

107TH CONGRESS
1ST SESSION

H. R. 144

To amend title 49, United States Code, to require periodic inspections of pipelines and improve the safety of our Nation's pipeline system.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. OBERSTAR (for himself, Mr. DINGELL, Mr. INSLEE, Mr. LARSEN of Washington, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. PALLONE, Mr. PASCARELL, Mr. SMITH of Washington, Mr. TIERNEY, and Mr. UDALL of New Mexico) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to require periodic inspections of pipelines and improve the safety of our Nation's pipeline system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Pipeline Safety Act of 2001”.

1 (b) AMENDMENT OF TITLE 49, UNITED STATES
 2 CODE.—Except as otherwise expressly provided, whenever
 3 in this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or a repeal of, a section or other
 5 provision, the reference shall be considered to be made to
 6 a section or other provision of title 49, United States
 7 Code.

8 (c) TABLE OF CONTENTS.—

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. State oversight role.
- Sec. 3. Additional pipeline protections.
- Sec. 4. Enforcement.
- Sec. 5. Community right-to-know and emergency preparedness.
- Sec. 6. Support for innovative technology development.
- Sec. 7. Qualification of pipeline personnel.
- Sec. 8. Population encroachment.
- Sec. 9. Damage prevention.
- Sec. 10. Improved data and data availability.
- Sec. 11. Technical amendments.
- Sec. 12. Pipeline facilities oversight and monitoring.
- Sec. 13. Authorization of appropriations.

9 **SEC. 2. STATE OVERSIGHT ROLE.**

10 (a) STATE AGREEMENTS WITH CERTIFICATION.—

11 Section 60106 is amended—

12 (1) in the heading for subsection (a) by striking
 13 “GENERAL AUTHORITY” and inserting “AGREE-
 14 MENTS WITHOUT CERTIFICATION”;

15 (2) by redesignating subsections (b), (c), and
 16 (d) as subsections (c), (d), and (e), respectively; and

17 (3) by inserting after subsection (a) the fol-
 18 lowing:

1 “(b) AGREEMENTS WITH CERTIFICATION.—

2 “(1) IN GENERAL.—If the Secretary accepts a
3 certification under section 60105 from a State au-
4 thority and makes the determination required under
5 paragraph (2), the Secretary may make an agree-
6 ment with the State authority to develop a plan by
7 which the State authority has a role in the oversight
8 of interstate pipelines—

9 “(A) by participating in special investiga-
10 tions involving interstate pipeline incidents
11 within the boundaries of the State;

12 “(B) by participating in oversight of new
13 construction of interstate pipelines within such
14 boundaries;

15 “(C) by participating as an interstate
16 agent by carrying out inspection responsibilities
17 for interstate pipelines within such boundaries
18 to ensure compliance with Federal pipeline safe-
19 ty standards;

20 “(D) by providing written comments and
21 recommendations on interstate pipeline risk
22 analysis and integrity management programs
23 for interstate pipelines within such boundaries
24 pursuant to section 60109(c)(6); and

1 “(E) by participating in any other activi-
2 ties relating to pipeline safety permissible under
3 this chapter on the day before the date of en-
4 actment of this subparagraph.

5 “(2) DETERMINATIONS REQUIRED.—The Sec-
6 retary may not enter into an agreement under this
7 subsection, unless the Secretary determines that—

8 “(A) the agreement is consistent with the
9 Secretary’s program for inspection and with the
10 safety policies and provisions of this chapter;

11 “(B) the agreement would not adversely
12 affect the oversight responsibilities of intrastate
13 pipeline transportation by the State authority;

14 “(C) the State is carrying out a program
15 demonstrated to promote preparedness and risk
16 prevention activities that enhance the safety of
17 communities from the risks of pipelines;

18 “(D) the State meets the minimum stand-
19 ards for State one-call notification set forth in
20 chapter 61; and

21 “(E) the actions planned under the agree-
22 ment would not adversely affect interstate com-
23 merce or public safety.

24 “(3) EXISTING AGREEMENTS.—Except as pro-
25 vided in subsection (e), an agreement between the

1 Secretary and a State authority that is in effect on
2 the date of enactment of this paragraph shall remain
3 in effect until the Secretary determines that the
4 State meets the requirements for a determination
5 under paragraph (2).”.

6 (b) ENDING AGREEMENTS.—Subsection (e) of sec-
7 tion 60106 (as redesignated by subsection (a)(2) of this
8 section) is amended to read as follows:

9 “(e) ENDING AGREEMENTS.—

10 “(1) PERMISSIVE TERMINATION.—The Sec-
11 retary may end an agreement under this section if
12 the Secretary finds that the State authority has not
13 complied with a provision of the agreement.

14 “(2) MANDATORY TERMINATION OF AGREE-
15 MENT.—Subject to paragraph (3), the Secretary
16 shall end an agreement for the oversight of inter-
17 state pipeline transportation if the Secretary finds
18 that—

19 “(A) implementation of the agreement has
20 adversely affected the oversight responsibilities
21 of intrastate pipeline transportation by the
22 State authority;

23 “(B) the State actions under the agree-
24 ment have failed to meet the requirements of
25 subsection (b); or

1 “(C) continued participation by the State
2 authority in the oversight of interstate pipeline
3 transportation is not enhancing pipeline safety.

4 “(3) PROCEDURAL REQUIREMENTS.—

5 “(A) NOTICE AND OPPORTUNITY FOR
6 HEARING.—The Secretary shall provide a State
7 authority with notice and an opportunity for a
8 hearing before ending an agreement with the
9 State authority under this section.

10 “(B) PUBLICATION OF FINDING AND DECI-
11 SION IN FEDERAL REGISTER.—A finding and
12 decision of the Secretary to end an agreement
13 with a State authority under this section shall
14 be published in the Federal Register and may
15 not become effective for at least 15 days after
16 the date of such publication unless the Sec-
17 retary finds that continuation of the agreement
18 poses an imminent hazard to human health or
19 the environment.”.

20 **SEC. 3. ADDITIONAL PIPELINE PROTECTIONS.**

21 (a) RISK ANALYSIS AND INTEGRITY MANAGEMENT
22 PROGRAMS.—Section 60109 is amended by adding at the
23 end the following:

24 “(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT
25 PROGRAMS.—

1 “(1) STANDARDS.—

2 “(A) GENERAL RULE.—Not later than 1
3 year after the date on which the Secretary pre-
4 scribes standards under subsection (a)(1), each
5 operator of a gas transmission or hazardous liq-
6 uid pipeline facility shall conduct an analysis of
7 the risks to each facility of the operator in an
8 area identified pursuant to subsection (a)(1)
9 and shall adopt and implement a written integ-
10 rity management program for such facility to
11 reduce the risks.

