(3) shall appear immediately after section 8 of the Atlantic Striped Bass Conservation Act, as amended by section 4 of this Act; and

(4) is redesignated as section 9 of the Atlantic Striped Bass Conservation Act.

SEC. 6. AMENDMENT AND EXTENSION OF AUTHORIZATION FOR ANADROMOUS FISH CONSERVATION ACT

(a) SCOPE OF STUDIES.—Section 7(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(a)) is amended by striking ''and'' after the semicolon at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and'', and by adding at the end following new paragraph:

''(4) the effects of water quality and other habitat changes on the recruitment, spawning potential, mortality rates, and population abundance of the Delaware River striped bass population.''.

(b) EXTENSION OF AUTHORIZATION.—Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking ''each of the fiscal years 1991, 1992, 1993, and 1994'' and inserting ''fiscal year 1997''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, the Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. In fact, striped bass harvests dropped from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect the remaining stocks of Atlantic striped bass.

The resurgence of striped bass is a major fishery management success story. In fact, Maryland recently announced that a record-shattering number of young striped bass were found this year in the State's long-running annual striped bass survey. This survey is one of the most important barometers used to judge the health of the Atlantic coast striped bass stock. H.R. 4139 will ensure that this remarkable recovery continues.

This legislation will reauthorize both the Striped Bass Conservation Act and ongoing striped bass population studies. In addition, the bill focuses attention on stripers in the Delaware River and encourages greater public participation in the writing of management plans.

Mr. Speaker, let me just say also that we have done a lot of things on the Fisheries, Wildlife and Oceans Subcommittee, and, of course, previous to that we operated in the framework of the Merchant Marine Committee.

For the past 12 years, the years that I have been here, we have done a lot of things to try to conserve and protect and enhance fisheries populations, not only in the Atlantic Ocean, obviously, but in the Gulf and in the waters offshore of the west coast as well.

This effort, which, I must add, has been on a bipartisan basis, has been a real success story, and so early in 1995 we passed in this House a bill very similar to this to reauthorize the act for 1995 and 1996. The other body has failed to act.

This bill reauthorizes, therefore, the Atlantic Striped Bass Conservation Act with some very minor changes for the year 1997. We are hopeful that in the next 48 hours or so, the other body will see its way clear to take up this measure so that we can proceed to have an enhanced striped bass protection and enhancement effort ongoing in 1997.

Mr. Speaker, I urge all of my colleagues to support the continuation of this vital and highly successful conservation effort by voting in favor of what I consider to be very important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. PALLONE asked and was given permission to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I rise in support of the bill.

Twelve years ago striped bass stocks along the Atlantic coast had declined to very low levels as a result of overfishing and pollution. Fishermen and managers alike were concerned that this fishery would soon become an endangered species.

In an unprecedented move, Congress passed the Striped Bass Conservation Act designed to support State efforts to reverse this frightening trend. Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work.

The conservation management programs that have brought this fishery back from the crash of the 1980's must continue, and H.R. 4139 will ensure this is the case, and I enthusiastically urge Members to support it today.

I wanted to say I also am pleased that the gentleman from New Jersey [Mr. SAXTON], has included in the legislation public participation in preparation of plans and amendments to plans for Atlantic striped bass. This is something that the recreational fishermen along the Jersey coast have particularly been very concerned about, that there is sufficient public participation, and that provision is now in the bill.

In addition, if I could mention, I know today that since we need to move this bill, and it is important we move it, we can certainly not bring up the issue of the game status of striped bass or the ban or moratorium on the sale of striped bass caught in the EEZ. But I want to mention that I know Mr. SAXTON and I would like to see a continued ban or moratorium on the sale in the EEZ. Both of us have legislation that will either accomplish that or make striped bass a game fish.

I am hopeful in the next Congress we can work toward these goals. But today I am pleased to see this legislation, this reauthorization, is coming to the floor. It is very important, and I would again urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

I am told by my diligent staff that during my statement I said that we were reauthorizing for 1987, which is obviously only 10 years off and it is really 1997. I would also like to thank Mr. PALLONE for his cooperation here today. This was kind of a last minute thing that we decided to do for the reasons that I stated before, primarily because of its importance to the continuation of this extremely successful effort.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 4139.

The question was taken; and (two-thirds having voting in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

The Clerk read as follows:

S. 1505

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Accountable Pipeline Safety and Partnership Act of 1996''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

''(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;''; and

(3) by adding at the end the following:

''(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

''(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

''(25) 'Secretary' means the Secretary of Transportation.''.

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting '', if appropriate,'' after ''Secretary'' the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking ''transporters of gas and hazardous liquid and to'' in paragraph (1)(A);

(2) by striking paragraph (1)(C) and inserting the following:

''(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.''; and

(3) by striking paragraph (2) and inserting the following:

''(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.''.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

''(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

''(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

''(A) practicable; and

''(B) designed to meet the need for—

''(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

''(ii) protecting the environment.

''(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

''(A) relevant available—

''(i) gas pipeline safety information;

''(ii) hazardous liquid pipeline safety information; and

''(iii) environmental information;

''(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

''(C) the reasonableness of the standard;

''(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

''(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

''(F) comments and information received from the public; and

''(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

''(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

''(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

''(B) identify the costs and benefits associated with the proposed standard;

''(C) include—

''(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

''(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

''(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

''(4) REVIEW.—

''(A) IN GENERAL.—The Secretary shall—

''(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

''(ii) make that risk assessment information available to the general public.

''(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

''(i) an evaluation of the merit of the data and methods used; and

''(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

''(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

''(i) shall review the report;

''(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

''(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

''(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

''(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

''(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

''(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

''(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

''(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

''(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

''(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.''.

(c) FACILITY OPERATION INFORMATION STANDARDS.—The first sentence of section 60102(d) is amended—

(1) by inserting ''as required by the standards prescribed under this chapter'' after ''operating the facility'';

(2) by striking ''to provide the information'' and inserting ''to make the information available''; and

(3) by inserting ''as determined by the Secretary'' after ''to the Secretary and an appropriate State official''.

(d) PIPE INVENTORY STANDARDS.—The first sentence of section 60102(e) is amended—

(1) by striking ''and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),''; and

(2) by striking ''transmission'' and inserting ''transportation''.

