

***In the Senate of the United States,***

*November 13, 2002.*

*Resolved,* That the bill from the House of Representatives (H.R. 3609) entitled “An Act to amend title 49, United States Code, to enhance the security and safety of pipelines.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,***

2 ***UNITED STATES CODE.***

3 *(a) SHORT TITLE.—This Act may be cited as the*

4 *“Pipeline Safety Improvement Act of 2002”.*

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 provi-*  
 5 *sion, the reference shall be considered to be made to a section*  
 6 *or other provision of title 49, United States Code.*

7 **SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.**

8       (a) *MINIMUM STANDARDS.—Section 6103 is*  
 9 *amended—*

10           (1) *in subsection (a)—*

11                   (A) *in paragraph (1) by inserting “, in-*  
 12 *cluding all government operators” before the*  
 13 *semicolon at the end; and*

14                   (B) *in paragraph (2) by inserting “, in-*  
 15 *cluding all government and contract excavators”*  
 16 *before the semicolon at the end; and*

17           (2) *in subsection (c) by striking “provide for”*  
 18 *and inserting “provide for and document”.*

19       (b) *COMPLIANCE WITH MINIMUM STANDARDS.—Sec-*  
 20 *tion 6104(d) is amended by striking “Within 3 years after*  
 21 *the date of the enactment of this chapter, the Secretary shall*  
 22 *begin to” and inserting “The Secretary shall”.*

23       (c) *IMPLEMENTATION OF BEST PRACTICES GUIDE-*  
 24 *LINES.—*

1           (1) *IN GENERAL.*—Section 6105 is amended to  
2       *read as follows:*

3       **“§ 6105. Implementation of best practices guidelines**

4           “(a) *ADOPTION OF BEST PRACTICES.*—The Secretary  
5       *of Transportation shall encourage States, operators of one-*  
6       *call notification programs, excavators (including all gov-*  
7       *ernment and contract excavators), and underground facility*  
8       *operators to adopt and implement practices identified in*  
9       *the best practices report entitled ‘Common Ground’, as peri-*  
10       *odically updated.*

11          “(b) *TECHNICAL ASSISTANCE.*—The Secretary shall  
12       *provide technical assistance to and participate in programs*  
13       *sponsored by a non-profit organization specifically estab-*  
14       *lished for the purpose of reducing construction-related dam-*  
15       *age to underground facilities.*

16          “(c) *GRANTS.*—

17               “(1) *IN GENERAL.*—The Secretary may make  
18       *grants to a non-profit organization described in sub-*  
19       *section (b).*

20               “(2) *AUTHORIZATION OF APPROPRIATIONS.*—In  
21       *addition to amounts authorized under section 6107,*  
22       *there is authorized to be appropriated for making*  
23       *grants under this subsection \$500,000 for each of fis-*  
24       *cal years 2003 through 2006. Such sums shall remain*  
25       *available until expended.*

1           “(3) *GENERAL REVENUE FUNDING.*—*Any sums*  
2           *appropriated under this subsection shall be derived*  
3           *from general revenues and may not be derived from*  
4           *amounts collected under section 60301.*”

5           (2) *CONFORMING AMENDMENT.*—*The analysis for*  
6           *chapter 61 is amended by striking the item relating*  
7           *to section 6105 and inserting the following:*

          “6105. *Implementation of best practices guidelines.*”

8           (d) *AUTHORIZATION OF APPROPRIATIONS.*—

9           (1) *FOR GRANTS FOR STATES.*—*Section 6107(a)*  
10          *is amended by striking “\$1,000,000 for fiscal year*  
11          *2000” and all that follows before the period at the end*  
12          *of the first sentence and inserting “\$1,000,000 for*  
13          *each of fiscal years 2003 through 2006”.*

14          (2) *FOR ADMINISTRATION.*—*Section 6107(b) is*  
15          *amended by striking “for fiscal years 1999, 2000, and*  
16          *2001” and inserting “for fiscal years 2003 through*  
17          *2006”.*

18 **SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERATORS.**

19          (a) *LIMITATION ON PREEMPTION.*—*Section 60104(c) is*  
20          *amended by adding at the end the following: “Notwith-*  
21          *standing the preceding sentence, a State authority may en-*  
22          *force a requirement of a one-call notification program of*  
23          *the State if the program meets the requirements for one-*  
24          *call notification programs under this chapter or chapter*  
25          *61.*”

1       (b) *MINIMUM REQUIREMENTS.*—Section 60114(a)(2)  
 2 *is amended by inserting “, including a government em-*  
 3 *ployee or contractor,” after “person”.*

4       (c) *CRIMINAL PENALTIES.*—Section 60123(d) *is*  
 5 *amended—*

6           (1) *in the matter preceding paragraph (1) by*  
 7 *striking “knowingly and willfully”;*

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

10          (3) *by striking paragraph (2)(B) and inserting*  
 11 *the following:*

12                   “(B) *a pipeline facility, and knows or has*  
 13 *reason to know of the damage, but does not re-*  
 14 *port the damage promptly to the operator of the*  
 15 *pipeline facility and to other appropriate au-*  
 16 *thorities; or”;* and

17          (4) *by adding after paragraph (2) the following:*  
 18 *“Penalties under this subsection may be reduced in the case*  
 19 *of a violation that is promptly reported by the violator.”.*

20 **SEC. 4. STATE OVERSIGHT ROLE.**

21       (a) *STATE AGREEMENTS WITH CERTIFICATION.*—Sec-  
 22 *tion 60106 is amended—*

23           (1) *in subsection (a) by striking “GENERAL AU-*  
 24 *THORITY.—” and inserting “AGREEMENTS WITHOUT*  
 25 *CERTIFICATION.—”;*

1           (2) *by redesignating subsections (b), (c), and (d)*  
2 *as subsections (c), (d), and (e), respectively; and*

3           (3) *by inserting after subsection (a) the fol-*  
4 *lowing:*

5           “(b) *AGREEMENTS WITH CERTIFICATION.*—

6           “(1) *IN GENERAL.*—*If the Secretary accepts a*  
7 *certification under section 60105 and makes the deter-*  
8 *mination required under this subsection, the Sec-*  
9 *retary may make an agreement with a State author-*  
10 *ity authorizing it to participate in the oversight of*  
11 *interstate pipeline transportation. Each such agree-*  
12 *ment shall include a plan for the State authority to*  
13 *participate in special investigations involving inci-*  
14 *dents or new construction and allow the State author-*  
15 *ity to participate in other activities overseeing inter-*  
16 *state pipeline transportation or to assume additional*  
17 *inspection or investigatory duties. Nothing in this*  
18 *section modifies section 60104(c) or authorizes the*  
19 *Secretary to delegate the enforcement of safety stand-*  
20 *ards for interstate pipeline facilities prescribed under*  
21 *this chapter to a State authority.*