12 “(B) INTERIM COVERAGE FOR GAS PIPE-
13 LINE FACILITIES.—If the Secretary has not
14 prescribed standards under subsection (a)(1)(A)
15 for gas transmission facilities by May 1, 2002,
16 the requirements of this subsection requiring
17 operators of gas transmission facilities to adopt
18 and implement integrity management programs
19 shall apply, on an interim basis, to all gas
20 transmission facilities that affect populated
21 areas identified by the Secretary as high con-
22 sequence areas for hazardous liquid pipeline fa-
23 cilities until such standards for gas trans-
24 mission facilities are prescribed. An operator of
25 a gas transmission facility covered by this sub-

1 paragraph may petition the Secretary to waive
2 the application of this paragraph to a gas
3 transmission facility under section 60118(c).

4 “(2) ELEMENTS OF INTEGRITY MANAGEMENT
5 PROGRAMS.—An integrity management program
6 adopted by an operator of a facility in an area iden-
7 tified pursuant to subsection (a)(1) shall include, at
8 a minimum, the following elements:

9 “(A) Subject to paragraph (3), periodic in-
10 spection of the facility, at intervals of not less
11 than once every 5 years, by internal inspection
12 device, pressure testing, direct assessment, or
13 an alternative method that the Secretary deter-
14 mines would provide an equal or greater level of
15 safety.

16 “(B) Clearly defined criteria for evaluating
17 the results of inspections conducted under sub-
18 paragraph (A) and for taking actions based on
19 such results.

20 “(C) A method for conducting an analysis
21 on a continuing basis that integrates all avail-
22 able information about the integrity of the facil-
23 ity and the consequences of releases from the
24 facility.

1 “(D) A description of actions to be taken
2 by the operator to promptly address any integ-
3 rity issue raised by an evaluation conducted
4 under subparagraph (B) or the analysis con-
5 ducted under subparagraph (C).

6 “(E) A description of measures to prevent
7 and mitigate the consequences of releases from
8 the facility. In the case of a release of a haz-
9 ardous liquid, such measures shall be consistent
10 with the National Contingency Plan published
11 pursuant to section 311(d) of the Federal
12 Water Pollution Control Act (33 U.S.C.
13 1321(d)), including leak detection, integrity
14 evaluation, emergency flow restricting devices,
15 and other prevention, detection, and mitigation
16 measures that are appropriate for protection of
17 human health and the environment.

18 “(F) A method for considering the con-
19 sequences of a release of a hazardous liquid
20 from the facility, as appropriate.

21 “(G) A method for monitoring cathodic
22 protection systems throughout the pipeline sys-
23 tem of the operator.

24 “(H) If the Secretary raises a safety con-
25 cern relating to the facility, a description of the

1 actions to be taken by the operator to address
2 the safety concern, including issues raised with
3 the Secretary by States and local authorities
4 under an agreement entered into under section
5 60106.

6 “(3) INSPECTION REQUIREMENTS.—

7 “(A) WAIVERS AND MODIFICATIONS.—In
8 accordance with section 60118(c), the Secretary
9 may waive or modify any requirement for in-
10 spection of a facility under paragraph (2)(A)
11 for reasons that may include the need to main-
12 tain local product supply or the lack of internal
13 inspection devices if the Secretary determines
14 that such waiver is not inconsistent with pipe-
15 line safety.

16 “(B) INSPECTIONS BY DIRECT ASSESS-
17 MENT.—The Secretary shall prescribe stand-
18 ards for inspection of a pipeline facility by di-
19 rect assessment.

20 “(C) INSPECTIONS BY INTERNAL INSPEC-
21 TION DEVICES.—After reviewing an integrity
22 management plan, the Secretary may require a
23 pipeline facility that is located in an area identi-
24 fied pursuant to subsection (a)(1) and that can

1 accommodate an internal inspection device to be
2 inspected by such a device under section 60108.

3 “(4) CRITERIA FOR INTEGRITY PROGRAM
4 STANDARDS.—

5 “(A) FREQUENCY OF INSPECTIONS.—

6 “(i) CONSIDERATIONS.—In deter-
7 mining whether to require inspection of a
8 facility at more frequent intervals than the
9 minimum intervals required under para-
10 graph (2)(A), an operator shall take into
11 account, as appropriate, the following:

12 “(I) The potential for develop-
13 ment of new defects in the facility.

14 “(II) The operational characteris-
15 tics of the facility, including age, oper-
16 ating pressure, block valve location,
17 corrosion history, spill history, and
18 any known deficiencies in the method
19 of pipeline construction or installation.

20 “(III) The possible growth of
21 new and existing defects.

22 “(ii) OUTSIDE FORCE DAMAGE.—For
23 purposes of clause (i)(I), in considering the
24 potential for development of new defects in
25 a pipeline facility from damage by an out-

1 side force, an operator shall consider infor-
2 mation available about current or planned
3 excavation activities and the effectiveness
4 of damage prevention programs in the
5 area.

6 “(iii) BASELINE INTEGRITY ASSESS-
7 MENT.—Not later than 5 years after the
8 date of enactment of this subsection, an
9 operator of a pipeline facility that is re-
10 quired to implement an integrity manage-
11 ment program under paragraph (1) shall
12 complete a baseline integrity assessment of
13 each of the operator’s facilities in areas
14 identified pursuant to subsection (a)(1).

15 “(B) MINIMUM LEVEL OF PROTECTION.—
16 An operator of a pipeline facility that is re-
17 quired to implement an integrity management
18 program under paragraph (1) shall—

19 “(i) adopt standards under this sub-
20 section that provide a minimum level of
21 protection for the operator’s facilities in
22 areas identified pursuant to subsection
23 (a)(1) that is at least equivalent to the ap-
24 plicable level of protection established by

1 national consensus standards organiza-
2 tions; and

3 “(ii) implement pressure testing and
4 other integrity management techniques in
5 a manner that minimizes environmental or
6 safety risks, such as by use of water for
7 pressure testing.

8 “(5) ADDITIONAL STANDARDS.—

9 “(A) IN GENERAL.—The Secretary shall
10 prescribe standards to direct an operator’s con-
11 duct of a risk analysis and adoption and imple-
12 mentation of an integrity management program
13 under paragraph (1).

14 “(B) CONTENTS.—Standards prescribed
15 under subparagraph (A) shall address each of
16 the following factors:

17 “(i) The type or frequency of inspec-
18 tions or testing of pipeline facilities, in ad-
19 dition to the minimum requirements of
20 paragraph (2)(A).