(e) SMART PIGS.—

(1) MINIMUM SAFETY STANDARDS.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

''(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

''(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

''(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as 'smart

pigs'). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.''.

(2) PERIODIC INSPECTIONS.—Section 60102(f)(2) is amended—

(A) by striking ''(2) Not later than'' and inserting the following:

''(2) PERIODIC INSPECTIONS.—Not later than''; and

(B) by inserting '', if necessary, additional'' after ''the Secretary shall prescribe''.

(f) UPDATING STANDARDS.—Section 60102 is amended by adding at the end the following:

''(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.''.

(g) MAPPING.—Section 60102(c) is amended by adding at the end thereof the following:

''(4) PROMOTING PUBLIC AWARENESS.—

''(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

''(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

''(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.''.

(h) REMOTE CONTROL.—Section 60102(j) is amended by adding at the end thereof the following:

''(3) REMOTELY CONTROLLED VALVES.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

''(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.''.

SEC. 5. RISK MANAGEMENT.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60126. Risk management

''(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

''(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

''(B) to evaluate the safety and cost-effectiveness of the program.

''(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

''(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

''(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

''(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

''(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

''(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

''(3) provide for—

''(A) collaborative government and industry training;

''(B) methods to measure the safety performance of risk management plans;

''(C) the development and application of new technologies;

''(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

''(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

''(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

''(G) the development of project elements that are necessary to ensure that—

''(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

''(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

''(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

''(i) changed circumstances; or

''(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

''(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

''(J) an opportunity for public comment in the approval process; and

''(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

''(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

''(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

''(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

''(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

''(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.''.

(f) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60126. Risk management.''.

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) by striking ''transporting gas or hazardous liquid or'' in subsection (a)(1) each place it appears;

(2) by striking the second sentence in subsection (b)(2);

(3) by striking ''NAVIGABLE WATERS'' in the heading for subsection (c) and inserting ''OTHER WATERS''; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

''(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.''.

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking ''a

navigable waterway (as the Secretary defines by regulation)'' and inserting ''waters where a substantial likelihood of commercial navigation exists''.

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

''(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

''(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

''(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.''.

SEC. 8. EXCESS FLOW VALVES.

Section 60110 is amended—

(1) by inserting '', if any,'' in the first sentence of subsection (b)(1) after ''circumstances'';

(2) by inserting '', operating, and maintaining'' in subsection (b)(4) after ''cost of installing'';

(3) by inserting '', maintenance, and replacement'' in subsection (c)(1)(C) after ''installation''; and

(4) by inserting after the first sentence in subsection (e) the following: ''The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.''.

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking the caption of subsection (a); and

(2) by striking subsection (b).

SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: ''The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.''.

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) by inserting ''or risk management principles'' in paragraph (1) before the period at the end;

(2) by inserting ''or risk management principles'' in paragraph (2) before the period at the end;

(3) by striking ''4'' in paragraph (3)(B) and inserting ''5'';

(4) by striking ''6'' in paragraph (3)(C) and inserting ''5'';

(5) by adding at the end of paragraph (4)(B) the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).''; and

(6) by inserting after the first sentence of paragraph (4)(C) the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.''.

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting ''including the risk assessment information and other analyses supporting each proposed standard'' before the semicolon in paragraph (1)(A);

(2) by inserting ''including the risk assessment information and other analyses supporting each proposed standard'' before the period in paragraph (1)(B);

(3) by inserting ''and supporting analyses'' before the first comma in the first sentence of paragraph (2);

(4) by inserting ''and submit to the Secretary'' in the first sentence of paragraph (2) after ''prepare'';

(5) by inserting ''cost-effectiveness,'' in the first sentence of paragraph (2) after ''reasonableness,'';

(6) by inserting ''and include in the report recommended actions'' before the period at the end of the first sentence of paragraph (2); and

(7) by inserting ''any recommended actions and'' in the second sentence of paragraph (2) after ''including''.

(d) MEETINGS.—Section 60115(e) is amended by striking ''twice'' and inserting ''up to 4 times''.

(e) EXPENSES.—Section 60115(f) is amended—

(1) by striking ''PAY AND'' in the subsection heading;

(2) by striking the first 2 sentences; and

(3) by inserting ''of a committee under this section'' after ''A member''.

SEC. 11. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking ''person transporting gas'' and inserting ''owner or operator of a gas pipeline facility'';

(2) by inserting ''the use of a one-call notification system prior to excavation,'' after ''educate the public on''; and

(3) by inserting a comma after ''gas leaks''.

SEC. 12. ADMINISTRATIVE.

Section 60117 is amended—

(1) by adding at the end of subsection (b) the following: ''The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.'';

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

''(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping.''; and

(3) by striking ''transporting gas or hazardous liquid'' in subsection (b) and inserting ''owning''.

SEC. 13. COMPLIANCE.

(a) Section 60118 (a) is amended—

(1) by striking ''transporting gas or hazardous liquid or'' in subsection (a); and

(2) by striking paragraph (1) and inserting the following:

''(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;''.

(b) Section 60118 (b) is amended to read as follows:

''(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.''.

(c) Section 60118(c) is amended by striking ''transporting gas or hazardous liquid'' and inserting ''owning''.

SEC. 14. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

SEC. 15. BIENNIAL REPORTS.

(a) BIENNIAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

''§ 60124. Biennial reports''.

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following: ''Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

''60124. Biennial reports.''.

SEC. 16. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

''§ 60127. Population encroachment

''(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

''(b) EVALUATION.—The Secretary shall—

''(1) evaluate the recommendations in the report referred to in subsection (a);

''(2) determine to what extent the recommendations are being implemented;

''(3) consider ways to improve the implementation of the recommendations; and

''(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

''60127. Population encroachment.''.

SEC. 17. USER FEES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by

the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.

SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 16, is further amended by adding at the end the following new section:

"§ 60128. Dumping within pipeline rights-of-way

''(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

''(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).''.

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Section 60123(a) is amended by striking ''or 60118(a)'' and inserting '', 60118(a), or 60128''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

''60128. Dumping within pipeline rights-of-way.''.

SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after ''and training activities'' the following: ''and promotional activities relating to prevention of damage to pipeline facilities''.

