

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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.”.