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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Pipeline Safety, Modernization, and Expansion Act of 2023”.

(b) Table of Contents.—The table of contents for 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.

SEC. 2. MINIMUM SAFETY STANDARDS.

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

(1) in paragraph (2)—

(A) in subparagraph (D), by striking “benefits” and inserting “safety and economic benefits within the United States”; and

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

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

(3) in paragraph (5)—

(A) by inserting “explicitly” before “required”;

(B) by inserting “, economic,” after “safety”; and

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

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SEC. 3. REGULATION OF CARBON DIOXIDE PIPELINE FACILITIES.

(a) Facility Operation Information Standards.—Section 60102(d)(5) of title 49, United States Code is amended—

(1) in subparagraph (B), by striking ‘‘; and’’;

and

(2) by adding at the end the following:

‘‘(D) for pipelines transporting carbon dioxide, actions and procedures for leak detection and for coordination, communications, and alerts specific to responding to and containing a release from such a pipeline; and’’.

(b) Carbon Dioxide Regulation.—

(1) Rulemakings required.—

(A) Transportation in liquid state.—

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule to carry out section 60102(i)(1) of title 49, United States Code; and

(B) Transportation in gaseous state.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule to carry
out section 60102(i)(2) of title 49, United States Code.

(2) TRANSPORTATION IN GASEOUS STATE.—Section 60102(i)(2)(B) of title 49, United States Code, is amended by striking “consider whether applying the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this paragraph, for the transportation of carbon dioxide in a liquid state to the transportation of carbon dioxide in a gaseous state would ensure safety” and inserting “apply the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as appropriate”.

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

“(4) CONSIDERATIONS.—In prescribing standards under this subsection, the Secretary shall consider public input and the adoption of industry consensus standards regarding the safe transportation of carbon dioxide.”.

(c) UNDERGROUND SEQUESTRATION OF CARBON DIOXIDE.—Section 40306 of the Infrastructure Investment and Jobs Act (42 U.S.C. 300h–9) is amended by adding at the end the following:
“(d) UNDERGROUND SEQUESTRATION OF CARBON DIOXIDE.—

“(1) IN GENERAL.—Effective immediately upon the date of enactment of this subsection, owners or operators may request that the Administrator issue an aquifer exemption for a Class VI well. In addition, owners or operators of Class II wells may request that the Administrator approve an expansion to the areal extent of an aquifer exemption already in place for a Class II well for the purpose of Class VI injection for geologic sequestration.

“(2) DESIGNATIONS.—In considering a request under paragraph (1), the Administrator shall designate an aquifer or portion thereof an exempted aquifer, as defined in section 144.3 of title 40, Code of Federal Regulations (or successor regulations), if it meets the criteria set forth in paragraphs (a) through (c) of section 146.4 of title 40, Code of Federal Regulations, as in effect on the date of enactment of this subsection. In addition, an aquifer or portion thereof shall be considered an exempted aquifer for Class VI wells if the Administrator has designated that aquifer or portion thereof an exempted aquifer for any other purpose.
“(3) RULEMAKING.—The Administrator shall revise section 144.7 and section 146.4 of title 40, Code of Federal Regulations, to conform with this subsection.”.

SEC. 4. TECHNICAL SAFETY STANDARDS COMMITTEES.

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

(1) in subsection (c)(2), by inserting “in accordance with paragraph (4)” after “the Secretary shall publish the reasons”;

(2) in subsection (e), by adding at the end the following:

“(4) The Secretary shall, not later than 15 days after prescribing a standard under paragraph (3) with respect to which a committee has prepared a report under paragraph (2), submit to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available, a report regarding the reasons the Secretary rejected any conclusions of the committee.”; and

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

SEC. 5. STRENGTHENING PENALTIES FOR PIPELINE SAFETY VIOLATIONS.

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

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

(2) by inserting “damaging or destroying such a facility under construction and intended to be operated as such a facility on completion of the construction,” before “or attempting”.