22           “(2) *DETERMINATIONS REQUIRED.*—*The Sec-*  
23 *retary may not enter into an agreement under this*  
24 *subsection, unless the Secretary determines in writing*  
25 *that—*

1           “(A) the agreement allowing participation  
2 of the State authority is consistent with the Sec-  
3 retary’s program for inspection and consistent  
4 with the safety policies and provisions provided  
5 under this chapter;

6           “(B) the interstate participation agreement  
7 would not adversely affect the oversight respon-  
8 sibilities of intrastate pipeline transportation by  
9 the State authority;

10           “(C) the State is carrying out a program  
11 demonstrated to promote preparedness and risk  
12 prevention activities that enable communities to  
13 live safely with pipelines;

14           “(D) the State meets the minimum stand-  
15 ards for State one-call notification set forth in  
16 chapter 61; and

17           “(E) the actions planned under the agree-  
18 ment would not impede interstate commerce or  
19 jeopardize public safety.

20           “(3) *EXISTING AGREEMENTS.*—If requested by  
21 the State authority, the Secretary shall authorize a  
22 State authority which had an interstate agreement in  
23 effect after January 31, 1999, to oversee interstate  
24 pipeline transportation pursuant to the terms of that  
25 agreement until the Secretary determines that the

1     *State meets the requirements of paragraph (2) and*  
2     *executes a new agreement, or until December 31,*  
3     *2003, whichever is sooner. Nothing in this paragraph*  
4     *shall prevent the Secretary, after affording the State*  
5     *notice, hearing, and an opportunity to correct any al-*  
6     *leged deficiencies, from terminating an agreement*  
7     *that was in effect before enactment of the Pipeline*  
8     *Safety Improvement Act of 2002 if—*

9             *“(A) the State authority fails to comply*  
10            *with the terms of the agreement;*

11            *“(B) implementation of the agreement has*  
12            *resulted in a gap in the oversight responsibilities*  
13            *of intrastate pipeline transportation by the State*  
14            *authority; or*

15            *“(C) continued participation by the State*  
16            *authority in the oversight of interstate pipeline*  
17            *transportation has had an adverse impact on*  
18            *pipeline safety.”.*

19     ***(b) ENDING AGREEMENTS.—****Subsection (e) of section*  
20     ***60106 (as redesignated by subsection (a)(2) of this section)***  
21     ***is amended to read as follows:***

22            ***“(e) ENDING AGREEMENTS.—***

23            ***“(1) PERMISSIVE TERMINATION.—****The Secretary*  
24            ***may end an agreement under this section when the***



1        *Secretary finds that the State authority has not com-*  
2        *plied with any provision of the agreement.*

3            “(2) *MANDATORY TERMINATION OF AGREE-*  
4        *MENT.—The Secretary shall end an agreement for the*  
5        *oversight of interstate pipeline transportation if the*  
6        *Secretary finds that—*

7            “(A) *implementation of such agreement has*  
8        *resulted in a gap in the oversight responsibilities*  
9        *of intrastate pipeline transportation by the State*  
10       *authority;*

11           “(B) *the State actions under the agreement*  
12       *have failed to meet the requirements under sub-*  
13       *section (b); or*

14           “(C) *continued participation by the State*  
15       *authority in the oversight of interstate pipeline*  
16       *transportation would not promote pipeline safe-*  
17       *ty.*

18           “(3) *PROCEDURAL REQUIREMENTS.—The Sec-*  
19       *retary shall give notice and an opportunity for a*  
20       *hearing to a State authority before ending an agree-*  
21       *ment under this section. The Secretary may provide*  
22       *a State an opportunity to correct any deficiencies be-*  
23       *fore ending an agreement. The finding and decision*  
24       *to end the agreement shall be published in the Federal*  
25       *Register and may not become effective for at least 15*

1        *days after the date of publication unless the Secretary*  
2        *finds that continuation of an agreement poses an im-*  
3        *minent hazard.”.*

4        *(c) SECRETARY’S RESPONSE TO STATE NOTICES OF*  
5        *VIOLATIONS.—Subsection (c) of section 60106 (as redesi-*  
6        *gnated by subsection (a)(2) of this section) is amended—*

7                *(1) by striking “Each agreement” and inserting*  
8        *the following:*

9                *“(1) IN GENERAL.—Each agreement”;*

10               *(2) by adding at the end the following:*

11               *“(2) RESPONSE BY SECRETARY.—If a State au-*  
12        *thority notifies the Secretary under paragraph (1) of*  
13        *a violation or probable violation of an applicable*  
14        *safety standard, the Secretary, not later than 60 days*  
15        *after the date of receipt of the notification, shall—*

16               *“(A) issue an order under section 60118(b)*  
17        *or take other appropriate enforcement actions to*  
18        *ensure compliance with this chapter; or*

19               *“(B) provide the State authority with a*  
20        *written explanation as to why the Secretary has*  
21        *determined not to take such actions.”; and*

22               *(3) by aligning the text of paragraph (1) (as des-*  
23        *ignated by this subsection) with paragraph (2) (as*  
24        *added by this subsection).*

1 **SEC. 5. PUBLIC EDUCATION PROGRAMS.**

2 *Section 60116 is amended to read as follows:*

3 **“§ 60116. Public education programs**

4 *“(a) IN GENERAL.—Each owner or operator of a gas*  
5 *or hazardous liquid pipeline facility shall carry out a con-*  
6 *tinuing program to educate the public on the use of a one-*  
7 *call notification system prior to excavation and other dam-*  
8 *age prevention activities, the possible hazards associated*  
9 *with unintended releases from the pipeline facility, the*  
10 *physical indications that such a release may have occurred,*  
11 *what steps should be taken for public safety in the event*  
12 *of a pipeline release, and how to report such an event.*

13 *“(b) MODIFICATION OF EXISTING PROGRAMS.—Not*  
14 *later than 12 months after the date of enactment of the*  
15 *Pipeline Safety Improvement Act of 2002, each owner or*  
16 *operator of a gas or hazardous liquid pipeline facility shall*  
17 *review its existing public education program for effective-*  
18 *ness and modify the program as necessary. The completed*  
19 *program shall include activities to advise affected municipi-*  
20 *palities, school districts, businesses, and residents of pipe-*  
21 *line facility locations. The completed program shall be sub-*  
22 *mitted to the Secretary or, in the case of an intrastate pipe-*  
23 *line facility operator, the appropriate State agency, and*  
24 *shall be periodically reviewed by the Secretary or, in the*  
25 *case of an intrastate pipeline facility operator, the appro-*  
26 *priate State agency.*

1       “(c) *STANDARDS.*—*The Secretary may issue standards*  
 2 *prescribing the elements of an effective public education*  
 3 *program. The Secretary may also develop material for use*  
 4 *in the program.*”.