SEC. 20. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading for section 60105 is amended by inserting ''**pipeline safety program**'' after ''**State**''.

(b) SECTION 60106.—The heading for section 60106 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(c) SECTION 60107.—The heading for section 60107 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(d) SECTION 60114.—Section 60114 is amended—

(1) by striking ''60120, 60122, and 60123'' in subsection (a)(9) and inserting ''60120 and 60122'';

(2) by striking subsections (b) and (d); and

(3) by redesignating subsections (c) and (e) as subsections (b) and (d), respectively.

(e) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) by inserting ''pipeline safety program'' in the item relating to section 60105 after ''State'';

(2) by inserting ''pipeline safety'' in the item relating to section 60106 after ''State''; and

(3) by inserting ''pipeline safety'' in the item relating to section 60107 after ''State''.

(f) SECTION 60101.—Section 60101(b) is amended by striking ''define by regulation'' each place it appears and inserting ''prescribe standards defining''.

(g) SECTION 60102.—Section 60102 is amended by striking ''regulations'' each place it appears in subsections (f)(2), (i), and (j)(2) and inserting ''standards''.

(h) SECTION 60108.—Section 60108 is amended—

(1) by striking ''regulations'' in subsections (c)(2)(B), (c)(4)(B), and (d)(3) and inserting ''standards''; and

(2) by striking ''require by regulation'' in subsection (c)(4)(A) and inserting ''establish a standard''.

(i) SECTION 60109.—Section 60109(a) is amended by striking ''regulations'' and inserting ''standards''.

(j) SECTION 60110.—Section 60110 is amended by striking ''regulations'' in subsections (b), (c)(1), and (c)(2) and inserting ''standards''.

(k) SECTION 60113.—Section 60113(a) is amended by striking ''regulations'' and inserting ''standards''.

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

''(1) $19,448,000 for fiscal year 1996;

''(2) $20,028,000 for fiscal year 1997, of which $14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

''(3) $20,729,000 for fiscal year 1998, of which $15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

''(4) $21,442,000 for fiscal year 1999, of which $15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and

''(5) $22,194,000 for fiscal year 2000, of which $16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.''.

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

''(D) $12,000,000 for fiscal year 1996.

''(E) $14,000,000 for fiscal year 1997, of which $12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

''(F) $14,490,000 for fiscal year 1998, of which $12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

''(G) $15,000,000 for fiscal year 1999, of which $13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

''(H) $15,524,000 for fiscal year 2000, of which $13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from West Virginia [Mr. RAHALL] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be given to the gentleman from Colorado [Mr. SCHAEFER], and that he be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PALLONE. Mr. Speaker, my understanding, I could be wrong, is that those of us in opposition, which I am, are entitled to 20 minutes under the rules.

The SPEAKER pro tempore. The gentleman is correct.

Mr. PALLONE. Mr. Speaker, unless there is some other Member in opposition, I would ask for the 20 minutes.

The SPEAKER pro tempore. Is the gentleman from West Virginia [Mr. RAHALL] opposed to the bill?

Mr. RAHALL. No, Mr. Speaker, I am in favor of the bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to vacate my unanimous-consent request and reclaim my time from the gentleman from Colorado [Mr. SCHAEFER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. If the gentleman from New Jersey [Mr. PALLONE] is opposed to the bill, he can be recognized for 20 minutes.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that we extend the time here by an additional 10 minutes so that we are able to give 5 minutes to the gentleman from Colorado [Mr. SCHAEFER], 5 minutes to the gentleman from West Virginia [Mr. RAHALL], and 10 minutes to myself, which I will be liberal with for the first time in my life in order to share it with others who support this legislation.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will control 10 minutes, the gentleman from Colorado [Mr. SCHAEFER] will control 5 minutes, and the gentleman from West Virginia [Mr. RAHALL] will control 5 minutes, and the gentleman from New Jersey [Mr. PALLONE] will control 20 minutes in opposition.

Is there objection to the request of the gentleman from Pennsylvania [Mr. SHUSTER]?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. The bill authorizes the pipeline safety program for 5 years. It ensures and oversees the safety of our Nation's gas and hazardous liquid pipelines. I certainly want to thank my colleagues for their support.

Pipelines remain the safest form of transportation in our country. Fatalities from pipeline accidents represent less than 0.003 percent of the total number of fatalities of all modes of transportation. The bill we are considering today is a new direction for pipeline safety. In the last decade, Congress has micromanaged the program. However, because of the outstanding safety record, we think it makes a lot of sense that the industry and the Department of Transportation now move away from a command and control approach to a risk-based approach and that is what the legislation does.

This has been bipartisan throughout. We have worked with colleagues on the other side of the aisle. Indeed we have worked with the Department of Transportation, with all parties who are interested. And we believe that this is a

strong safety bill in the right direction and we would urge its support.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. PALLONE asked and was given permission to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I rise in strong opposition to S. 1505, legislation that would roll back in my opinion the gains made by the pipeline safety improvement act of 1992, which was largely written by the former chairman of the Energy and Power Subcommittee, Phil Sharp. That law, which was passed a mere 4 years ago, made positive, significant public safety and environmental changes to our pipeline laws.

That law and the protections already on the books are important to me. About 2 years ago the residents of Edison, NJ, which is in my district, and communities across the country got a very loud wake-up call when a natural gas pipeline exploded, sending a fireball hundreds of feet into the air and destroying the homes of more than 1,000 people in my district.

This bill, which was drafted primarily with far more input from the industry than from the House Democrats, allows pipeline operators to decide for themselves what safety precautions to take and which to ignore while, making it even more difficult for Federal regulators to pass new safety requirements. However, as evidenced with the Iroquois pipeline in New York, there is an inherent conflict of interest that prevents companies from regulating themselves in a manner that provides maximum protection to the public.

Unfortunately, despite some lone cries from both parties, this Congress is set to let the industry govern itself and at the same time weaken protections in existing law. Right now the law requires that all individuals responsible for operating and maintaining pipelines be tested for qualifications and certified to operate and maintain those pipelines. But the bill before us removes the testing and certification requirement.

The 1992 act, which I mentioned, required the Department of Transportation to issue several new safety and environmental protection regulations. This bill, however, creates risk management demonstration programs, I will repeat that, risk management demonstration programs that allow pipeline companies to write their own rules.