SEC. 6. AUTHORIZATION LEVELS.

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

(1) by amending subsection (a) to read as follows:

“(a) GAS AND HAZARDOUS LIQUID.—

“(1) IN GENERAL.—From fees collected under section 60301, there are authorized to be appropriated to the Secretary to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and the provisions of this chapter relating to gas and hazardous liquid $150,000,000 for each of fiscal years 2024 through 2028, of which—
“(A) $9,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

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

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

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

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

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

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

SEC. 7. PIPELINE SAFETY ENHANCEMENT PROGRAMS.

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

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

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

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

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

and

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

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

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

“(B) 1,000 miles.”;

(3) in subsection (c)—

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

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

(4) in subsection (d)—

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

(B) in paragraph (3)—

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

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

(5) by striking subsection (h);
(6) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

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

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

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

(9) by adding at the end the following:

“(m) APPROVAL PROCESS.—The Secretary establishing and carrying out a testing program under subsection (a) may not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

“(n) PROHIBITION.—In establishing and carrying out a testing program under subsection (a), the Secretary may not enforce any requirement not described in this section.”.

SEC. 8. PIPELINE SAFETY VOLUNTARY INFORMATION-SHARING SYSTEM.

(a) In General.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:
§ 60144. Voluntary information-sharing system

(a) Establishment.—The Secretary shall establish a confidential voluntary information-sharing system, in accordance with the recommendations provided under section 10 of the PIPES Act of 2016, that—

“(1) is a comprehensive, systematic, and integrated structure for—

“(A) gathering, evaluating, and quantifying critical pipeline safety data and information; and

“(B) sharing recommended remediation measures and lessons learned across the pipeline industry in an efficient and confidential manner;

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

“(3) may not be used in relation to the enforcement of requirements under this chapter.

(b) Governance.—

“(1) Governing board.—

“(A) Establishment.—Not later than 180 days after the date of enactment of the Pipeline Safety, Modernization, and Expansion Act of 2023, the Administrator of the Pipeline and Hazardous Materials Safety Administration...
shall appoint a governing board for the VIS in accordance with this paragraph, after consulting with public and private pipeline safety stakeholders.

“(B) COMPOSITION OF THE BOARD.—The governing board shall be comprised of 15 members and shall represent a balanced cross-section of pipeline safety stakeholders as follows:

“(i) 5 individuals shall be representatives of departments, agencies, or instrumentalities of the Federal Government and of the States and territories, one of which shall be the Administrator.

“(ii) 5 individuals shall be representatives of the gas or hazardous liquid industries, such as operators, trade associations, inspection technology, coating, and cathodic protection vendors, and pipeline inspection organizations.

“(iii) 5 individuals shall be representatives of general public safety advocacy organizations, such as pipeline safety and environmental advocacy groups, labor and worker safety representatives, and the general public.
“(C) BOARD TERMS.—Each member of the governing board shall be appointed for three years, with the terms of five of the members expiring each year. The term of at least one and not more than two members of each of the three stakeholder groups established in subparagraph (B) shall expire each year. In the initial appointment, terms of one, two, and three years shall be established to allow the terms of five members to expire thereafter each year. Each member may be reappointed for consecutive three-year terms.

“(D) CO-CHAIRS.—The governing board shall be co-chaired by the Administrator, who shall appoint as co-chairs, with advice and consent of the governing board, a member appointed under each of clauses (ii) and (iii) of subparagraph (B). The co-chairs shall be jointly responsible for organizing and conducting meetings of the governing board.