21 “(ii) The manner in which the inspec-
22 tions or testing are conducted.

23 “(iii) The criteria used in analyzing
24 results of the inspections or testing.

1 “(iv) The types of information sources
2 that must be integrated in assessing the
3 integrity of a pipeline facility as well as the
4 manner of integration.

5 “(v) The nature and timing of actions
6 selected to address the integrity of a pipe-
7 line facility.

8 “(vi) Such other factors as the Sec-
9 retary determines appropriate to ensure
10 that the integrity of a pipeline facility is
11 addressed and that appropriate mitigative
12 measures are adopted to protect areas
13 identified under subsection (a)(1).

14 “(C) SYSTEMS TO MONITOR PRESSURE
15 AND DETECT LEAKS; USE OF EMERGENCY
16 FLOW RESTRICTING DEVICES.—The Secretary
17 may also prescribe standards requiring an oper-
18 ator of a pipeline facility to include in an integ-
19 rity management program under paragraph
20 (1)—

21 “(i) changes to valves or the establish-
22 ment or modification of systems that mon-
23 itor pressure and detect leaks based on the
24 operator’s risk analysis; and

1 “(ii) the use of emergency flow re-
2 stricting devices.

3 “(D) INACTION BY THE SECRETARY.—The
4 responsibility of an operator of a pipeline facil-
5 ity to conduct a risk analysis or adopt or imple-
6 ment an integrity management program under
7 paragraph (1) shall not be affected by any fail-
8 ure of the Secretary to prescribe standards
9 under this paragraph.

10 “(6) REVIEW OF INTEGRITY MANAGEMENT
11 PROGRAMS.—

12 “(A) REVIEW OF PROGRAMS.—

13 “(i) IN GENERAL.—The Secretary
14 shall review a risk analysis and integrity
15 management program under paragraph (1)
16 and record the results of that review for
17 use in the next review of an operator’s pro-
18 gram.

19 “(ii) CONTEXT OF REVIEW.—The Sec-
20 retary may conduct a review under clause
21 (i) as an element of the Secretary’s inspec-
22 tion of an operator.

23 “(iii) INADEQUATE PROGRAMS.—If
24 the Secretary determines that a risk anal-
25 ysis or integrity management program is

1 inadequate for the safe operation of a pipe-
2 line facility, the Secretary shall act under
3 section 60108(a)(2) to require the operator
4 to revise the risk analysis or integrity man-
5 agement program.

6 “(B) AMENDMENTS TO PROGRAMS.—In
7 order to facilitate reviews under this paragraph,
8 an operator of a pipeline facility shall notify the
9 Secretary of any amendment made to the oper-
10 ator’s integrity management program not later
11 than 30 days after the date of adoption of the
12 amendment.

13 “(C) TRANSMITTAL OF PROGRAMS TO
14 STATE AUTHORITIES.—The Secretary shall pro-
15 vide a copy of a risk analysis and integrity
16 management program reviewed by the Secretary
17 under this paragraph to any appropriate State
18 authority with which the Secretary has entered
19 into an agreement under section 60106.

20 “(7) STATE REVIEW OF INTEGRITY MANAGE-
21 MENT PLANS.—A State authority that enters into an
22 agreement pursuant to section 60106, permitting the
23 State authority to review the risk analysis and writ-
24 ten program for integrity management pursuant to
25 paragraph (6), may provide the Secretary with a

1 written assessment of the risk analysis and integrity
2 management program, make recommendations, as
3 appropriate, to address safety concerns not ade-
4 quately addressed by the operator’s risk analysis or
5 integrity management program, and submit docu-
6 mentation explaining the State-proposed revisions.
7 The Secretary shall carefully consider the State’s
8 proposals and work in consultation with the States
9 and operators to address safety concerns.

10 “(8) APPLICATION OF STANDARDS.—Section
11 60104(b) shall not apply to this section.”.

12 (b) INTEGRITY MANAGEMENT REGULATIONS.—Sec-
13 tion 60109 is further amended by adding at the end the
14 following:

15 “(d) INTEGRITY MANAGEMENT REGULATIONS.—Not
16 later than 3 years after the date of enactment of this sub-
17 section, the Secretary shall—

18 “(1) complete an assessment and evaluation of
19 the effects on public safety and the environment of
20 the requirements for the implementation of integrity
21 management programs contained in the standards
22 prescribed under subsection (c)(5); and

23 “(2) make a determination as to the benefits to
24 public safety and the environment of extending such
25 requirements to additional areas.”.

1 (d) CONFORMING AMENDMENT.—Section 60118(a)
2 is amended—

3 (1) by striking “and” at the end of paragraph
4 (2);

5 (2) by striking the period at the end of para-
6 graph (3) and inserting “; and”; and

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

8 “(4) conduct a risk analysis, and adopt and im-
9 plement an integrity management program, for pipe-
10 line facilities as required under section 60109(c).”.

11 **SEC. 4. ENFORCEMENT.**

12 (a) PIPELINE FACILITIES HAZARDOUS TO LIFE AND
13 PROPERTY.—

14 (1) GENERAL AUTHORITY.—Section 60112(a)
15 is amended to read as follows:

16 “(a) GENERAL AUTHORITY.—After notice and an op-
17 portunity for a hearing, the Secretary of Transportation
18 may determine that a pipeline facility is hazardous if the
19 Secretary determines that—

20 “(1) operation of the facility is or would be haz-
21 ardous to life, property, or the environment; or

22 “(2) the facility is or would be constructed or
23 operated, or a component of the facility is or would
24 be constructed or operated, with equipment, mate-

1 rial, or a technique that the Secretary decides is
2 hazardous to life, property, or the environment.”.

3 (2) CORRECTIVE ACTION ORDERS.—Section
4 60112(d) is amended by striking “is hazardous” and
5 inserting “is or would be hazardous”.

6 (b) CIVIL PENALTIES.—

7 (1) GENERAL PENALTIES.—Section
8 60122(a)(1) is amended—

9 (A) by striking “\$25,000” and inserting
10 “\$100,000”; and

11 (B) by striking “\$500,000” and inserting
12 “\$1,000,000”.