5       **SEC. 6. PROTECTION OF EMPLOYEES PROVIDING PIPELINE**  
 6                                   **SAFETY INFORMATION.**

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

9       **“§ 60129. Protection of employees providing pipeline**  
 10                                   **safety information**

11       “(a) *DISCRIMINATION AGAINST EMPLOYEE.*—

12               “(1) *IN GENERAL.*—*No employer may discharge*  
 13 *any employee or otherwise discriminate against any*  
 14 *employee with respect to his compensation, terms,*  
 15 *conditions, or privileges of employment because the*  
 16 *employee (or any person acting pursuant to a request*  
 17 *of the employee)—*

18               “(A) *provided, caused to be provided, or is*  
 19 *about to provide or cause to be provided, to the*  
 20 *employer or the Federal Government information*  
 21 *relating to any violation or alleged violation of*  
 22 *any order, regulation, or standard under this*  
 23 *chapter or any other Federal law relating to*  
 24 *pipeline safety;*

1           “(B) refused to engage in any practice  
2           made unlawful by this chapter or any other Fed-  
3           eral law relating to pipeline safety, if the em-  
4           ployee has identified the alleged illegality to the  
5           employer;

6           “(C) provided, caused to be provided, or is  
7           about to provide or cause to be provided, testi-  
8           mony before Congress or at any Federal or State  
9           proceeding regarding any provision (or proposed  
10          provision) of this chapter or any other Federal  
11          law relating to pipeline safety;

12          “(D) commenced, caused to be commenced,  
13          or is about to commence or cause to be com-  
14          menced a proceeding under this chapter or any  
15          other Federal law relating to pipeline safety, or  
16          a proceeding for the administration or enforce-  
17          ment of any requirement imposed under this  
18          chapter or any other Federal law relating to  
19          pipeline safety;

20          “(E) provided, caused to be provided, or is  
21          about to provide or cause to be provided, testi-  
22          mony in any proceeding described in subpara-  
23          graph (D); or

24          “(F) assisted or participated or is about to  
25          assist or participate in any manner in such a

1           *proceeding or in any other manner in such a*  
2           *proceeding or in any other action to carry out*  
3           *the purposes of this chapter or any other Federal*  
4           *law relating to pipeline safety.*

5           “(2) *EMPLOYER DEFINED.*—*In this section, the*  
6           *term ‘employer’ means—*

7                     “(A) *a person owning or operating a pipe-*  
8                     *line facility; or*

9                     “(B) *a contractor or subcontractor of such*  
10                    *a person.*

11           “(b) *DEPARTMENT OF LABOR COMPLAINT PROCE-*  
12           *DURE.*—

13                    “(1) *FILING AND NOTIFICATION.*—*A person who*  
14                    *believes that he or she has been discharged or other-*  
15                    *wise discriminated against by any person in viola-*  
16                    *tion of subsection (a) may, not later than 180 days*  
17                    *after the date on which such violation occurs, file (or*  
18                    *have any person file on his or her behalf) a complaint*  
19                    *with the Secretary of Labor alleging such discharge or*  
20                    *discrimination. Upon receipt of such a complaint, the*  
21                    *Secretary of Labor shall notify, in writing, the person*  
22                    *or persons named in the complaint and the Secretary*  
23                    *of Transportation of the filing of the complaint, of the*  
24                    *allegations contained in the complaint, of the sub-*  
25                    *stance of evidence supporting the complaint, and of*

1       *the opportunities that will be afforded to such person*  
2       *or persons under paragraph (2).*

3               “(2) *INVESTIGATION; PRELIMINARY ORDER.*—

4               “(A) *IN GENERAL.*—*Not later than 60 days*  
5       *after the date of receipt of a complaint filed*  
6       *under paragraph (1) and after affording the per-*  
7       *son or persons named in the complaint an op-*  
8       *portunity to submit to the Secretary of Labor a*  
9       *written response to the complaint and an oppor-*  
10       *tunity to meet with a representative of the Sec-*  
11       *retary of Labor to present statements from wit-*  
12       *nesses, the Secretary of Labor shall conduct an*  
13       *investigation and determine whether there is rea-*  
14       *sonable cause to believe that the complaint has*  
15       *merit and notify in writing the complainant*  
16       *and the person or persons alleged to have com-*  
17       *mitted a violation of subsection (a) of the Sec-*  
18       *retary of Labor’s findings. If the Secretary of*  
19       *Labor concludes that there is reasonable cause to*  
20       *believe that a violation of subsection (a) has oc-*  
21       *curring, the Secretary of Labor shall include with*  
22       *the Secretary of Labor’s findings with a prelimi-*  
23       *nary order providing the relief prescribed by*  
24       *paragraph (3)(B). Not later than 60 days after*  
25       *the date of notification of findings under this*

1           *subparagraph, any person alleged to have com-*  
2           *mitted a violation or the complainant may file*  
3           *objections to the findings or preliminary order,*  
4           *or both, and request a hearing on the record. The*  
5           *filing of such objections shall not operate to stay*  
6           *any reinstatement remedy contained in the pre-*  
7           *liminary order. Such hearings shall be conducted*  
8           *expeditiously. If a hearing is not requested in*  
9           *such 60-day period, the preliminary order shall*  
10          *be deemed a final order that is not subject to ju-*  
11          *dicial review.*

12           “(B) REQUIREMENTS.—

13           “(i) REQUIRED SHOWING BY COM-  
14           PLAINANT.—*The Secretary of Labor shall*  
15           *dismiss a complaint filed under this sub-*  
16           *section and shall not conduct an investiga-*  
17           *tion otherwise required under subparagraph*  
18           *(A) unless the complainant makes a prima*  
19           *facie showing that any behavior described*  
20           *in subsection (a) was a contributing factor*  
21           *in the unfavorable personnel action alleged*  
22           *in the complaint.*

23           “(ii) SHOWING BY EMPLOYER.—*Not-*  
24           *withstanding a finding by the Secretary of*  
25           *Labor that the complainant has made the*



1           *showing required under clause (i), no inves-*  
2           *tigation otherwise required under subpara-*  
3           *graph (A) shall be conducted if the employer*  
4           *demonstrates, by clear and convincing evi-*  
5           *dence, that the employer would have taken*  
6           *the same unfavorable personnel action in*  
7           *the absence of that behavior.*