Furthermore, the general language is written to give industry maximum wiggle room. The bill allows DOT to exempt pipelines from current regulations and forces DOT to release them from future regulations, including those based upon the public law of 1992 and essentially the rules that are still pending right now.

The bill is so poorly drafted that it allows pipeline operators who fail to comply with the plans that they themselves wrote to continue to regulate themselves. Instead of mandating that companies that are in substantial noncompliance be automatically kicked out of the program, it opens the door to allowing those bad actors to remain exempt from the rules that every one else has to play by.

This bill also deletes a requirement in current law requiring that pipelines be inch inspected at least once every 2 years. If you think about the Edison accident, after that accident the DOT and everyone who was involved thought the inspection should be more frequent. This bill says they do not even have to do it every 2 years.

The bill would undermine a DOT regulation that allows DOT to require companies to replace old pipes with new pipelines that are able to be inspected by an internal inspection device, also known as a smart pig. During the Edison accident aftermath there was much suggestion that smart pigs be used wherever possible. This does not require that anymore. By changing the underlying basis for the DOT rule, pipeline companies would now be able to successfully overturn current regulation in court.

The bill also removes a requirement in current law that DOT, when issuing a standard, has to consider the extent to which the standard contributes to safety and environmental protection. The bill replaces this with risk assessment and cost-benefit analysis. This is the Contract With America risk assessment and cost-benefit analysis that I thought that this Congress had rejected.

Furthermore, the bill would add more industry representation to the two committees that would serve to peer review the risk assessment/cost-benefits processes, while leaving in place weak conflict-of-interest provisions.

Finally, perhaps most egregiously, this bill completely changes environmental language in current law to benefit the oil industry. It undermines wetlands protection and removes the requirement to identify pipelines in earthquake zones. And, to add insult to injury, it removes a mandate for regular inspection of pipelines in environmentally sensitive areas.

I just have to say, Mr. Speaker, I am very happy that the New Jersey delegation has worked hard to improve this bill. On the Senate side, amendments were added by Senators LAUTENBERG and BRADLEY that would require DOT to study effectiveness of remote shutoff valves, and if the study finds them technically or economically feasible, would require DOT to publish standards for their use where they would reduce risk.

It also contains language requiring criminal penalties for dumping in pipeline rights-of-way. That is something that Mr. SCHAEFER put in at my request, and I appreciate that. And it retains a House Democratic amendment authorizing DOT to engage in public education to promote One-Call and pipeline damage prevention, again something that Mr. SCHAEFER put in the bill at my request, and I appreciate that.

These are poison-coated carrots, I think, meant to entice us into supporting a bill that will ultimately undermine the very protections we support. Even with these additions by the New Jersey delegation, this is a bad bill.

None of this bill's provisions have ever been the subject of legislative hearings in either the House or the Senate. Last year, as part of their Contract With America, the House Republicans rammed a dangerous industry-drafted bill through two committees without significant Democratic input. That bill has been sitting in limbo for well over a year.

But because the original bill contained risk assessment language that condemned it to a near certain Presidential veto, Republicans finally sat down with us and other Democrats to negotiate a new bipartisan bill. But Republicans broke off negotiations, for example, after only one session because they realized that they could get a better deal by forcing the Senate bill on the Democrats. That is what we are getting here today. That is wrong.

We went to the table in good faith. We were prepared to make a deal and help move it through the House and Senate on a truly bipartisan and inclusive basis, which is what should happen. Instead we have this: broken-off negotiations and a bill that we are being denied our right to amend. The process stinks. It is unnecessary process.

If it was brought under normal circumstances, this would be subject to a point of order because it has a $6 million pay-as-you-go violation. No amendments. It undermines safety and environmental protection. It is opposed by the Natural Resources Defense Council, the American Oceans Campaign, and the Center for Marine Conservation.

I urge my colleagues, before you vote, think about this. Do you really know what you are getting into in this Senate bill? I am here to tell you that this is not what you think. This is not something that is going to move forward on protections for pipelines. It is harmful. It deserves to be defeated. It is really backtracking on the issue of pipeline safety in this country. It deserves to be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I am astonished at the gentleman's comments when he says the House Democrats did not have an opportunity to participate. I recognize that his committee does not have primary jurisdiction and they may be very upset about that, but the facts are the Committee on Transportation and Infrastructure has primary jurisdiction over

this, and the Democrats on our committee were full partners throughout the process when this legislation was crafted.

Further, there were hearings held on this legislation and, further, this legislation passed the Senate unanimously, passed our Committee on Transportation and Infrastructure, which has primary jurisdiction, unanimously.

Indeed, the distinguished Senator from New Jersey, Senator LAUTENBERG, said this on the floor of the Senate: ''The bill before us enhances our existing pipeline safety program in a number of ways.'' He goes on to list those ways. He also goes on to say that the bill would also increase funding for pipeline safety programs and make other improvements.

It passed the Senate unanimously; passed our committee unanimously. Now at this 11th hour suddenly we find that the committee which does not have primary jurisdiction, but I guess would like to have jurisdiction, is on the floor opposing this legislation. I regret that.

□ 1630

Mr. Speaker, I reserve the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996 reauthorizes the Natural Gas and Hazardous Liquid Pipeline Safety Acts both of which expired in September of last year.

Natural gas and oil pipelines play a vital role in getting energy to market. In the United States there are approximately 280,000 miles of natural gas transmission lines and 1.5 million miles of gas distribution lines. Hazardous liquid pipelines consist of over 200,000 miles of pipeline. Even with this extensive pipeline network, oil and gas pipelines have maintained a remarkable safety record. However, because of the enormous potential for loss of life or harm to the environment from a pipeline rupture, it is important that we make sure our national pipeline system operates as safely as possible.

The bill we are considering today, S. 1505, is a compromise version of a bill passed last year by the Commerce Committee, Like the House bill, H.R. 1323, S. 1505 changes the way pipelines will be regulated in the future. In the past, Congress responded to specific accidents by creating inflexible, one-size fits all mandates which were applied to all pipelines. The result has been a layering of congressional mandates, which don't necessarily lead to improved safety, and in some instances may even divert limited resources away from more promising safety measures.