13 (2) CIVIL PENALTIES FOR DISCHARGES.—Sec-
14 tion 60122(a) is amended by adding at the end the
15 following:

16 “(3) A person who is the owner, operator, or person
17 in charge of a hazardous liquid pipeline facility from which
18 a hazardous liquid is discharged may be liable to the Gov-
19 ernment for a civil penalty of not more than \$25,000 per
20 day of violation or not more than \$1,000 per barrel of
21 oil or other hazardous liquid discharged, except that a per-
22 son may not be liable for a civil penalty under this sub-
23 section for a discharge if the person has been assessed
24 a civil penalty under section 309 or 311(b) of the Federal

1 Water Pollution Control Act (33 U.S.C. 1319; 1321(b))
2 for the discharge.”.

3 (3) PENALTY CONSIDERATIONS.—Section
4 60122(b) is amended to read as follows:

5 “(b) PENALTY CONSIDERATIONS.—In determining
6 the amount of a civil penalty under this section—

7 “(1) the Secretary shall consider—

8 “(A) the nature, circumstances, and grav-
9 ity of the violation, including adverse impact on
10 the environment;

11 “(B) with respect to the violator, the de-
12 gree of culpability, any history of prior viola-
13 tions, the ability to pay, and any effect on abil-
14 ity to continue doing business; and

15 “(C) good faith in attempting to comply;
16 and

17 “(2) the Secretary may consider—

18 “(A) the economic benefit gained from the
19 violation without any reduction because of sub-
20 sequent damages; and

21 “(B) other matters that justice requires.”.

22 (c) EXCAVATOR DAMAGE.—Section 60123(d) is
23 amended—

24 (1) in the matter preceding paragraph (1) by
25 striking “knowingly and willfully”;

1 (2) in paragraph (1) by inserting “knowingly
2 and willfully” before “engages”; and

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

5 “(B) a pipeline facility, knows or has rea-
6 son to know of the damage, and does not report
7 the damage promptly to the operator of the
8 pipeline facility and to other appropriate au-
9 thorities; or”.

10 (d) CIVIL ACTIONS.—Section 60120(a) is amended—

11 (1) by striking “(a) CIVIL ACTIONS.—(1)” and
12 all that follows through “(2) At the request” and in-
13 serting the following:

14 “(a) CIVIL ACTIONS.—

15 “(1) CIVIL ACTIONS TO ENFORCE THIS CHAP-
16 TER.—At the request of the Secretary of Transpor-
17 tation, the Attorney General may bring a civil action
18 in an appropriate district court of the United States
19 to enforce this chapter, including section 60112, or
20 a regulation prescribed or order issued under this
21 chapter. The court may award appropriate relief, in-
22 cluding a temporary or permanent injunction, puni-
23 tive damages, and assessment of civil penalties, con-
24 sidering the same factors as prescribed for the Sec-

1 retary in an administrative case under section
2 60122.

3 “(2) CIVIL ACTIONS TO REQUIRE COMPLIANCE
4 WITH SUBPENAS OR ALLOW FOR INSPECTIONS.—At
5 the request”; and

6 (2) by aligning the remainder of the text of
7 paragraph (2) with the text of paragraph (1).

8 **SEC. 5. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
9 **PREPAREDNESS.**

10 (a) COMMUNITY RIGHT-TO-KNOW.—

11 (1) IN GENERAL.—Section 60116 is amended
12 to read as follows:

13 **“§ 60116. Community right-to-know**

14 “(a) PUBLIC EDUCATION PROGRAMS.—

15 “(1) IN GENERAL.—Each owner or operator of
16 a gas transmission or hazardous liquid pipeline facil-
17 ity shall carry out a continuing program to educate
18 the public on—

19 “(A) the use of a one-call notification sys-
20 tem prior to excavation and other damage pre-
21 vention activities;

22 “(B) the possible hazards associated with
23 unintended releases from the pipeline facility;
24 and

1 “(C) the physical indications that a pipe-
2 line release may have occurred, the steps that
3 should be taken for public safety in the event
4 of such a release, and how to report such a re-
5 lease.

6 “(2) REVIEW AND MODIFICATION OF EXISTING
7 PROGRAMS.—

8 “(A) OWNER OR OPERATOR.—Not later
9 than 1 year after the date of enactment of this
10 subsection, each owner or operator of a gas
11 transmission or hazardous liquid pipeline facil-
12 ity shall—

13 “(i) review its existing public edu-
14 cation program for effectiveness and mod-
15 ify the program as necessary; and

16 “(ii) submit to the Secretary of
17 Transportation for review a detailed de-
18 scription of its public education program,
19 including any modifications made to the
20 program as a result of the review under
21 clause (i).

22 “(B) SECRETARY.—The Secretary shall re-
23 view the description of each public information
24 program for a facility submitted to the Sec-
25 retary under subparagraph (A)(ii) as an ele-

1 ment of the Secretary’s inspections of the facil-
2 ity.

3 “(3) STANDARDS.—The Secretary may issue
4 standards prescribing the details of public education
5 programs under this section, providing for periodic
6 review of such programs, and providing for the
7 modification of such programs as needed. The Sec-
8 retary may also develop material for use in the pro-
9 grams.

10 “(b) LIAISON WITH STATE AND LOCAL EMERGENCY
11 RESPONSE ENTITIES.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this subsection, an operator
14 of a gas transmission or hazardous liquid pipeline
15 facility shall initiate and maintain liaison with the
16 State emergency response commissions (and local
17 emergency planning committees in the areas of pipe-
18 line right-of-way) established under section 301 of
19 the Emergency Planning and Community Right-To-
20 Know Act of 1986 (42 U.S.C. 11001) in each State
21 within the boundaries of which it operates.

22 “(2) AVAILABILITY OF INFORMATION.—An op-
23 erator of a gas transmission or hazardous liquid
24 pipeline facility shall make available, when re-

1 requested, to the State emergency response commis-
2 sions and local emergency planning committees—

3 “(A) the information described in section
4 60102(d);

5 “(B) a copy of any integrity management
6 program adopted by the operator under section
7 60109; and

8 “(C) information about implementation of
9 the integrity management program and about
10 the risks that the program is designed to ad-
11 dress.

12 “(3) COMMUNITIES WITHOUT LOCAL EMER-
13 GENCY PLANNING COMMITTEES.—In a community
14 without a local emergency planning committee, the
15 operator of a gas transmission or hazardous liquid
16 pipeline facility shall maintain liaison with the local
17 fire, police, and other emergency response agencies.

18 “(4) FORMAT OF INFORMATION.—An operator
19 of a pipeline facility making information available
20 under this subsection shall make the information
21 available in a format integrated into a commercial
22 off-the-shelf in-vehicle portable computer global posi-
23 tioning system navigation mapping software used in
24 first responder vehicles equipped with portable com-
25 puters and responding to pipeline spills.

1 “(c) PUBLIC AVAILABILITY OF REPORTS.—The Sec-
2 retary shall make available to the public a safety-related
3 condition report filed by an operator under section
4 60102(h) and a report of a pipeline incident filed by an
5 operator under this chapter.