8           “(iii) *CRITERIA FOR DETERMINATION*  
9           *BY SECRETARY.—The Secretary of Labor*  
10           *may determine that a violation of sub-*  
11           *section (a) has occurred only if the com-*  
12           *plainant demonstrates that any behavior*  
13           *described in subsection (a) was a contrib-*  
14           *uting factor in the unfavorable personnel*  
15           *action alleged in the complaint.*

16           “(iv) *PROHIBITION.—Relief may not*  
17           *be ordered under subparagraph (A) if the*  
18           *employer demonstrates by clear and con-*  
19           *vincing evidence that the employer would*  
20           *have taken the same unfavorable personnel*  
21           *action in the absence of that behavior.*

22           “(3) *FINAL ORDER.—*

23           “(A) *DEADLINE FOR ISSUANCE; SETTLE-*  
24           *MENT AGREEMENTS.—Not later than 90 days*  
25           *after the date of conclusion of a hearing under*

1           *paragraph (2), the Secretary of Labor shall issue*  
2           *a final order providing the relief prescribed by*  
3           *this paragraph or denying the complaint. At any*  
4           *time before issuance of a final order, a pro-*  
5           *ceeding under this subsection may be terminated*  
6           *on the basis of a settlement agreement entered*  
7           *into by the Secretary of Labor, the complainant,*  
8           *and the person or persons alleged to have com-*  
9           *mitted the violation.*

10           “(B) *REMEDY.—If, in response to a com-*  
11           *plaint filed under paragraph (1), the Secretary*  
12           *of Labor determines that a violation of sub-*  
13           *section (a) has occurred, the Secretary of Labor*  
14           *shall order the person or persons who committed*  
15           *such violation to—*

16                   “(i) *take affirmative action to abate*  
17                   *the violation;*

18                   “(ii) *reinstate the complainant to his*  
19                   *or her former position together with the*  
20                   *compensation (including back pay) and re-*  
21                   *store the terms, conditions, and privileges*  
22                   *associated with his or her employment; and*

23                   “(iii) *provide compensatory damages*  
24                   *to the complainant.*

1           *If such an order is issued under this paragraph,*  
2           *the Secretary of Labor, at the request of the com-*  
3           *plainant, shall assess against the person or per-*  
4           *sons against whom the order is issued a sum*  
5           *equal to the aggregate amount of all costs and*  
6           *expenses (including attorney's and expert witness*  
7           *fees) reasonably incurred, as determined by the*  
8           *Secretary of Labor, by the complainant for, or in*  
9           *connection with, the bringing the complaint*  
10           *upon which the order was issued.*

11           “(C) *FRIVOLOUS COMPLAINTS.*—*If the Sec-*  
12           *retary of Labor finds that a complaint under*  
13           *paragraph (1) is frivolous or has been brought in*  
14           *bad faith, the Secretary of Labor may award to*  
15           *the prevailing employer a reasonable attorney's*  
16           *fee not exceeding \$1,000.*

17           “(4) *REVIEW.*—

18           “(A) *APPEAL TO COURT OF APPEALS.*—*Any*  
19           *person adversely affected or aggrieved by an*  
20           *order issued under paragraph (3) may obtain re-*  
21           *view of the order in the United States Court of*  
22           *Appeals for the circuit in which the violation,*  
23           *with respect to which the order was issued, alleg-*  
24           *edly occurred or the circuit in which the com-*  
25           *plainant resided on the date of such violation.*

1           *The petition for review must be filed not later*  
2           *than 60 days after the date of issuance of the*  
3           *final order of the Secretary of Labor. Review*  
4           *shall conform to chapter 7 of title 5, United*  
5           *States Code. The commencement of proceedings*  
6           *under this subparagraph shall not, unless or-*  
7           *dered by the court, operate as a stay of the order.*

8           “(B) *LIMITATION ON COLLATERAL AT-*  
9           *TACK.—An order of the Secretary of Labor with*  
10           *respect to which review could have been obtained*  
11           *under subparagraph (A) shall not be subject to*  
12           *judicial review in any criminal or other civil*  
13           *proceeding.*

14           “(5) *ENFORCEMENT OF ORDER BY SECRETARY*  
15           *OF LABOR.—Whenever any person has failed to com-*  
16           *ply with an order issued under paragraph (3), the*  
17           *Secretary of Labor may file a civil action in the*  
18           *United States district court for the district in which*  
19           *the violation was found to occur to enforce such order.*  
20           *In actions brought under this paragraph, the district*  
21           *courts shall have jurisdiction to grant all appropriate*  
22           *relief, including, but not to be limited to, injunctive*  
23           *relief and compensatory damages.*

24           “(6) *ENFORCEMENT OF ORDER BY PARTIES.—*

1           “(A) *COMMENCEMENT OF ACTION.*—A per-  
2           son on whose behalf an order was issued under  
3           paragraph (3) may commence a civil action  
4           against the person or persons to whom such  
5           order was issued to require compliance with such  
6           order. The appropriate United States district  
7           court shall have jurisdiction, without regard to  
8           the amount in controversy or the citizenship of  
9           the parties, to enforce such order.

10           “(B) *ATTORNEY FEES.*—The court, in  
11           issuing any final order under this paragraph,  
12           may award costs of litigation (including reason-  
13           able attorney and expert witness fees) to any  
14           party whenever the court determines such award  
15           of costs is appropriate.

16           “(c) *MANDAMUS.*—Any nondiscretionary duty im-  
17           posed by this section shall be enforceable in a mandamus  
18           proceeding brought under section 1361 of title 28, United  
19           States Code.

20           “(d) *NONAPPLICABILITY TO DELIBERATE VIOLA-*  
21           *TIONS.*—Subsection (a) shall not apply with respect to an  
22           action of an employee of an employer who, acting without  
23           direction from the employer (or such employer’s agent), de-  
24           liberately causes a violation of any requirement relating to

1 *pipeline safety under this chapter or any other law of the*  
 2 *United States.”.*

3 (b) *CIVIL PENALTY.*—*Section 60122(a) is amended by*  
 4 *adding at the end the following:*

5 “(3) *A person violating section 60129, or an order*  
 6 *issued thereunder, is liable to the Government for a civil*  
 7 *penalty of not more than \$1,000 for each violation. The*  
 8 *penalties provided by paragraph (1) do not apply to a vio-*  
 9 *lation of section 60129 or an order issued thereunder.”.*

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

“60129. *Protection of employees providing pipeline safety information.”.*

12 **SEC. 7. SAFETY ORDERS.**

13 *Section 60117 is amended by adding at the end the*  
 14 *following:*

15 “(l) *SAFETY ORDERS.*—*If the Secretary decides that*  
 16 *a pipeline facility has a potential safety-related condition,*  
 17 *the Secretary may order the operator of the facility to take*  
 18 *necessary corrective action, including physical inspection,*  
 19 *testing, repair, replacement, or other appropriate action to*  
 20 *remedy the safety-related condition.”.*