“(E) AUTHORITY.—The governing board shall make decisions by a super-majority, defined as two-thirds plus one of the governing board members, and shall have the authority to—
“(i) govern and provide strategic oversight of the VIS;

“(ii) develop and make public governance documents, including a charter that describes the scope of the authority and objectives of the governing board;

“(iii) select a third-party data manager with expertise in data protection, aggregation, and analytics;

“(iv) approve the criteria and procedures governing how the third-party data manager will receive, secure, and accept for inclusion in the VIS pipeline safety data and information;

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

“(vi) collaborate with the issue analysis teams to—

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

“(II) specify the type of pipeline safety data and information that the issue analysis teams need to analyze such issues and topics;
“(vii) determine the information to be accepted for inclusion in, and shared using, the VIS;

“(viii) determine the reports to be accepted for inclusion in, and shared using, the VIS;

“(ix) determine which participating entities are authorized to access information and reports included in the VIS;

“(x) at least once per year, issue a public report on VIS processes, membership of the governing board, issues being investigated and analyzed, pipeline safety data and information that the VIS has requested for submission to the VIS, and safety trends identified; and

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

“(F) FEDERAL ADVISORY COMMITTEE ACT INAPPLICABLE.—The governing board shall not be subject to the requirements of chapter 10 of title 5, United States Code.
“(2) PROGRAM MANAGEMENT.—The Administrator shall provide program management and administrative support for the VIS, including oversight of the third-party data manager.

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

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

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

“(C) deidentifying, storing, and managing pipeline safety data and information that is accepted for inclusion in the VIS;

“(D) collaborating with the issue analysis teams to analyze and aggregate pipeline safety data and information that is accepted for inclusion in the VIS;

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

“(F) making recommendations to the governing board regarding the management of pipeline safety data and information, as appropriate.

“(4) ISSUE ANALYSIS TEAMS.—The issue analysis teams established by the governing board shall—

“(A) consist of technical and subject matter experts;

“(B) work with the third-party data manager to aggregate and analyze pipeline safety data and information submitted to the VIS that is related to issues and topics identified by the governing board; and

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

“(5) PARTICIPATION.—

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

“(B) PROHIBITION.—The criteria and procedures established under paragraph (1)(E)(iv) shall prohibit the acceptance of data or information about an operator if the operator has not authorized the submission of the data or information.

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

“(c) INFORMATION SHARING.—Pipeline safety data and information accepted for inclusion in the VIS shall be related to the issues and topics identified by the governing board to be analyzed by the issue analysis teams, including—

“(1) pipeline integrity risk analysis information;
“(2) lessons learned from accidents and near misses;
“(3) process improvements;
“(4) technology deployment practices;
“(5) information obtained through VIS pipeline safety surveys of pipeline operator employees, pro-
vided that such surveys are voluntarily agreed to by
the pipeline operator; and

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

“(d) CONFIDENTIALITY.—

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

“(2) DEIDENTIFIED NONPUBLIC INFOR-
MATION.—

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

“(B) REPORTS.—The governing board, in
issuing public reports under subsection
(b)(1)(E)(x), shall approve the disclosure of deidentified nonpublic information through the VIS that the governing board determines is necessary to adequately describe and illustrate the issues and topics being investigated and analyzed using the VIS.

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

“(e) APPLICABILITY OF FOIA.—Any nonpublic information that is accepted for inclusion in the VIS and subsequently obtained by the Secretary or the Administrator from the VIS is exempt from the requirements of section 552 of title 5, and specifically exempt from release under subsection (b)(3) of such section.

“(f) EXCLUSIONS.—

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

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

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

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

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

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

“(B) data or information not related to the
activities described in subsection (a)(1) for
which the VIS is established;
“(C) data or information otherwise required to be reported to the Secretary under part 191 (including information about an incident or accident), part 192, part 194, part 195, or part 199 of title 49, Code of Federal Regulations (or a successor regulation) or required to be reported under the requirements of a State authority; or

“(D) data or information developed or obtained from a source other than the VIS.

“(g) NO EFFECT ON DISCOVERY.—

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

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

“(h) REPORTING.—Not later than the end of each fiscal year, the Secretary shall submit to Congress a report on the status of the VIS.