6 “(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM
7 INFORMATION.—The Secretary shall prescribe require-
8 ments for public access to integrity management program
9 information prepared under this chapter.

10 “(e) AVAILABILITY OF MAPS.—Not later than 1 year
11 after the date of enactment of this subsection and annu-
12 ally thereafter, the owner or operator of each interstate
13 gas pipeline facility and hazardous liquid pipeline facility
14 shall provide to the governing body of each municipality
15 within the boundaries of which the pipeline facility is lo-
16 cated a map identifying the location of such facility.

17 “(f) EFFECTIVENESS OF PUBLIC SAFETY AND PUB-
18 LIC EDUCATION PROGRAMS.—

19 “(1) SURVEY AND ASSESSMENT.—The Sec-
20 retary shall survey and assess the public education
21 programs under this section and the public safety
22 programs under section 60102(c) and determine
23 their effectiveness and applicability as components of
24 a model program. In particular, the survey shall in-
25 clude the methods by which operators notify resi-

1 dents of the location of the facility and its right-of-
2 way, public information regarding existing one-call
3 notification programs, and appropriate procedures to
4 be followed by residents of affected municipalities in
5 the event of accidents involving interstate gas pipe-
6 line facilities.

7 “(2) STANDARDS FOR PUBLIC SAFETY PRO-
8 GRAMS.—In issuing standards for public safety pro-
9 grams under section 60102(a) and for public edu-
10 cation programs under this section, the Secretary
11 shall consider the results of the survey and assess-
12 ment under paragraph (1).

13 “(3) TECHNICAL ASSISTANCE.—The Secretary
14 may provide technical assistance to the pipeline in-
15 dustry on developing public safety and public edu-
16 cation program content and best practices for pro-
17 gram delivery and on evaluating the effectiveness of
18 the programs. The Secretary may also provide tech-
19 nical assistance to State and local officials in apply-
20 ing practices developed in these programs to their
21 activities.

22 “(g) PIPELINE SEGMENT REPORTS.—

23 “(1) IN GENERAL.—Not later than 6 months
24 after the date of enactment of this subsection, each
25 owner or operator of a gas transmission or haz-

1 ardous liquid pipeline facility shall submit to the
2 Secretary a report on pipeline segments of the facil-
3 ity in accordance with this subsection. After submit-
4 ting such report, each such owner or operator shall
5 submit to the Secretary an update of such report at
6 least once each year.

7 “(2) CONTENTS OF REPORTS.—A pipeline seg-
8 ment report of an owner or operator of a facility
9 shall include, at a minimum, the following informa-
10 tion for each pipeline segment of the facility:

11 “(A) The business name, address, and tele-
12 phone number of the owner or operator.

13 “(B) A summary description of the pipe-
14 line system containing the segment, including a
15 general system map and a description of any
16 product the pipeline transports, the length of
17 the system, and origin and termination points.

18 “(C) State and local emergency response
19 liaison information.

20 “(D) A description of periodic testing
21 methods used on the segment and the frequency
22 of such testing.

23 “(E) A summary of the results of periodic
24 testing of the segment, including any defects

1 detected and actions taken to address the de-
2 fects.

3 “(F) A description of the leak detection
4 system in use on the segment and its sensi-
5 tivity.

6 “(G) A 5-year incident history for the seg-
7 ment.

8 “(H) An inspection and enforcement his-
9 tory for the segment.

10 “(I) If applicable, a summary of integrity
11 management program actions related to the
12 segment.

13 “(3) AUTHORITY OF SECRETARY.—The Sec-
14 retary may modify or waive any of the information
15 required to be included in a report under paragraph
16 (2) if the Secretary determines that the inclusion of
17 such information would pose a risk to the security
18 of a pipeline system.

19 “(4) AVAILABILITY OF REPORTS.—The Sec-
20 retary shall make each report prepared under this
21 subsection available to the public through the con-
22 solidated computer database of the Secretary.

23 “(5) PIPELINE SEGMENT DEFINED.—In this
24 subsection, the term ‘pipeline segment’ means—

1 “(A) with respect to a gas transmission
2 pipeline facility, the length of pipeline between
3 the origin and the first compressor station, be-
4 tween intermittent compressor stations, and be-
5 tween the final compressor station and the ter-
6 mination point; and

7 “(B) with respect to a hazardous liquid
8 pipeline facility, the length of pipeline between
9 the origin and the first pumping station, be-
10 tween intermittent pumping stations, and be-
11 tween the final pumping station and the termi-
12 nation point.”.

13 (2) CONFORMING AMENDMENT.—Section
14 60102(c) is amended by striking paragraph (4).

15 (3) AMENDMENT TO CHAPTER ANALYSIS.—The
16 analysis for chapter 601 is amended by striking the
17 item relating to section 60116 and inserting the fol-
18 lowing:

“60116. Community right-to-know.”.

19 (b) SAFETY CONDITION REPORTS.—The last sen-
20 tence of section 60102(h)(2) is amended to read as fol-
21 lows: “Notice of the condition shall be given concurrently
22 to appropriate State officials, including the local emer-
23 gency responders, and appropriate on scene coordinators
24 for the area contingency plan and sub-area contingency
25 plan.”.

1 (c) EFFECT ON TORT LIABILITY.—Section 60120(c)
2 is amended by adding at the end the following: “Nothing
3 in section 60116 shall be considered to impose a new duty
4 on State or local emergency responders or local emergency
5 planning committees.”.

6 **SEC. 6. SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOP-**
7 **MENT.**

8 Section 60117 is amended by adding at the end the
9 following:

10 “(1) SUPPORT FOR INNOVATIVE TECHNOLOGY DE-
11 VELOPMENT.—

12 “(1) IN GENERAL.—The Secretary shall partici-
13 pate in the development of alternative technologies—

14 “(A) in fiscal year 2001 and thereafter—

15 “(i) to identify outside force damage
16 to pipelines using internal inspection de-
17 vices; and

18 “(ii) to monitor outside force damage
19 to pipelines; and

20 “(B) in fiscal year 2002 and thereafter, to
21 inspect pipelines that cannot accommodate in-
22 ternal inspection devices available on the date
23 of enactment of this subsection.

24 “(2) COOPERATIVE AGREEMENTS.—The Sec-
25 retary may support such technological development

1 through cooperative agreements with trade associa-
2 tions, academic institutions, or other qualified orga-
3 nizations.”.

4 **SEC. 7. QUALIFICATION OF PIPELINE PERSONNEL.**

5 (a) QUALIFICATION PROGRAMS.—

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

8 **“§ 60129. Qualification of pipeline personnel**

9 “(a) QUALIFICATION PROGRAM.—Not later than
10 April 26, 2001, each operator of a gas pipeline or haz-
11 ardous liquid pipeline facility shall adopt and implement
12 a written qualification program that ensures that all indi-
13 viduals performing covered tasks for the facility are quali-
14 fied to perform such tasks.

