

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

Page 2, before line 1, insert the following:

1 (c) STATE DEFINED.—In this Act, the term “State”
2 has the meaning given such term in section 60101(a) of
3 title 49, United States Code.

Page 8, line 5, strike “\$1,060,000” and insert
“\$2,000,000”.

Page 8, after line 20, insert the following (and re-
designate subsequent subsections accordingly):

4 (f) IMPROVING TECHNICAL ASSISTANCE.—Section
5 60130(c)(2) of title 49, United States Code, is amended—

6 (1) by striking “each fiscal year, the Secretary
7 shall award \$1,000,000” and inserting “, the Sec-
8 retary shall award”; and

9 (2) by striking the period at the end and insert-
10 ing the following: “the following amounts:

11 “(A) \$1,250,000 for fiscal year 2024.

12 “(B) \$1,500,000 for fiscal year 2025.

13 “(C) \$1,750,000 for fiscal year 2026.

14 “(D) \$2,000,000 for fiscal year 2027.”.

Page 8, line 23, insert “\$1,500,000 for each of” before “fiscal years 2021”.

Page 8, line 24, insert “\$2,000,000 for each of” before “fiscal years 2024”.

Page 28, line 24, strike “2 years” and insert “18 months”.

Page 30, after line 8, insert the following:

1 (e) RULEMAKING.—Not later than 18 months after
2 the meeting described in subsection (d), the Secretary
3 shall issue a rulemaking that includes a Notice of Pro-
4 posed Rulemaking to allow for the use of composite mate-
5 rials for pipeline transportation of hydrogen and hydrogen
6 blended with natural gas.

Page 36, line 9, strike “subsections (c) and (d), respectively; and” and insert “subsections (d) and (e), respectively;”.

Page 36, line 13, strike “consider implementing” and insert “implement”.

Page 37, line 22, insert “, allowing for exceptions for special large-project tickets” after “white lining”.

Page 38, line 3, strike “encourage” and insert “require”.

Page 38, line 7, strike “encourage” and insert “require”.

Page 38, line 12, strike “encourage robust” and insert “require”.

Page 38, line 14, strike “encourage” and insert “require”.

Page 38, line 17, strike the closing quotation mark and the second period and insert the following:

1 “(c) REPORT TO CONGRESS.—

2 “(1) INITIAL REPORT.—Not later than 3 years
3 after the implementation of subsection (b), the Sec-
4 retary shall submit to the Committee on Transpor-
5 tation and Infrastructure and the Committee on En-
6 ergy and Commerce of the House of Representatives
7 and the Committee on Commerce, Science, and
8 Transportation of the Senate a report detailing—

9 “(A) the implementation of the leading
10 practices described in such subsection;

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

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

4 “(2) ADDITIONAL REPORTS.—Not later than
5 once every 2 years after the submittal of the report
6 under paragraph (1), the Secretary shall submit to
7 the Committee on Transportation and Infrastructure
8 and the Committee on Energy and Commerce of the
9 House of Representatives and the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate a report detailing—

12 “(A) the implementation of the leading
13 practices described in subsection (b);

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

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

Page 38, after line 17, insert the following:

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

22 “(f) SAVINGS CLAUSE.—Nothing in this section shall
23 make a grant award to a State by the Secretary pursuant
24 to section 60107 or section 60134 for a State program

1 certified under section 60105 or section 60106 contingent
2 on compliance by the State with all leading practices de-
3 scribed in subsection (b).”.

Page 39, strike line 11 through line 11 on page 40
and insert the following:

4 “(B) data reporting requirements such as
5 those—

6 “(i) to the local one-call center for ex-
7 cavation damage events on pipelines and
8 other underground facilities, that are not
9 privately owned, including (if available at
10 the time of reporting)—

11 “(I) information about the nature
12 of the incident, including the facility
13 damaged and the apparent cause of
14 such damage (with supporting docu-
15 mentation);

16 “(II) the organizations or entities
17 involved;

18 “(III) the impact to public safe-
19 ty, utility operations, and customer
20 service; and

21 “(IV) the impact to the environ-
22 ment; and

1 “(ii) to a nationally focused nonprofit
2 organization specifically established for the
3 purpose of reducing construction-related
4 damages to underground facilities, of dam-
5 ages and near-miss events to underground
6 facilities from excavation damages, includ-
7 ing potential contributing factors, facility
8 damaged, type of excavator, work per-
9 formed, equipment type, and State; and
10 “(C) performance measures to determine
11 the effectiveness of State excavation damage
12 prevention efforts.”.

Page 63, after line 18, insert the following:

13 “(4) ADDITIONAL LIMITATIONS ON EXCLU-
14 SIONS.—The exclusions described in paragraphs (1)
15 and (2) shall not apply to non-public information
16 that is submitted to but not accepted by the VIS.”.