“(i) DEFINITIONS.—In this section:
“(1) NONPUBLIC INFORMATION.—The term ‘nonpublic information’ means any data or information, regardless of form or format, that a company does not disclose, disseminate, or make available to the public or that is not otherwise in the public domain.

“(2) PARTICIPATING ENTITY.—The term ‘participating entity’ means an entity determined appropriate by the Secretary to submit information for inclusion in the VIS, or to be authorized to access information and reports included in the VIS, including—

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

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

“(C) a representative of a State pipeline safety agency, a Tribal agency, a pipeline safety advocacy group, a manufacturer of materials or equipment used in pipeline facilities, a research or academic institution, and other pipeline stakeholders.
“(3) **PUBLIC INFORMATION.**—The term ‘public information’ means any data or information, regardless of form or format, that a company discloses, disseminates, or makes available to the public or that is otherwise in the public domain.

“(4) **VIS.**—The term ‘VIS’ means the voluntary information-sharing system established under subsection (a).”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 601 of title 49, United States Code, is amended by adding at the end the following:

“60144. Voluntary information-sharing system.”

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

Notwithstanding the first sentence of section 60104(c)(1) of title 49, United States Code, a State or municipality may not adopt or continue in force a law, regulation, or standard that has the effect, directly or indirectly, of limiting or prohibiting the transportation or distribution for sale or resale of an energy source that is sold in interstate commerce and transported using a pipeline facility (as defined in section 60101 of such title).

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

(a) **IN GENERAL.**—The Commission may, if requested under subsection (b), issue a Federal authorization under this section for—
(1) any construction, modification, expansion, inspection, repair, or maintenance under chapter 601 of title 49, United States Code, of any pipeline facility that is constructed, or for which construction has commenced, prior to the date of enactment of this Act; or

(2) the construction, modification, expansion, inspection, repair, or maintenance of pipeline facility that has not been constructed, or for which construction has not commenced, prior to such date of enactment, that is to be co-located within the boundary of a pipeline or electrical right-of-way that exists as of such date of enactment.

(b) REQUEST FOR ISSUANCE.—A person who has filed for a Federal authorization from a relevant permitting entity may request that the Commission issue the Federal authorization under this section if the relevant permitting entity—

(1) notifies the person and the Commission that it waives its authority to issue the Federal authorization; or

(2) does not complete a proceeding that is required for the Federal authorization by the date that is 1 year after the date on which the person filed for the Federal authorization.
(c) ISSUANCE.—

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

(A) shall consider the request and publish a decision whether to issue the Federal authorization under this section; and

(B) may issue a Federal authorization under this section only after notice and opportunity for a hearing and in accordance with the Federal law under which the Federal authorization is required.

(2) EFFECT.—A Federal authorization issued under this section shall be deemed to have been issued under the Federal law under which the Federal authorization is required.

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

(e) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.
(2) Federal Authorization.—The term “Federal authorization” means any authorization required under Federal law in connection with an application for the construction, modification, expansion, inspection, repair, or maintenance of a pipeline facility, including a permit, special use authorization, certification, opinion, or other approval (including any authorization required pursuant to a general permit).

(3) Pipeline Facility.—The term “pipeline facility” has the meaning given that term in section 60101 of title 49, United States Code.

(4) Relevant Permitting Entity.—The term “relevant permitting entity” means, with respect to a Federal authorization—

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

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

SEC. 11. REGULATORY UPDATES.

(a) Reports.—
(1) IN GENERAL.—The Secretary of Transportation shall submit reports to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the status of a final rule for each outstanding regulation.

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

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

(1) a description of the work plan for each outstanding regulation;

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

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

(4) any resource constraints affecting the rulemaking process for each outstanding regulation; and
(5) any other details associated with the development of each outstanding regulation that affect the progress of the rulemaking process.

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

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

(2) that—

(A) is required under any law for which more than 2 years have passed since the statutory deadline for the regulation; or

(B) is being developed under an authority not described in subparagraph (A), and is considered to be a significant regulatory action under Executive Order 12866.