21 **SEC. 8. PENALTIES.**

22 (a) *PIPELINE FACILITIES HAZARDOUS TO LIFE,*  
 23 *PROPERTY, OR THE ENVIRONMENT.*—

24 (1) *GENERAL AUTHORITY.*—*Section 60112(a) is*  
 25 *amended to read as follows:*

1       “(a) *GENERAL AUTHORITY.*—After notice and an op-  
2 portunity for a hearing, the Secretary of Transportation  
3 may decide that a pipeline facility is hazardous if the Sec-  
4 retary decides that—

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

7               “(2) the facility is or would be constructed or op-  
8 erated, or a component of the facility is or would be  
9 constructed or operated, with equipment, material, or  
10 a technique that the Secretary decides is hazardous to  
11 life, property, or the environment.”.

12               (2) *CORRECTIVE ACTION ORDERS.*—Section  
13 60112(d) is amended by striking “is hazardous” and  
14 inserting “is or would be hazardous”.

15       (b) *ENFORCEMENT.*—

16               (1) *GENERAL PENALTIES.*—Section 60122(a)(1)  
17 is amended—

18                       (A) by striking “\$25,000” and inserting  
19 “\$100,000”; and

20                       (B) by striking “\$500,000” and inserting  
21 “\$1,000,000”.

22               (2) *PENALTY CONSIDERATIONS.*—Section  
23 60122(b) is amended by striking “under this section”  
24 and all that follows through paragraph (4) and in-  
25 sserting “under this section—

1           “(1) the Secretary shall consider—

2                   “(A) the nature, circumstances, and gravity  
3 of the violation, including adverse impact on the  
4 environment;

5                   “(B) with respect to the violator, the degree  
6 of culpability, any history of prior violations,  
7 the ability to pay, and any effect on ability to  
8 continue doing business; and

9                   “(C) good faith in attempting to comply;  
10 and

11           “(2) the Secretary may consider—

12                   “(A) the economic benefit gained from the  
13 violation without any reduction because of subse-  
14 quent damages; and

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

16           (3) CIVIL ACTIONS.—Section 60120(a) is  
17 amended—

18                   (A) by striking “(a) CIVIL ACTIONS.—(1)”  
19 and all that follows through “(2) At the request”  
20 and inserting the following:

21           “(a) CIVIL ACTIONS.—

22                   “(1) CIVIL ACTIONS TO ENFORCE THIS CHAP-  
23 TER.—At the request of the Secretary of Transpor-  
24 tation, the Attorney General may bring a civil action  
25 in an appropriate district court of the United States



1 to enforce this chapter, including section 60112, or a  
 2 regulation prescribed or order issued under this chap-  
 3 ter. The court may award appropriate relief, includ-  
 4 ing a temporary or permanent injunction, punitive  
 5 damages, and assessment of civil penalties, consid-  
 6 ering the same factors as prescribed for the Secretary  
 7 in an administrative case under section 60122.

8 “(2) CIVIL ACTIONS TO REQUIRE COMPLIANCE  
 9 WITH SUBPOENAS OR ALLOW FOR INSPECTIONS.—At  
 10 the request”; and

11 (B) by aligning the remainder of the text of  
 12 paragraph (2) with the text of paragraph (1).

13 (c) CRIMINAL PENALTIES FOR DAMAGING OR DE-  
 14 STROYING A FACILITY.—Section 60123(b) is amended—

15 (1) by striking “or” after “gas pipeline facility”  
 16 and inserting “, an”; and

17 (2) by inserting after “liquid pipeline facility”  
 18 the following: “, or either an intrastate gas pipeline  
 19 facility or intrastate hazardous liquid pipeline facil-  
 20 ity that is used in interstate or foreign commerce or  
 21 in any activity affecting interstate or foreign com-  
 22 merce”.

23 (d) COMPTROLLER GENERAL STUDY.—

24 (1) IN GENERAL.—The Comptroller General shall  
 25 conduct a study of the actions, policies, and proce-

1        *dures of the Secretary of Transportation for assessing*  
2        *and collecting fines and penalties on operators of haz-*  
3        *ardous liquid and gas transmission pipelines.*

4            (2) *ANALYSIS.—In conducting the study, the*  
5        *Comptroller General shall examine, at a minimum,*  
6        *the following:*

7            (A) *The frequency with which the Secretary*  
8        *has substituted corrective orders for fines and*  
9        *penalties.*

10          (B) *Changes in the amounts of fines rec-*  
11        *ommended by safety inspectors, assessed by the*  
12        *Secretary, and actually collected.*

13          (C) *An evaluation of the overall effectiveness*  
14        *of the Secretary’s enforcement strategy.*

15          (D) *The extent to which the Secretary has*  
16        *complied with the report of the Government Ac-*  
17        *counting Office entitled “Pipeline Safety: The*  
18        *Office of Pipeline Safety is Changing How it*  
19        *Oversees the Pipeline Industry”.*

20          (3) *REPORT.—Not later than 1 year after the date of*  
21        *enactment of this Act, the Comptroller General shall trans-*  
22        *mit to the Committee on Commerce, Science, and Transpor-*  
23        *tation of the Senate and the Committees on Transportation*  
24        *and Infrastructure and Energy and Commerce of the House*  
25        *of Representatives a report on the results of the study.*

1 **SEC. 9. PIPELINE SAFETY INFORMATION GRANTS TO COM-**  
2 **MUNITIES.**

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

5 **“§ 60130. Pipeline safety information grants to com-**  
6 **munities**

7 “(a) *GRANT AUTHORITY.*—

8 “(1) *IN GENERAL.*—The Secretary of Transpor-  
9 tation may make grants for technical assistance to  
10 local communities and groups of individuals (not in-  
11 cluding for-profit entities) relating to the safety of  
12 pipeline facilities in local communities, other than fa-  
13 cilities regulated under Public Law 93–153 (43  
14 U.S.C. 1651 et seq.). The Secretary shall establish  
15 competitive procedures for awarding grants under  
16 this section and criteria for selecting grant recipients.  
17 The amount of any grant under this section may not  
18 exceed \$50,000 for a single grant recipient. The Sec-  
19 retary shall establish appropriate procedures to en-  
20 sure the proper use of funds provided under this sec-  
21 tion.

