy and Commerce and Transportation and In-
4 frastructure of the House of Representatives and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate regarding the status of a final
7 rule for each outstanding regulation.

8 (2) DEADLINES.—The Secretary shall submit a
9 report under this subsection not later than 120 days
10 after the date of enactment of this Act, and every
11 90 days thereafter until a final rule has been issued
12 for each outstanding regulation described in sub-
13 section (c)(2)(A).

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

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

18 (2) an updated rulemaking timeline for each
19 outstanding regulation;

20 (3) current staff allocations with respect to
21 each outstanding regulation;

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

1 (5) any other details associated with the devel-
2 opment of each outstanding regulation that affect
3 the progress of the rulemaking process.

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

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

9 (2) that—

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

13 (B) is being developed under an authority
14 not described in subparagraph (A), and is con-
15 sidered to be a significant regulatory action
16 under Executive Order 12866.