S. 1505, like its House predecessor, gets away from the old approach, by requiring the Department of Transportation to conduct a risk assessment for new pipeline safety regulations. In addition, S. 1505 establishes a voluntary, 4-year risk management demonstration project at DOT's Office of Pipeline Safety.

Under this demonstration program, pipeline operators would be allowed to assess the unique safety risks associated with their pipelines, create specific safety measures tailored to a pipeline or a segment of pipelines, and implement these measures subject to DOT approval and management. DOT would have the responsibility of ensuring that the risk management proposal contains provisions designed to provide an equal or greater level of safety than currently exists under the statute.

S. 1505 also makes a number of smaller and technical changes. Among other things, pipeline operators must now be qualified rather than certified to operate a pipeline, the definition of environmentally sensitive areas is clarified, and DOT is given authority to enter into agreements with States and other entities to promote pipeline safety.

S. 1505 lowers the user fees pipelines must collect to pay for the pipeline safety program. The improvements made to the pipeline safety program by this bill will result in less costly and more effective regulation of pipelines. Importantly, the user fees, while lower than DOT's original request, are significantly higher than the amounts authorized in the House bill. Keeping pipeline safety user fees at a reasonable level will assure that consumers can afford to purchase clean burning, environmentally friendly natural gas and will help keep the cost of heating oil and gasoline at reasonable levels.

I believe DOT can run an efficient and effective Office of Pipeline Safety with the money authorized in S. 1505, given the fact that more emphasis will be placed on risk management and risk assessment as opposed to command and control regulation. S. 1505 is the kind of innovative solutions we need to ensure responsible regulation while controlling the cost of government.

Overall, I believe S. 1505 will improve an already high level of safety on our Nation's interstate pipelines. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come from an area of the country where, at times, terror springs forth from deep within the Earth. The ground shakes, fire and smoke belch forth, the siren wails, and then the process of counting the dead begins.

It is unfortunate, but true, that this is part of the legacy of underground coal mining in Appalachia. For deep within many of these mines stalks a silent killer: It is known as methane gas. As it accumulates, it takes just one spark to set off a disaster that leaves many families without a father, son, or daughter.

In many parts of the country, another potential silent killer lies beneath the ground. It is the natural gas that flows through the 1.6 million miles of pipelines which run through rural and urban areas alike. A natural gas pipeline, lying beneath the Earth, can explode, and it can cause the same terror, the same trauma, and the same consequences to life and property as occurs with mine disasters.

It is from this perspective that I approach the pending measure, and it is from this perspective why I am pleased to rise in support of the pending legislation, Mr. Speaker.

The basic purpose of this bill is to reauthorize the natural gas and hazardous liquid pipeline safety programs through the year 2000. In this regard, the pending legislation provides authorization levels that are consistent with the administration's budget request for the Office of Pipeline Safety.

The bottom line is that this legislation would not diminish pipeline safety whatsoever.

At the same time, it provides the necessary authorization for the Office of Pipeline Safety to continue with its very important work of ensuring the safety of the American public as their safety relates to potential hazards associated with gas and liquid pipeline.

I would note as the gentleman from Pennsylvania [Mr. SHUSTER] noted, that this bill passed the Senate in a bipartisan fashion, and it is generally supported by the Office of Pipeline Safety at the Department of Transportation.

In this body, the Committee on Transportation and Infrastructure reported a reauthorization, as has already been stated bill on May 1, 1995. We did so in a bipartisan fashion.

Under a sequential referral, the Commerce Committee reported its version on June 1, 1995. It did not do so in a bipartisan fashion, and that is where we find ourselves today.

The Transportation and Infrastructure Committee is bipartisan in its support of the pending measure. In fact, from my perspective, the Senate version is superior to what the Transportation Committee Democrats agreed to last year.

This is because the risk assessment provisions of the Senate bill are far more flexible than what was in the House bill, and basically comports with what the Office of Pipeline Safety is already undertaking. Further, the Senate bill has a higher authorization level than what is in the House measures.

I see my very good friend from Michigan, the ranking Democrat on the Committee on Commerce, on the floor at this moment, and I realize fully that my distinguished friend from Michigan and his Committee on Commerce views itself rather as being second to none. Indeed our friendship is probably second to none in this body.

It is a powerful committee, and it deserves our respect with all due respect to my friend. But in this case, in this particular piece of legislation, it is the Committee on Transportation and Infrastructure which has the primary jurisdiction in this body, and we are united in our support thereof, Democrat and Republican alike.

So I would urge my Democratic colleagues to support the pending measure and certainly realize that this came out of the bipartisan Committee on Transportation and Infrastructure.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I want to express my affection and respect for the gentleman from West Virginia [Mr. RAHALL] and also the gentleman from Pennsylvania [Mr. SHUSTER], and I want to point out that we on the Committee on Commerce have no concerns about the jurisdiction or jurisdictional questions or the referrals of these matters. I want to talk a little about the history of how this bill came to be and what is in it and why, perhaps, it ought to be rejected.

First of all, the bill was only voted out of the Senate last night. No legislative hearings were held upon this bill either in the House or in the Senate. The bill, if my colleagues will read it, is poorly drafted and it is ambiguous. The Committee on Transportation and Infrastructure broke off discussions and negotiations with the other committees last week, so there have been no real discussions during that time.

The threat to communities from unsafe pipelines is real. In 1994, a gas pipeline explosion destroyed an apartment complex in Edison, NJ. In 1993, a leak in the Colonial Oil Pipeline in Fairfax County, VA, caused extensive property and environmental damage, and other events of this kind are waiting to happen.

The bill allows, in a rather curious provision, the Department of Transportation to substitute a voluntary demonstration project for real regulation. That is hardly protecting the public safety or public interest. It does not ensure public participation when the Department of Transportation considers whether or not a pipeline should be exempt from regulation. That is possible even for pipelines which go through heavily settled metropolitan areas where some fine, fine explosions could occur. The bill discontinues the existing requirement that pipelines be inspected every 2 years, even in high density communities or in environmentally sensitive areas.

Now, there are a lot of questions about this bill: Does the bill undermine rulemaking protections under the Administrative Procedure Act? The language of it indicates yes, that it does undermine the Administrative Procedure Act's requirements.