Page 64, line 4, strike “under” before “Federal”.

Page 67, strike line 23 through line 2 on page 68
and insert the following:

17 (A) in paragraph (1) by striking “regulate
18 carbon dioxide” and all that follows through
19 “by such a facility” and inserting “prescribe
20 standards related to pipeline facilities to ensure

1 the safe transportation of carbon dioxide in a
2 liquid or supercritical state by such facilities”;

Page 68, after line 2, insert the following (and re-designate subsequent subparagraphs accordingly):

3 (B) by striking paragraph (2)(B) and in-
4 serting the following:

5 “(B) INCLUSION OF APPLICABLE STAND-
6 ARDS.—The Secretary shall establish the min-
7 imum safety standards in part 195 of title 49,
8 Code of Federal Regulations, as applicable.”.

Page 72, beginning on line 5, strike “address the issue of gaseous carbon dioxide as required under section 60102(i)(2) of title 49, United States Code,” and insert “include updates to such regulations as are necessary to implement section 60102(i) of title 49, United States Code, as amended by subsection (a),”.

Page 83, line 18, strike “may” and insert “shall”.

Page 83, line 19, strike “appropriate, may” and insert “that such action will achieve an equivalent level of safety, shall”.

Page 84, line 1, strike “may” and insert “shall”.

Page 84, line 7, insert “risk-based inspection” before “standards”.

Add at the end the following:

1 **SEC. ____ . MAXIMUM ALLOWABLE OPERATING PRESSURE.**

2 (a) IN GENERAL.—Section 60139 of title 49, United
3 States Code, is amended—

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

6 (2) by redesignating subsection (e) as sub-
7 section (f); and

8 (3) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) TESTING RECORDS WORKING GROUP.—

11 “(1) PREVIOUSLY TESTED TRANSMISSION
12 LINES.—Until the completion of the report of the
13 Working Group required under paragraph (2) and
14 the rulemaking proceeding required under paragraph
15 (3), the Secretary shall not require an owner or op-
16 erator of a pipeline facility to reconfirm the max-
17 imum allowable operating pressure of a natural gas
18 transmission pipeline pursuant to section 192.624 of
19 title 49, Code of Federal Regulations, if the owner
20 or operator confirms the material strength of the
21 pipeline through prior testing conducted to a suffi-
22 cient minimum pressure in accordance with pre-
23 vailing safety standards and practices, including any

1 applicable class location factors, and documented in
2 contemporaneous records.

3 “(2) WORKING GROUP REPORT.—

4 “(A) IN GENERAL.—No later than 30 days
5 after the date of enactment of the PIPES Act
6 of 2023, the Secretary of Transportation shall
7 create a fairly balanced working group (herein-
8 after referred to as the ‘Working Group’) to
9 produce a report containing recommendations
10 on the minimum pressure and contemporaneous
11 records that are sufficient to confirm the mate-
12 rial strength of a pipeline through prior testing.

13 “(B) COMPOSITION OF WORKING GROUP.—

14 The Working Group—

15 “(i) shall be comprised of the Admin-
16 istrator of the Pipeline and Hazardous Ma-
17 terials Safety Administration, State pipe-
18 line regulators, the public, and industry
19 stakeholders active in the operation of nat-
20 ural gas pipelines; and

21 “(ii) may include members of the
22 Technical Pipeline Safety Standards Com-
23 mittee or be conducted in a manner that
24 otherwise ensures input from the public, as
25 determined appropriate by the Secretary.

1 “(C) CONSIDERATION.—In preparing the
2 report required under paragraph (1), the Work-
3 ing Group—

4 “(i) shall consider historical practices
5 and all available research conducted re-
6 garding minimum pressure and contem-
7 poraneous records on transmission pipe-
8 lines; and

9 “(ii) may consider the need for any
10 additional research or analyses needed to
11 demonstrate the adequacy of any strength
12 testing performed.

13 “(D) APPLICABILITY OF FACA.—Chapter
14 10 of title 5 shall not apply to the Working
15 Group.

16 “(E) SUBMISSION OF REPORT.—Not later
17 than 180 days after the date of enactment of
18 the PIPES Act of 2023, the Working Group
19 shall submit to the Secretary the report pro-
20 duced under paragraph (2), including any mi-
21 nority views.

22 “(3) RULEMAKING.—Not later than 180 days
23 after receiving the report described in paragraph (2),
24 the Secretary shall initiate a rulemaking proceeding
25 under section 60102 to revise, or make a technical

1 correction to, the maximum allowable operating
2 pressure reconfirmation regulations issued pursuant
3 to this section in effect as of the date of enactment
4 of the PIPES Act of 2023.”.