15 “(b) ELEMENTS OF QUALIFICATION PROGRAMS.—A
16 qualification program adopted by an operator under sub-
17 section (a) shall include, at a minimum, the following ele-
18 ments:

19 “(1) A method for examining or testing the
20 qualifications of individuals performing covered
21 tasks for the facility. Such method may not be lim-
22 ited to observation of on-the-job performance.

23 “(2) A requirement that the operator complete
24 the qualification of all individuals performing cov-

1 ered tasks for the facility not later than 18 months
2 after the date of adoption of the program.

3 “(3) A periodic requalification component that
4 provides for examination or testing of individuals in
5 accordance with paragraph (1).

6 “(c) REVIEW OF QUALIFICATION PROGRAMS.—

7 “(1) REVIEW OF PROGRAMS.—

8 “(A) IN GENERAL.—The Secretary or a
9 State authority responsible for enforcing stand-
10 ards prescribed under this chapter shall review
11 the qualification program of an operator and
12 record the results of that review for use in the
13 next review of an operator’s program.

14 “(B) CONTEXT OF REVIEW.—The Sec-
15 retary or State authority may conduct a review
16 under subparagraph (A) as an element of its in-
17 spection of an operator.

18 “(C) INADEQUATE PROGRAMS.—If the Sec-
19 retary or a State authority determines that a
20 qualification program is inadequate for the safe
21 operation of a pipeline facility, the Secretary or
22 State authority shall act under section
23 60108(a)(2) to require the operator to revise
24 the qualification program.

1 “(2) AMENDMENTS TO PROGRAMS.—In order to
2 facilitate reviews under this subsection, an operator
3 shall notify the Secretary or State authority, as ap-
4 propriate, of any amendment made to the operator’s
5 qualification program not later than 30 days after
6 the date of adoption of the amendment.

7 “(3) WAIVERS AND MODIFICATIONS.—In ac-
8 cordance with section 60118(c), the Secretary may
9 waive or modify any requirement of this section.

10 “(d) COVERED TASK DEFINED.—In this section, the
11 term ‘covered task’—

12 “(1) with respect to a gas pipeline facility, has
13 the meaning such term has under section 195.501 of
14 title 49, Code of Federal Regulations, as in effect on
15 the date of enactment of this section; and

16 “(2) with respect to a hazardous liquid pipeline
17 facility, has the meaning such term has under sec-
18 tion 192.801 of such title, as in effect on the date
19 of enactment of this section.”.

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

“60129. Qualification of pipeline personnel.”.

23 (b) PILOT PROGRAM FOR CERTIFICATION OF CER-
24 TAIN PIPELINE WORKERS.—

1 (1) IN GENERAL.—Not later than 36 months
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation shall—

4 (A) develop tests and other requirements
5 for certifying the qualifications of individuals
6 who operate computer-based systems for con-
7 trolling the operations of pipelines; and

8 (B) establish and carry out a pilot pro-
9 gram for 3 pipeline facilities under which the
10 individuals operating computer-based systems
11 for controlling the operations of pipelines at
12 such facilities are required to be certified under
13 the process established under subparagraph
14 (A).

15 (2) REPORT.—Not later than 5 years after the
16 date of enactment of this Act, the Secretary shall
17 transmit to Congress a report on the results of the
18 pilot program. The report shall include—

19 (A) a description of the pilot program and
20 implementation of the pilot program at each of
21 the 3 pipeline facilities;

22 (B) an evaluation of the pilot program, in-
23 cluding the effectiveness of the process for cer-
24 tifying individuals who operate computer-based

1 systems for controlling the operations of pipe-
2 lines;

3 (C) any recommendations of the Secretary
4 for requiring the certification of all individuals
5 who operate computer-based systems for con-
6 trolling the operations of pipelines; and

7 (D) an assessment of the ramifications of
8 requiring the certification of other individuals
9 performing safety-sensitive functions for a pipe-
10 line facility.

11 **SEC. 8. POPULATION ENCROACHMENT.**

12 Section 60127 is amended to read as follows:

13 **“§ 60127. Population encroachment**

14 “(a) STUDY.—The Secretary of Transportation, in
15 consultation with appropriate Federal agencies and State
16 and local governments, shall undertake a study of land
17 use practices and zoning ordinances with regard to pipe-
18 line rights-of-way.

19 “(b) PURPOSE OF STUDY.—The purpose of the study
20 shall be to gather information on land use practices and
21 zoning ordinances—

22 “(1) to determine effective practices to limit en-
23 croachment on existing pipeline rights-of-way;

1 “(2) to address and prevent the hazards and
2 risks to the public and the environment associated
3 with encroachment on pipeline rights-of-way; and

4 “(3) to raise the awareness of the risks and
5 hazards of encroachment on pipeline rights-of-way.

6 “(c) CONSIDERATIONS.—In conducting the study, the
7 Secretary shall consider, at a minimum, the following:

8 “(1) The legal authority of Federal agencies
9 and State and local governments in controlling land
10 use and the limitations on such authority.

11 “(2) The current practices of Federal agencies
12 and State and local governments in addressing land
13 use issues involving a pipeline easement.

14 “(3) The most effective way to encourage Fed-
15 eral agencies and State and local governments to
16 monitor and reduce encroachment upon pipeline
17 rights-of-way.

18 “(d) REPORT.—

19 “(1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this subsection, the Sec-
21 retary shall publish a report identifying practices,
22 laws, and ordinances that are most successful in ad-
23 dressing issues of encroachment on pipeline rights-
24 of-way so as to more effectively protect public safety
25 and the environment.

1 “(2) DISTRIBUTION OF REPORT.—The Sec-
2 retary shall provide a copy of the report to appro-
3 priate Federal agencies and to States for further
4 distribution to appropriate local authorities.

5 “(3) ADOPTION OF PRACTICES, LAWS, AND OR-
6 DINANCES.—The Secretary shall encourage Federal
7 agencies and State and local governments to adopt
8 and implement appropriate practices, laws, and ordi-
9 nances, as identified in the report, to address the
10 risks and hazards associated with encroachment
11 upon pipeline rights-of-way.”.

12 **SEC. 9. DAMAGE PREVENTION.**

13 (a) DEVELOPMENT OF STRATEGIC PLAN.—The Sec-
14 retary of Transportation shall develop and implement a
15 strategic plan to reduce the annual number of pipeline re-
16 leases caused by outside force damage by 25 percent with-
17 in 4 years of the date of enactment of this Act.

