

118TH CONGRESS
1ST SESSION

S. 2980

To amend title 49, United States Code, to eliminate the requirement for cost-benefit analyses in the establishment of minimum safety standards for pipeline transportation and pipeline facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to eliminate the requirement for cost-benefit analyses in the establishment of minimum safety standards for pipeline transportation and pipeline facilities, 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.**

4 This Act may be cited as the “Penalizing and Improv-
5 ing Prevention of Emergencies Act of 2023” or the “PIPE
6 Act of 2023”.

1 **SEC. 2. COST-BENEFIT ANALYSES.**

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

4 (1) in paragraph (2)—

5 (A) by striking subparagraphs (D) and
6 (E); and

7 (B) by redesignating subparagraphs (F)
8 and (G) as subparagraphs (D) and (E), respec-
9 tively; and

10 (2) by striking paragraphs (3) through (7).

11 (b) TECHNICAL AND SAFETY STANDARDS COMMIT-
12 TEES.—Section 60115 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a), by striking the third sen-
15 tence;

16 (2) in subsection (b)(4)(C), by striking the sec-
17 ond sentence; and

18 (3) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “Committee each standard proposed under
22 this chapter for transporting gas and for
23 gas pipeline facilities including the risk as-
24 sessment information and other analyses
25 supporting each proposed standard;” and
26 inserting the following: “Committee—

1 “(i) each standard proposed under this
2 chapter for—

3 “(I) transporting gas; or

4 “(II) gas pipeline facilities; and

5 “(ii) analyses supporting each proposed
6 standard described in clause (i);” and

7 (ii) in subparagraph (B), by striking

8 “Committee each standard proposed under
9 this chapter for transporting hazardous liq-
10 uid and for hazardous liquid pipeline facili-
11 ties including the risk assessment informa-
12 tion and other analyses supporting each
13 proposed standard.” and inserting the fol-
14 lowing: “Committee—

15 “(i) each standard proposed under this
16 chapter for—

17 “(I) transporting hazardous liquid; or

18 “(II) hazardous liquid pipeline facili-
19 ties; and

20 “(ii) analyses supporting each proposed
21 standard described in clause (i).”; and

22 (B) in paragraph (2), by striking “cost-ef-
23 fectiveness,”.

1 **SEC. 3. ELIMINATION OF NONAPPLICATION CLAUSE FOR**
2 **EXISTING PIPELINES.**

3 (a) IN GENERAL.—Section 60104 of title 49, United
4 States Code, is amended—

5 (1) by striking subsection (b); and

6 (2) by redesignating subsections (c) through (e)
7 as subsections (b) through (d), respectively.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 60106(b)(1) of title 49, United
10 States Code, is amended, in the third sentence, by
11 striking “section 60104(c)” and inserting “section
12 60104(b)”.

13 (2) Section 60109(c) of title 49, United States
14 Code, is amended—

15 (A) by striking paragraph (11); and

16 (B) by redesignating paragraph (12) as
17 paragraph (11).

18 **SEC. 4. PROHIBITION AGAINST RELEASES.**

19 Section 60118(a) of title 49, United States Code, is
20 amended—

21 (1) in paragraph (4), by striking the period at
22 the end and inserting “; and”;

23 (2) by redesignating paragraphs (1) through
24 (4) as subparagraphs (A) through (D), respectively,
25 and indenting appropriately;

1 (3) in the matter preceding subparagraph (A)
2 (as so redesignated), by striking “facility shall—”
3 and inserting the following: “facility—
4 “(1) shall—”; and
5 (4) by adding at the end the following:
6 “(2) shall not release gas or hazardous liquid
7 from a pipeline facility in a quantity that would re-
8 quire the reporting of an incident or accident under
9 a regulation prescribed under this chapter.”.

10 **SEC. 5. PENALTIES.**

11 (a) **MAXIMUM CIVIL PENALTY FOR A RELATED SE-**
12 **RIES OF VIOLATIONS.—**

13 (1) **IN GENERAL.—**Section 60122(a)(1) of title
14 49, United States Code, is amended by striking the
15 third sentence.

16 (2) **RULEMAKING.—**Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary of Transportation, acting through the Admin-
19 istrator of the Pipeline and Hazardous Materials
20 Safety Administration, shall revise subpart B of part
21 190 of title 49, Code of Federal Regulations, in ac-
22 cordance with the amendment made by paragraph
23 (1).

1 (b) SCIENTER REQUIREMENT FOR CRIMINAL PEN-
2 ALTIES.—Section 60123(a) of title 49, United States
3 Code, is amended—

4 (1) by striking “knowingly and willfully” and
5 inserting “knowingly, willfully, or recklessly”;

6 (2) by striking “A person” and inserting the
7 following:

8 “(1) IN GENERAL.—A person”; and

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

10 “(2) MEANING OF TERMS.—

11 “(A) IN GENERAL.—For purposes of para-
12 graph (1)—

13 “(i) a person acts knowingly when—

14 “(I) the person has actual knowl-
15 edge of the facts giving rise to the vio-
16 lation; or

17 “(II) a reasonable person acting
18 in the circumstances and exercising
19 reasonable care would have that
20 knowledge;

21 “(ii) a person acts willfully when—

22 “(I) the person has knowledge of
23 the facts giving rise to the violation;
24 and

1 “(II) the person has knowledge
2 that the conduct was unlawful; and

3 “(iii) a person acts recklessly when
4 the person displays a deliberate indiffer-
5 ence or conscious disregard to the con-
6 sequences of that person’s conduct.

7 “(B) KNOWLEDGE.—For purposes of para-
8 graph (1), knowledge of the existence of a stat-
9 utory provision, or a regulation or requirement
10 of the Secretary, is not an element of an offense
11 under that paragraph.”.

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