22 “(2) *TECHNICAL ASSISTANCE DEFINED.*—In this  
23 subsection, the term ‘technical assistance’ means engi-  
24 neering and other scientific analysis of pipeline safety  
25 issues, including the promotion of public participa-

1        *tion in official proceedings conducted under this*  
2        *chapter.*

3        “(b) *PROHIBITED USES.*—*Funds provided under this*  
4        *section may not be used for lobbying or in direct support*  
5        *of litigation.*

6        “(c) *ANNUAL REPORT.*—

7                “(1) *IN GENERAL.*—*Not later than 90 days after*  
8        *the last day of each fiscal year for which grants are*  
9        *made by the Secretary under this section, the Sec-*  
10        *retary shall report to the Committees on Commerce,*  
11        *Science, and Transportation and Energy and Natural*  
12        *Resources of the Senate and the Committees on*  
13        *Transportation and Infrastructure and Energy and*  
14        *Commerce of the House of Representatives on grants*  
15        *made under this section in the preceding fiscal year.*

16                “(2) *CONTENTS.*—*The report shall include—*

17                        “(A) *a listing of the identity and location*  
18        *of each recipient of a grant under this section in*  
19        *the preceding fiscal year and the amount re-*  
20        *ceived by the recipient;*

21                        “(B) *a description of the purpose for which*  
22        *each grant was made; and*

23                        “(C) *a description of how each grant was*  
24        *used by the recipient.*

1       “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 2 *authorized to be appropriated to the Secretary of Transpor-*  
 3 *tation for carrying out this section \$1,000,000 for each of*  
 4 *the fiscal years 2003 through 2006. Such amounts shall not*  
 5 *be derived from user fees collected under section 60301.”.*

6       (c) *CONFORMING AMENDMENT.—The analysis for*  
 7 *chapter 601 is amended by adding at the end the following:*  
       *“60130. Pipeline safety information grants to communities.”.*

8       **SEC. 10. OPERATOR ASSISTANCE IN INVESTIGATIONS.**

9       (a) *IN GENERAL.—Section 60118 is amended by add-*  
 10 *ing at the end the following:*

11       “(e) *OPERATOR ASSISTANCE IN INVESTIGATIONS.—If*  
 12 *the Secretary or the National Transportation Safety Board*  
 13 *investigate an accident involving a pipeline facility, the op-*  
 14 *erator of the facility shall make available to the Secretary*  
 15 *or the Board all records and information that in any way*  
 16 *pertain to the accident (including integrity management*  
 17 *plans and test results), and shall afford all reasonable as-*  
 18 *sistance in the investigation of the accident.”.*

19       (b) *CORRECTIVE ACTION ORDERS.—Section 60112(d)*  
 20 *is amended—*

21               (1) *by striking “If the Secretary” and inserting*  
 22 *the following:*

23               “(1) *IN GENERAL.—If the Secretary”;*

24               (2) *by adding the end the following:*

1           “(2) *ACTIONS ATTRIBUTABLE TO AN EM-*  
2 *PLOYEE.—If, in the case of a corrective action order*  
3 *issued following an accident, the Secretary determines*  
4 *that the actions of an employee carrying out an activ-*  
5 *ity regulated under this chapter, including duties*  
6 *under section 60102(a), may have contributed sub-*  
7 *stantially to the cause of the accident, the Secretary*  
8 *shall direct the operator to relieve the employee from*  
9 *performing those activities, reassign the employee, or*  
10 *place the employee on leave until the earlier of the*  
11 *date on which—*

12                   “(A) *the Secretary, after notice and an op-*  
13 *portunity for a hearing, determines that the em-*  
14 *ployee’s actions did not contribute substantially*  
15 *to the cause of the accident; or*

16                   “(B) *the Secretary determines the employee*  
17 *has been re-qualified or re-trained as provided*  
18 *for in section 60131 and can safely perform those*  
19 *activities.*

20           “(3) *EFFECT OF COLLECTIVE BARGAINING*  
21 *AGREEMENTS.—An action taken by an operator*  
22 *under paragraph (2) shall be in accordance with the*  
23 *terms and conditions of any applicable collective bar-*  
24 *gaining agreement.”; and*



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

3           “(2) to address and prevent the hazards and  
4           risks to the public, pipeline workers, and the environ-  
5           ment associated with encroachment on pipeline  
6           rights-of-way;

7           “(3) to raise the awareness of the risks and haz-  
8           ards of encroachment on pipeline rights-of-way; and

9           “(4) to address how to best preserve environ-  
10          mental resources in conjunction with maintaining  
11          pipeline rights-of-way, recognizing pipeline operators’  
12          regulatory obligations to maintain rights-of-way and  
13          to protect public safety.

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

16               “(1) The legal authority of Federal agencies and  
17               State and local governments in controlling land use  
18               and the limitations on such authority.

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

22               “(3) The most effective way to encourage Federal  
23               agencies and State and local governments to monitor  
24               and reduce encroachment upon pipeline rights-of-way.

25          “(d) *REPORT.*—



1           “(1) *IN GENERAL.*—Not later than 1 year after  
2           the date of enactment of this subsection, the Secretary  
3           shall publish a report identifying practices, laws, and  
4           ordinances that are most successful in addressing  
5           issues of encroachment and maintenance on pipeline  
6           rights-of-way so as to more effectively protect public  
7           safety, pipeline workers, and the environment.

8           “(2) *DISTRIBUTION OF REPORT.*—The Secretary  
9           shall provide a copy of the report to—

10           “(A) Congress and appropriate Federal  
11           agencies; and

12           “(B) States for further distribution to ap-  
13           propriate local authorities.

14           “(3) *ADOPTION OF PRACTICES, LAWS, AND ORDI-*  
15           *NANCES.*—The Secretary shall encourage Federal  
16           agencies and State and local governments to adopt  
17           and implement appropriate practices, laws, and ordi-  
18           nances, as identified in the report, to address the risks  
19           and hazards associated with encroachment upon pipe-  
20           line rights-of-way and to address the potential meth-  
21           ods of preserving environmental resources while main-  
22           taining pipeline rights-of-way, consistent with pipe-  
23           line safety.”.