The bill also raises questions of whether the APA applies or not. I do not believe that any member of the Committee on Transportation and Infrastructure can tell us whether in fact it applies or not.

The question arises are the safety standards referred to in section 60102 required to be set by rulemaking? Are they going to be done publicly? Or will they be done in some curious, sneaky, dishonest, underhanded fashion in the dark of night without public participation?

Another question: What is going to happen to existing and pending pipeline safety standards? How will this requirement affect DOT's pending rule for replacing pipelines to facilitate better safety inspections? What kind of delay is this going to introduce in finalizing that rule?

Now, there is a question of demonstration projects in public participation. The bill permits DOT to set up demonstration projects for pipelines in lieu of existing regulation.

What does that mean?

Question: Does DOT consider an application under this type of exemption? If it does, can local citizens participate? Are exemptions done through rulemaking where they can be challenged in court? Are citizens' comments to be a part of the public record, or will we hear only from pipeline executives? Will pipeline executives function in some kind of a curious darkened place where there is no public participation?

The bill significantly alters wetland protections. It sets up some new category of critical wetlands. These are not defined in the bill. Question: What are these curious types of wetlands? Are they better or worse? Are they entitled to different protections than other wetlands? And what does this all mean?

Now there is one other little item that is in this: peer review. The question here is, does the secretary have to put a peer review panel above the other rulemaking process? Does he bring into the peer review process ordinary citizens? Who is to be on this peer review panel? Are they going to be pipeline lobbyists or pipeline lawyers or pipeline executives or will ordinary citizens be permitted to participate in this? Is the mayor of a community that a major pipeline goes through going to be involved in this, or will there be representatives of cities and counties and local governments and safety authorities and fire insurance people and specialists in public safety of all kinds?

The hard fact here is this bill drips questions, this bill raises more questions than it answers. It puts in place loopholes which raise questions about public safety. It was done in a very curious fashion. There have been no hearings. Nobody of the Transportation Committee can tell us what is in the bill. The Transportation Committee endorses it with great enthusiasm, and perhaps that is because they do not really know what is in the bill.

The bill raises the fine question then of whether we should perhaps reject it because we are supposed to pass a bill on which there can be no amendments, without adequate discussion, in a period of 40 minutes which is going to raise fine questions later as to public safety.

I would remind my colleagues that in the 1940's there was a natural gas explosion in the City of Cleveland which cost the citizens of Cleveland better than $300 million. That was in 1940's dollars; that was a huge sum. Enormous numbers of buildings were destroyed, citizens were destituted, and the consequences were horrible to see.

The pipeline explosion which occurred in New Jersey was a spectacular event. It was reminiscent of an atom bomb going off.

I would say that in the addressing of questions of pipeline safety we should consider the need to be concerned about the well-being of the pipelines. We also should be aware of the need to be concerned about the safety of citizens and about the mechanisms that government has to assure the safety of citizens from risks of leaking or exploding pipelines or fires which are associated with leaks in these pipelines.

I urge the rejection of this bill.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin [Mr. PETRI].

(Mr. PETRI asked and was given permission to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I would urge my colleagues to follow the unanimous lead of the Senate and of the Committee on Transportation and Infrastructure in adopting the measure before us. I would like to be clear that the Senate bill we are currently considering is based on a House bill that was favorably reported last year by both the Transportation and Infrastructure Committee and the Committee on Commerce. The Committee on Transportation and Infrastructure approved the bill by a unanimous voice vote.

□ 1645

The only significant differences between the Senate bill that is before us and the bill approved by our committees are less prescriptive risk assessment provisions and increased authorization levels. The risk assessment provisions were developed with the United States Department of Transportation and reflect the current practices of the Office of Pipeline Safety, in accordance with President Clinton's executive order regarding cost-benefit analysis.

This risk assessment approach is particularly suited to the pipeline safety program, as facts clearly show that pipelines remain the safest form of transportation. Fatalities from pipeline accidents represent only three one-thousandths of 1 percent of the total number of annual transportation fatalities.

The second major new initiative in the bill before us, which was also included in the bill that our committees earlier adopted, is a pilot project to demonstrate the safety and cost-effectiveness of risk management.

This provision gives statutory authority to a program already under development by the department. The goal of risk management is to focus resources on the greatest risks and improve protection of the public, rather than proposing a one-size-fits-all regulatory straitjacket and wasting resources and endangering the public by not focusing on where we can do the most good.

A participant may submit a risk management safety plan for approval by the Secretary that would achieve a level of safety that is equal to or greater than that which would be achieved by following existing regulations. So we give them flexibility to improve safety, not to lower safety. I think it is something we should be encouraging.

In return, the pipeline owner or operator would be allowed to operate free of the regulations that may be proved unnecessary based on the safety plan submitted.

Mr. Speaker, I would note, as I said before, that the Senate passed this legislation by unanimous consent. We have worked for 18 months to reach the point we are today. Because this bill will improve pipeline safety by allowing the Department of Transportation and pipeline owners and operators to focus and allocate resources on the greatest risks to public safety and environment, I would urge the House to pass the bill before us.

In conclusion, I would like to thank our colleagues, the gentleman from West Virginia, NICK RAHALL, the ranking minority member of the Subcommittee on Surface Transportation, as well as the gentleman from Pennsylvania, Mr. SHUSTER, and the gentleman from Minnesota, JIM OBERSTAR, for their support in the past, and their hard work on this important legislation.

The gentleman from New Jersey, Mr. BOB FRANKS, a member of the Committee on Transportation, has worked diligently on this issue for a number of years, and so has the gentleman from Colorado, Mr. SCHAEFER, and the gentleman from Virginia, Mr. BLILEY, of the Committee on Commerce, which shares jurisdiction over the pipeline safety program.

Finally, I would like to recognize the many hours that the Department of Transportation has devoted to this legislation. I think it is a good, worthwhile product, and we should adopt it today.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I ask that this bill be rejected. Let me just give the Members the very simple five-step program to understanding this bill.

Step No. 1: The Department of Transportation finds a very serious problem in pipelines across the United States. They might explode, for some reason or another, because of some defect which they have found in pipelines nationally, a very serious problem, a great public safety problem in community after community across the United States.