18 (b) CONTENTS OF PLAN.—The strategic plan shall
19 include, at a minimum, a description of the efforts of the
20 Secretary—

21 (1) to expand and improve public education ac-
22 tivities to inform excavators, facility operators, em-
23 ployees of State and local highway departments, and
24 the public about the importance of preventing dam-

1 age to pipelines and underground facilities and the
2 importance of pipeline rights-of-way;

3 (2) to expand the Secretary's judicial and pros-
4 ecutorial education activities and campaigns to in-
5 crease awareness of the importance of preventing
6 damage to pipelines and underground facilities;

7 (3) to advance technology to improve contact
8 with one-call notification systems and to help mark
9 and locate pipelines and associated facilities before
10 any excavation activity begins;

11 (4) to identify, validate, and promote technology
12 transfer of the best practices used to prevent dam-
13 age to underground facilities and to update the re-
14 port entitled "Common Ground"; and

15 (5) to develop means to implement rec-
16 ommendations specified in "Common Ground".

17 (c) REPORT TO CONGRESS.—Not later than 90 days
18 after the date of enactment of this Act, the Secretary shall
19 transmit to Congress a report containing the strategic
20 plan.

21 **SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.**

22 Not later than 12 months after the date of enactment
23 of this Act, the Secretary of Transportation shall develop
24 and implement a comprehensive plan for the collection and
25 use of gas and hazardous liquid pipeline data to revise the

1 causal categories on the accident report forms and to
2 eliminate overlapping and confusing categories and in-
3 clude subcategories. The plan shall include components to
4 provide the capability to perform sound accident trend
5 analysis and evaluations of pipeline operator performance
6 using normalized accident data.

7 **SEC. 11. TECHNICAL AMENDMENTS.**

8 Chapter 601 is amended—

9 (1) in section 60102(a)—

10 (A) by striking “(a)(1)” and all that fol-
11 lows through “The Secretary of Transpor-
12 tation” and inserting the following:

13 “(a) MINIMUM SAFETY STANDARDS.—

14 “(1) IN GENERAL.—The Secretary of Transpor-
15 tation”;

16 (B) by moving the remainder of the text of
17 paragraph (1), including subparagraphs (A)
18 and (B) but excluding subparagraph (C), 2 ems
19 to the right; and

20 (C) in paragraph (2) by inserting “QUALI-
21 FICATIONS OF PIPELINE OPERATORS.—” before
22 “The qualifications”;

23 (2) in section 60110(b) by striking “cir-
24 cumstances” and all that follows through “operator”

1 and inserting the following: “circumstances, if any,
2 under which an operator”;

3 (3) in section 60114 by redesignating sub-
4 section (d) as subsection (c); and

5 (4) in section 60122(a) by striking “section
6 60114(c)” and inserting “section 60114(b)”.

7 **SEC. 12. PIPELINE FACILITIES OVERSIGHT AND MONI-**
8 **TORING.**

9 (a) **ADVISORY FUNCTION.**—The function of a Re-
10 gional Advisory Council under this section shall be advi-
11 sory only.

12 (b) **PURPOSE.**—Each Regional Advisory Council shall
13 be responsible for safety and environmental monitoring of
14 pipeline facilities that may impact the State in which the
15 Regional Advisory Council does business.

16 (c) **SUITS BARRED.**—No Regional Advisory Council
17 established under this section may sue any person or pub-
18 lic or private entity concerning any matter arising under
19 this section except for the performance of contracts.

20 (d) **ESTABLISHMENT.**—

21 (1) **STATE DESIGNATION.**—The Secretary of
22 Transportation shall designate not more than 3
23 States the Governor of each of which may establish
24 not more than 3 Regional Advisory Councils in ac-
25 cordance with this section.

1 (2) STATE SELECTION CRITERIA.—The Sec-
2 retary shall establish State selection criteria and
3 make the designation of States to participate in the
4 pilot program. The criteria shall include the fol-
5 lowing:

6 (A) The State experienced a major acci-
7 dent involving a hazardous liquid or gas trans-
8 mission facility in the 5-year period ending on
9 the date of enactment of this Act.

10 (B) The Governor of the State requests the
11 designation.

12 (C) The legislative body of the State has
13 passed legislation indicating its desire to involve
14 the State in hazardous liquid or gas trans-
15 mission facility regulation or oversight, or both.

16 (e) MEMBERSHIP.—Each Council shall be composed
17 of voting members and nonvoting members, as follows:

18 (1) VOTING MEMBERS.—There shall be 11 vot-
19 ing members who shall be residents of the State
20 wherein the Council will do business with 1 rep-
21 resentative appointed by the Governor of the State
22 participating in the pilot program to represent each
23 of the following interests, taking into consideration
24 the need for regional balance on the Council:

25 (A) Emergency responders.

1 (B) Fish and wildlife organizations the
2 members of which depend on fisheries and wild-
3 life resources at risk, directly or indirectly, from
4 pipeline ruptures and spills.

5 (C) Environmental organizations.

6 (D) At least 2 representatives selected by
7 1 or more statewide associations of local gov-
8 ernments.

9 (E) Pipeline right-of-way property owners.

10 (F) Native American tribes.

11 (G) The general public.

12 (2) NONVOTING MEMBERS.—One ex-officio,
13 nonvoting representative shall be designated by, and
14 represent, each of the following:

15 (A) The Environmental Protection Agency.

16 (B) Each agency of the participating State
17 with jurisdiction over intrastate pipeline safety
18 and environmental protection.

19 (C) The fire marshal or other official of
20 the participating State with similar duties if
21 there is no State fire marshal.

22 (D) The agency of the participating State
23 with jurisdiction over pipeline spill response.

24 (E) The pipeline industry.

25 (f) TERMS.—

1 (1) DURATION OF COUNCILS.—The term of the
2 Councils shall continue throughout the life of the op-
3 eration of the pipeline facilities that each Council
4 oversees.

5 (2) 3 YEARS.—The voting members of each
6 Council shall serve for a term of 3 years.

7 (g) SELF-GOVERNING.—Each Council shall elect its
8 own chairperson, select its own staff, and make policies
9 with regard to its internal operating procedures.