1       (b) *CONFORMING AMENDMENT.*—*The analysis for*  
2 *chapter 601 is amended by striking the item relating to sec-*  
3 *tion 60127 and inserting the following:*

*“60127. Population encroachment and rights-of-way.”.*

4 **SEC. 12. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY**  
5 **RESEARCH AND DEVELOPMENT.**

6       (a) *IN GENERAL.*—*The heads of the participating*  
7 *agencies shall carry out a program of research, develop-*  
8 *ment, demonstration, and standardization to ensure the in-*  
9 *tegrity of pipeline facilities.*

10       (b) *MEMORANDUM OF UNDERSTANDING.*—

11               (1) *IN GENERAL.*—*Not later than 120 days after*  
12 *the date of enactment of this Act, the heads of the par-*  
13 *ticipating agencies shall enter into a memorandum of*  
14 *understanding detailing their respective responsibil-*  
15 *ities in the program authorized by subsection (a).*

16               (2) *AREAS OF EXPERTISE.*—*Under the memo-*  
17 *randum of understanding, each of the participating*  
18 *agencies shall have the primary responsibility for en-*  
19 *sureing that the elements of the program within its ex-*  
20 *pertise are implemented in accordance with this sec-*  
21 *tion. The Department of Transportation’s responsibil-*  
22 *ities shall reflect its lead role in pipeline safety and*  
23 *expertise in pipeline inspection, integrity manage-*  
24 *ment, and damage prevention. The Department of*  
25 *Energy’s responsibilities shall reflect its expertise in*

1 *system reliability, low-volume gas leak detection, and*  
2 *surveillance technologies. The National Institute of*  
3 *Standards and Technology’s responsibilities shall re-*  
4 *fect its expertise in materials research and assisting*  
5 *in the development of consensus technical standards,*  
6 *as that term is used in section 12(d)(4) of Public Law*  
7 *104–13 (15 U.S.C. 272 note).*

8 *(c) PROGRAM ELEMENTS.—The program authorized*  
9 *by subsection (a) shall include research, development, dem-*  
10 *onstration, and standardization activities related to—*

11 *(1) materials inspection;*

12 *(2) stress and fracture analysis, detection of*  
13 *cracks, corrosion, abrasion, and other abnormalities*  
14 *inside pipelines that lead to pipeline failure, and de-*  
15 *velopment of new equipment or technologies that are*  
16 *inserted into pipelines to detect anomalies;*

17 *(3) internal inspection and leak detection tech-*  
18 *nologies, including detection of leaks at very low vol-*  
19 *umes;*

20 *(4) methods of analyzing content of pipeline*  
21 *throughput;*

22 *(5) pipeline security, including improving the*  
23 *real-time surveillance of pipeline rights-of-way, devel-*  
24 *oping tools for evaluating and enhancing pipeline se-*  
25 *curity and infrastructure, reducing natural, techno-*

1        *logical, and terrorist threats, and protecting first re-*  
2        *sponse units and persons near an incident;*

3            *(6) risk assessment methodology, including vul-*  
4        *nerability assessment and reduction of third-party*  
5        *damage;*

6            *(7) communication, control, and information*  
7        *systems surety;*

8            *(8) fire safety of pipelines;*

9            *(9) improved excavation, construction, and re-*  
10       *pair technologies; and*

11          *(10) other appropriate elements.*

12        *(d) PROGRAM PLAN.—*

13            *(1) IN GENERAL.—Not later than 1 year after*  
14        *the date of enactment of this section, the Secretary of*  
15        *Transportation, in coordination with the Secretary of*  
16        *Energy and the Director of the National Institute of*  
17        *Standards and Technology, shall prepare and trans-*  
18        *mit to Congress a 5-year program plan to guide ac-*  
19        *tivities under this section. Such program plan shall*  
20        *be submitted to the Technical Pipeline Safety Stand-*  
21        *ards Committee and the Technical Hazardous Liquid*  
22        *Pipeline Safety Standards Committee for review, and*  
23        *the report to Congress shall include the comments of*  
24        *the committees. The 5-year program plan shall be*  
25        *based on the memorandum of understanding under*

1        *subsection (b) and take into account related activities*  
2        *of other Federal agencies.*

3            (2) *CONSULTATION.—In preparing the program*  
4        *plan and selecting and prioritizing appropriate*  
5        *project proposals, the Secretary of Transportation*  
6        *shall consult with or seek the advice of appropriate*  
7        *representatives of the natural gas, crude oil, and pe-*  
8        *troleum product pipeline industries, utilities, manu-*  
9        *facturers, institutions of higher learning, Federal*  
10       *agencies, pipeline research institutions, national lab-*  
11       *oratories, State pipeline safety officials, labor organi-*  
12       *zations, environmental organizations, pipeline safety*  
13       *advocates, and professional and technical societies.*

14        (e) *REPORTS TO CONGRESS.—Not later than 1 year*  
15       *after the date of enactment of this Act, and annually there-*  
16       *after, the heads of the participating agencies shall transmit*  
17       *jointly to Congress a report on the status and results to*  
18       *date of the implementation of the program plan prepared*  
19       *under subsection (d).*

20        (f) *AUTHORIZATION OF APPROPRIATIONS.—*

21            (1) *DEPARTMENT OF TRANSPORTATION.—There*  
22        *is authorized to be appropriated to the Secretary of*  
23        *Transportation for carrying out this section*  
24        *\$10,000,000 for each of the fiscal years 2003 through*  
25        *2006.*

1           (2) *DEPARTMENT OF ENERGY.*—*There is author-*  
2           *ized to be appropriated to the Secretary of Energy for*  
3           *carrying out this section \$10,000,000 for each of the*  
4           *fiscal years 2003 through 2006.*

5           (3) *NATIONAL INSTITUTE OF STANDARDS AND*  
6           *TECHNOLOGY.*—*There is authorized to be appro-*  
7           *priated to the Director of the National Institute of*  
8           *Standards and Technology for carrying out this sec-*  
9           *tion \$5,000,000 for each of the fiscal years 2003*  
10          *through 2006.*

11          (4) *GENERAL REVENUE FUNDING.*—*Any sums*  
12          *appropriated under this subsection shall be derived*  
13          *from general revenues and may not be derived from*  
14          *amounts collected under section 60301 of title 49,*  
15          *United States Code.*

16          (g) *PIPELINE INTEGRITY PROGRAM.*—*Of the amounts*  
17          *available in the Oil Spill Liability Trust Fund established*  
18          *by section 9509 of the Internal Revenue Code of 1986 (26*  
19          *U.S.C. 9509), \$3,000,000 shall be transferred to the Sec-*  
20          *retary of Transportation, as provided in appropriation*  
21          *Acts, to carry out programs for detection, prevention, and*  
22          *mitigation of oil spills for each of the fiscal years 2003*  
23          *through 2006.*

24          (h) *PARTICIPATING AGENCIES DEFINED.*—*In this sec-*  
25          *tion, the term “participating agencies” means the Depart-*

1 *ment of Transportation, the Department of Energy, and the*  
 2 *National Institute of Standards and Technology.*