Step No. 2: The Department of Transportation decides to promulgate a rule in order to ensure that the public safety will be protected against the defects which have been created in pipelines in neighborhoods near where children play all across the United States.

Step No. 3: The bill, as constructed by the authors, then forces an extremely complex risk assessment cost-benefit analysis of whether or not these pipelines should in fact be repaired or the changes made in the methodology that in the future will ensure that all of the citizens, all of the children that live in these neighborhoods, will be protected.

Step No. 4: An industry-dominated peer review panel reviews the rule and then dissents from it. It says to the Department of Transportation, as the peer review panel we really do not think that this rule is necessary.

The interesting thing is that under the bill, the peer review panel that has this right to dissent is packed with, guess what, pipeline company officials, who will have to change the way in which they make these pipes that are endangering the children in the neighborhoods. Now, with this peer review panel packed with pipeline officials that make their living off of these pipes, they say no, we dissent. We do not think the rule should go into place.

Then, step No. 5: The lawyers for the pipeline companies then use the dissent of the peer review panel at the Department of Transportation as the basis for their lawsuit, which keeps the rule from going on the books for years in this country. Meanwhile, the pipelines continue to exist or continue to be built that endanger the children in the neighborhoods of this country.

Mr. Speaker, how in the world can we in good conscience, with less than 1 day left to go in the Congress, with so little understanding of what this impact could be, cater to the special interests of pipeline companies and give them this opportunity of railroading through here this inoculation against the guarantee that the people of this country will be protected?

Mr. SCHAEFER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. HALL].

The SPEAKER pro tempore. The gentleman from Texas [Mr. HALL] is recognized for 3 minutes.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise in strong support of S. 1505, the Pipeline Safety Reauthorization Act. This legislation is not really a stranger to this House. In fact, it is similar to the legislation that passed the Committee on Transportation and Infrastructure over a year ago.

Mr. Speaker, the bill reaches some important compromises on several issues that were contentious in the House. If I recollect, the gentleman from New Jersey had some problems with some of those. Frankly, I had thought the gentleman had done such a good job representing the people of New Jersey that he had had his problems solved over there. I am surprised to find out today that he has not. I admire his spunk in standing up and taking the positions he has taken.

I think we have reached out the hands to try to take care of the problems that were set forth. If not, had I known so 2 weeks ago, we would have done our best to have addressed them.

Really and truly, Mr. Speaker, the bill reaches all types of important compromises. I think first, the risk assessment cost-benefit analysis in the Senate bill is significantly less prescriptive than last year's regulatory reform legislation.

Senators JOHN GLENN and CARL LEVIN, the senior Democrats on the Senate Government Affairs Committee, agree. According to these two Senators, I understand that their position is that the risk assessment provision in S. 1505 is carefully tailored to the pipeline safety program at the Department of Transportation, and represents a fair and reasonable approach, so they said. This provision has the support of the Department of Transportation.

Second, S. 1505 contains a risk management demonstration project which is virtually identical to a provision in the House legislation. Some have suggested that this program will exempt pipeline operators from existing pipeline safety regulations. Of course that is not so. Under the voluntary demonstration program, pipeline operators would be given the opportunity to submit alternative safety plans to the Department of Transportation which address the unique safety concerns of that pipeline system.

The Department of Transportation would have to certify that the risk management plan provided an equal or greater level of safety than existing regulations before the plan could be approved. This is not a plan for thwarting regulations, it is a way of providing an even higher level of safety than simply sticking to minimum safety standards.

Last, this bill provides a more than adequate budget for DOT to carry out its pipeline safety program. The authorization figures in S. 1505 are significantly higher than those contained in last year's bill, and have the support of both DOT and the regulated industry.

Mr. Speaker, this legislation enjoyed unanimous bipartisan support in the other body just yesterday. It is not anything new. They passed it unanimously over there, Republicans and

Democrats alike. I do not see any reason why, Mr. Speaker, it should not be approved today and receive the same overwhelming support in this Chamber today.

I am really a little surprised that there is even any opposition to it. The bill is going to continue to provide the Department of Transportation the necessary tools to continue to protect the public safety and the environment. I urge Members' support.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to mention, because I know different statements were made, that there is no administration position on this legislation. To characterize it and say that the President has said whether he will support this bill or not is simply not accurate. There is no position at this time.

In addition, I would like to point out again that we are talking about a bill that passed the Senate and that came over here today. There was no conference on this bill. In fact, the House versions of the bill, even though they passed the two committees, the Committee on Commerce and the Committee on Transportation and Infrastructure, never were reconciled and never came to the floor of the House. So there was no hearing on the Senate bill, and the Senate bill is very different in many respects from the House versions in both of the two committees.

Mr. Speaker, I am very concerned, because 2 years ago when the explosion occurred in my district, in Edison, NJ, there were officials who came in from the Office of Pipeline Safety. There was an investigation by the National Transportation Safety Board. They made a series of recommendations as to what should be done in the future with pipeline safety.

Unfortunately, Mr. Speaker, a lot of those recommendations have not been met. Essentially what came out of the Edison explosion, I feel, was a feeling nationally that was expressed by many organizations that more needed to be done to protect residents, to protect the average American from the dangers of pipelines that were not properly inspected or that were subject to risks for various reasons.

We have had many incidents since that time, and in fact, I was given a press article that was actually in the Associated Press just a couple of weeks ago, September 26, 1996: ''U.S. orders Colonial to test entire pipeline, from Dallas. The Nation's biggest petroleum pipeline is hazardous, and its owners have been ordered to test the entire 1,500 mile line, from Texas through to the Carolinas to New Jersey,'' a Federal official said. I mentioned the Iroquois pipeline before.

The bottom line is that there is every reason to believe that there needs to be more protection because of problems with pipelines. Yes, what do we get instead? We have a Congress now that, instead of reacting to that in a progressive way, instead puts in place a regressive, if you will, method of essentially downgrading and turning the clock back, if you will, on the way we go about pipeline inspections right now.