10 (h) DUTIES.—Each Council shall—

11 (1) provide advice and recommendations to the
12 Secretary and the Governor of the State in which
13 the Council does business on policies, permits, and
14 regulations relating to the operation and mainte-
15 nance of pipeline facilities which affect or may affect
16 that State’s environment;

17 (2) monitor the environmental impacts of the
18 operation of pipeline facilities;

19 (3) review the adequacy of the risk analysis and
20 integrity program developed by each pipeline oper-
21 ator;

22 (4) review the adequacy of pipeline spill preven-
23 tion and contingency plans for such pipeline facili-
24 ties;

1 (5) review and comment on proposals for new
2 pipeline facilities, including issues of public need,
3 safety, and environmental impact;

4 (6) periodically review the respective pipeline
5 spill prevention and contingency plans, in light of
6 new technological developments and changed cir-
7 cumstances;

8 (7) monitor developments in pipeline spill pre-
9 vention, leak detection, pipeline inspection, operator
10 training, spill containment, response, and cleanup
11 technology; and

12 (8) recommend to the Secretary, Governor, and,
13 where appropriate, the operator—

14 (A) standards and stipulations for permits
15 intended to minimize the impact of pipeline fa-
16 cilities which could impact the State;

17 (B) modifications of pipeline facility oper-
18 ations and maintenance intended to minimize
19 the risk and mitigate the impact of pipeline fa-
20 cility operations and to minimize the risk of
21 pipeline spills;

22 (C) modifications of operators' risk anal-
23 ysis and integrity programs;

24 (D) modifications of the pipeline spill pre-
25 vention and contingency plans for pipeline fa-

1 ilities intended to enhance the ability to pre-
2 vent and respond to such a spill; and

3 (E) amendments to statutes and regula-
4 tions to improve pipeline safety and spill re-
5 sponse.

6 (i) NO ESTOPPEL.—No Council shall be held liable
7 under State or Federal law for costs or damages as a re-
8 sult of rendering advice under this section. Nor shall any
9 advice given by a voting member of a Council, or program
10 representative or agent, be grounds for estopping the in-
11 terests represented by the voting Council members from
12 seeking damages or other appropriate relief.

13 (j) AGENCY COOPERATION.—On and after establish-
14 ment of a Council by the Governor under this section, each
15 Federal department, agency, or other instrumentality shall
16 consult, with respect to all permits, site-specific regula-
17 tions, and other matters governing the activities and ac-
18 tions of the pipeline facilities, with the appropriate Council
19 before taking substantive action with respect to the per-
20 mit, site-specific regulation, or other matter. This con-
21 sultation shall be carried out with a view to enabling the
22 appropriate Council to review the permit, site-specific reg-
23 ulation, or other matters and make appropriate rec-
24 ommendations regarding operations, policy, or agency ac-
25 tions. Prior consultation shall not be required if an author-

1 ized Federal agency representative reasonably believes
2 that an emergency exists requiring action without delay.

3 (k) RECOMMENDATIONS OF THE COUNCIL.—In the
4 event that the Secretary, Governor, or operator does not
5 adopt, or significantly modifies before adoption, any rec-
6 ommendation of the Council made pursuant to the author-
7 ity granted to the Council in subsection (h)(8), the Sec-
8 retary, Governor, or operator shall provide to the Council,
9 in writing, within 5 days of its decision, notice of its deci-
10 sion and a written statement of reasons for its rejection
11 or significant modification of the recommendation.

12 (l) FUNDING.—

13 (1) PER REGIONAL ADVISORY COUNCIL.—Sub-
14 ject to appropriations, the Secretary shall provide to
15 each Regional Advisory Council established under
16 this section from the Oil Spill Liability Trust Fund
17 such amount as is sufficient to fund the Council's
18 work, but not less than \$750,000, for each year of
19 operation of the Council under this section. In deter-
20 mining the amount to provide to the Council for its
21 initial year of operation, the Secretary shall consult
22 the Governor of State in which the Council does
23 business and the Council. After the Council's initial
24 year of operation, such amount shall be based on a

1 budget and workplan developed by the Council and
2 approved by the Governor.

3 (2) AUTHORIZATION.—There is authorized to
4 be appropriated from the Oil Spill Liability Trust
5 Fund to the Secretary such amount as may be nec-
6 essary to carry out this section.

7 (m) REPORTS.—Before the expiration of the 36-
8 month period following the date of enactment of this Act,
9 each Council established pursuant to this section shall re-
10 port to the President and Congress concerning its activi-
11 ties under this section, together with its recommendations.

12 (n) SAVINGS CLAUSE.—

13 (1) REGULATORY AUTHORITY.—Nothing in this
14 section shall be construed as modifying, repealing,
15 superseding, or preempting any municipal, State, or
16 Federal law or regulation, or in any way affecting
17 litigation arising from pipeline spills or the rights
18 and responsibilities of the United States or any
19 State, or municipalities thereof, to preserve and pro-
20 tect the environment through regulation of land, air,
21 and water uses, of safety, and of related develop-
22 ment.

23 (2) RECOMMENDATIONS.—This subsection is
24 not intended to prevent a Council from recom-
25 mending to appropriate authorities that existing

1 legal requirements should be modified or that new
2 legal requirements should be adopted.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) GAS AND HAZARDOUS LIQUID.—Section
5 60125(a) is amended to read as follows:

6 “(a) GAS AND HAZARDOUS LIQUID.—

7 “(1) AUTHORIZATION OF APPROPRIATIONS.—

8 To carry out this chapter (except for sections 60107
9 and 60114(b)) related to gas and hazardous liquid,
10 the following amounts are authorized to be appro-
11 priated to the Department of Transportation:

12 “(A) \$41,500,000 for fiscal year 2001.

13 “(B) \$44,500,000 for fiscal year 2002.

14 “(C) \$45,800,000 for fiscal year 2003.

15 “(2) ALLOCATIONS FOR RESEARCH.—Of the
16 amounts appropriated pursuant to paragraph (1) for
17 a fiscal year, not less than the following amounts
18 shall be used for research of pipeline safety tech-
19 nologies described in section 60117:

20 “(A) \$4,000,000 for fiscal year 2001.

21 “(B) \$5,500,000 for fiscal year 2002.

22 “(C) \$6,000,000 for fiscal year 2003.”.

23 (b) STATE GRANTS.—Section 60125 is amended—

1 (1) by striking subsections (b) and (d) and re-
2 designating subsections (e), (e), and (f) as sub-
3 sections (b), (c), and (d), respectively; and

4 (2) in subsection (b)(1) (as so redesignated) by
5 striking subparagraphs (A) through (H) and insert-
6 ing the following:

7 “(A) \$18,500,000 for fiscal year 2001.

8 “(B) \$20,500,000 for fiscal year 2002.

9 “(C) \$21,100,000 for fiscal year 2003.”.

10 (c) CONFORMING AMENDMENT.—Section 60125(c)
11 (as redesignated by subsection (b)(1) of this section) is
12 amended by striking “or (b) of this section”.

○