The germ of all this is that risk assessment procedure. What we have essentially, and I listened to some of the comments made by my colleague on the other side of this issue, what we have essentially here is an effort to put into this bill the risk assessment ideology, if you will, that existed in the Contract With America, that says that industry knows best; that industry, through demonstration programs, should be allowed to get out of existing rules or existing requirements and basically do what they want: set up their own safety standards, do their own testing, do their own investigation. That is not the way it should be. There is too much of a conflict of interest here.

Mr. Speaker, this is going to be a prime example of how the Gingrich Congress, the 104th Congress, basically lets industry write the laws. Those industry laws, those laws are written in a way that hurt the average American, do not provide protection, safety protections for the average American.

Mr. Speaker, I had hoped that this Congress had learned a lesson, that that was not the way to go. But this legislation if it passes today is going to be a prime example of exactly the type of legislation that we passed under that risk assessment procedure, under that procedure that says that we need to downgrade regulations, we do not need to protect the average American, we need to let industry do its own investigation, its own enforcement, as it sees fit.

□ 1700

I see a basic conflict of interest there. I think if you look at the explosions and you look at what has been happening with pipeline safety over the last few years, you can tell that that is not the way to go, and yet that is what we have in this instance.

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this bill. The fact of the matter is this legislation has been hanging around, dragging along, whatever, for a long, long time.

The natural gas industry, though, is an industry that is rapidly developing. That is one bright spot as we try to become energy dependent. Natural gas is the way that we achieve a lot of that, and so it is very important that we have some rules of the road. That is why this bill is so important.

It seems to have been worked out in a bipartisan compromise. That is the way that we ought to be doing that, and we ought to give those in the natural gas industry and those who also make their living from the natural gas industry and those who live in the gas fields, we ought to give them that predictability.

Mr. Speaker, I urge support for this legislation.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the gentleman from New Jersey [Mr. PALLONE] that I never said the President supported this bill. I said the Office of Pipeline Safety within DOT supports this legislation.

In regard to the risk assessment provisions, we did not and we have not in this bill taken the risk assessment language of the Contract With America word for word. We have made it more flexible. We have actually improved the risk assessment language, and the Senate bill went even further than our original House legislation.

We made it more flexible. We have increased the authorization levels for the Office of Pipeline Safety. So we have dramatically improved this bill over what it was originally, and it is not the prescriptive language that the gentleman from New Jersey would ascribe to it. I would say in addition to that, we have had hearings on this issue. It has gone on for well over 18 months as we have heard now. We have not had hearings on the Senate bill precisely but we have had hearings on this issue and it has been dealt with quite a bit.

We asked the gentleman from New Jersey early on in the process, throughout the process, what are his recommendations for improving the bill, what are his amendments, please present them in the process and we will talk further with you and negotiate further with you. We received no such process. So yes, I guess in that sense the process did break down.

Mr. Speaker, I urge support of the legislation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am proud to rise in support of this measure today, a measure that was supported by both U.S. Senators from my home State of New Jersey. I do so because the impact of this bill will be to focus additional resources on areas that present the greatest potential risk. For a highly developed, densely populated State like New Jersey, with hundreds of miles of pipeline and densely populated areas, this approach will have a positive impact, leading to more frequent inspections and greater use of safety enhancing technologies.

Instead of spreading out resources to provide for the same level of safety for every mile of pipeline, whether it is located in the wilderness or next to an apartment complex, the provisions of this bill will allow pipeline companies greater flexibility in defining a program to enhance safety, not less safety

but equal and enhanced safety measures.

Mr. Speaker, let me finally point out that the existing command and control structure did not help the residents of Durham Woods. It is under the old system of command and control that that explosion took place. We need to invest greater resources in areas that present the greatest risk.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, frankly, I was quite surprised to hear this legislation attacked by my good friend from New Jersey when indeed both New Jersey Senators not only support this legislation, but Senator LAUTENBERG, who has dedicated his life to transportation safety, has been a vigorous supporter of this legislation and, indeed, has put an extensive statement in the CONGRESSIONAL RECORD in support of this legislation.

Further, I am surprised to hear attacks on risk assessment, because the risk assessment in this legislation starts with the position the administration has taken on risk assessment and in fact toughens it up.

We all know, nobody disputes, that pipeline is the safest form of transportation we have. Indeed, I think at bottom, what this really boils down to, this debate, is a debate between the old command and control, ''Washington knows best'' point of view and the point of view which says let's modernize, let's look to the future instead of the past, let's put our focus in those areas where we need the most emphasis and not try to micromanage an industry.

So for all of those reasons, I believe that this bipartisan legislation should be vigorously supported, and I would urge its passage.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 1505, the Accountable Pipeline Safety Act. This bill is a modified version of H.R. 1323 which was passed out of the Commerce Committee last year. It is a good bill and will protect the public and the environment from hazards posed by natural gas and hazardous liquid pipelines. And it will do so in a more cost-effective manner.

I have long been concerned with the safe operation of natural gas and hazardous liquid pipelines. Since 1980, there have been at least seven pipeline ruptures in the State of Virginia. The most recent occurred in Fairfax County, VA, when approximately 9,000 gallons of diesel was spilled due to third party damage to a pipeline. Another accident in 1989 forced the city of Fredericksburg to shut down its city water intake when 5,000 gallons of kerosene were spilled.

I believe it is vitally important that our natural gas and oil pipelines are operated in as safe a manner as possible. S. 1505, like H.R. 1323, takes a new and better approach to pipeline safety. In the past, the Congress approached pipeline safety by requiring the Department of Transportation to implement Federal minimum standards which all pipelines are required to meet. Both industry and DOT agree that this is not an efficient use of resources.

The risk assessment and risk management approach taken in S. 1505 will result in improved safety at lower costs. The Commerce Committee is committed to the concept of risk assessment and I believe it is appropriate to apply it to pipeline safety regulations. In this case, this modified risk approach will benefit those living or working near pipelines by making them safer, as well as benefit consumers who pay for the cost of the pipeline safety program by lowering user fees.

I commend the subcommittee chairman and the chairmen from the Transportation and Infrastructure Committee for their hard work on this bill and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1505.

The question was taken.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 15045, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4000; and S. 1505.

The Chair will reduce to 5 minutes the time for the second vote in this series.

RESTORATION OF CERTAIN POW/MIA AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4000, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE] that the House suspend the rules and pass the bill, H.R. 4000, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 449]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)