3 **SEC. 13. PIPELINE QUALIFICATION PROGRAMS.**

4 *(a) VERIFICATION PROGRAM.—*

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

7 **“§60131. Verification of pipeline qualification pro-**  
 8 **grams**

9 *“(a) IN GENERAL.—Subject to the requirements of this*  
 10 *section, the Secretary of Transportation shall require the*  
 11 *operator of a pipeline facility to develop and adopt a quali-*  
 12 *fication program to ensure that the individuals who per-*  
 13 *form covered tasks are qualified to conduct such tasks.*

14 *“(b) STANDARDS AND CRITERIA.—*

15 *“(1) DEVELOPMENT.—Not later than 1 year*  
 16 *after the date of enactment of this section, the Sec-*  
 17 *retary shall ensure that the Department of Transpor-*  
 18 *tation has in place standards and criteria for quali-*  
 19 *fication programs referred to in subsection (a).*

20 *“(2) CONTENTS.—The standards and criteria*  
 21 *shall include the following:*

22 *“(A) The establishment of methods for eval-*  
 23 *uating the acceptability of the qualifications of*  
 24 *individuals described in subsection (a).*

1           “(B) A requirement that pipeline operators  
2           develop and implement written plans and proce-  
3           dures to qualify individuals described in sub-  
4           section (a) to a level found acceptable using the  
5           methods established under subparagraph (A) and  
6           evaluate the abilities of individuals described in  
7           subsection (a) according to such methods.

8           “(C) A requirement that the plans and pro-  
9           cedures adopted by a pipeline operator under  
10          subparagraph (B) be reviewed and verified under  
11          subsection (e).

12          “(c) *DEVELOPMENT OF QUALIFICATION PROGRAMS BY*  
13          *PIPELINE OPERATORS.—The Secretary shall require each*  
14          *pipeline operator to develop and adopt, not later than 2*  
15          *years after the date of enactment of this section, a qualifica-*  
16          *tion program that complies with the standards and criteria*  
17          *described in subsection (b).*

18          “(d) *ELEMENTS OF QUALIFICATION PROGRAMS.—A*  
19          *qualification program adopted by an operator under sub-*  
20          *section (a) shall include, at a minimum, the following ele-*  
21          *ments:*

22                 “(1) A method for examining or testing the  
23                 qualifications of individuals described in subsection  
24                 (a). The method may include written examination,  
25                 oral examination, observation during on-the-job per-



1 *formance, on-the-job training, simulations, and other*  
2 *forms of assessment. The method may not be limited*  
3 *to observation of on-the-job performance, except with*  
4 *respect to tasks for which the Secretary has deter-*  
5 *mined that such observation is the best method of ex-*  
6 *amining or testing qualifications. The Secretary shall*  
7 *ensure that the results of any such observations are*  
8 *documented in writing.*

9 “(2) *A requirement that the operator complete*  
10 *the qualification of all individuals described in sub-*  
11 *section (a) not later than 18 months after the date of*  
12 *adoption of the qualification program.*

13 “(3) *A periodic requalification component that*  
14 *provides for examination or testing of individuals in*  
15 *accordance with paragraph (1).*

16 “(4) *A program to provide training, as appro-*  
17 *priate, to ensure that individuals performing covered*  
18 *tasks have the necessary knowledge and skills to per-*  
19 *form the tasks in a manner that ensures the safe oper-*  
20 *ation of pipeline facilities.*

21 “(e) *REVIEW AND VERIFICATION OF PROGRAMS.—*

22 “(1) *IN GENERAL.—The Secretary shall review*  
23 *the qualification program of each pipeline operator*  
24 *and verify its compliance with the standards and cri-*  
25 *teria described in subsection (b) and that it includes*

1       *the elements described in subsection (d). The Sec-*  
2       *retary shall record the results of that review for use*  
3       *in the next review of an operator’s program.*

4               “(2) *DEADLINE FOR COMPLETION.*—*Reviews and*  
5       *verifications under this subsection shall be completed*  
6       *not later than 3 years after the date of the enactment*  
7       *of this section.*

8               “(3) *INADEQUATE PROGRAMS.*—*If the Secretary*  
9       *decides that a qualification program is inadequate for*  
10       *the safe operation of a pipeline facility, the Secretary*  
11       *shall act as under section 60108(a)(2) to require the*  
12       *operator to revise the qualification program.*

13               “(4) *PROGRAM MODIFICATIONS.*—*If the operator*  
14       *of a pipeline facility significantly modifies a program*  
15       *that has been verified under this subsection, the oper-*  
16       *ator shall notify the Secretary of the modifications.*  
17       *The Secretary shall review and verify such modifica-*  
18       *tions in accordance with paragraph (1).*

19               “(5) *WAIVERS AND MODIFICATIONS.*—*In accord-*  
20       *ance with section 60118(c), the Secretary may waive*  
21       *or modify any requirement of this section if the waiv-*  
22       *er or modification is not inconsistent with pipeline*  
23       *safety.*

24               “(6) *INACTION BY THE SECRETARY.*—*Notwith-*  
25       *standing any failure of the Secretary to prescribe*

1       standards and criteria as described in subsection (b),  
2       an operator of a pipeline facility shall develop and  
3       adopt a qualification program that complies with the  
4       requirement of subsection (b)(2)(B) and includes the  
5       elements described in subsection (d) not later than 2  
6       years after the date of enactment of this section.

7       “(f) *INTRASTATE PIPELINE FACILITIES.*—In the case  
8       of an intrastate pipeline facility operator, the duties and  
9       powers of the Secretary under this section with respect to  
10      the qualification program of the operator shall be vested in  
11      the appropriate State regulatory agency, consistent with  
12      this chapter.

13      “(g) *COVERED TASK DEFINED.*—In this section, the  
14      term ‘covered task’—

15              “(1) with respect to a gas pipeline facility, has  
16              the meaning such term has under section 192.801 of  
17              title 49, Code of Federal Regulations, including any  
18              subsequent modifications; and

19              “(2) with respect to a hazardous liquid pipeline  
20              facility, has the meaning such term has under section  
21              195.501 of such title, including any subsequent modi-  
22              fications.

23      “(h) *REPORT.*—Not later than 4 years after the date  
24      of enactment of this section, the Secretary shall transmit  
25      to Congress a report on the status and results to date of

1 *the personnel qualification regulations issued under this*  
2 *chapter.”.*

3           (2) *CONFORMING AMENDMENT.—The analysis for*  
4 *chapter 601 is amended by adding at end the fol-*  
5 *lowing:*

*“60131. Verification of pipeline qualification programs.”.*

6           (b) *PILOT PROGRAM FOR CERTIFICATION OF CERTAIN*  
7 *PIPELINE WORKERS.—*

8           (1) *IN GENERAL.—Not later than 36 months*  
9 *after the date of enactment of this Act, the Secretary*  
10 *of Transportation shall—*

11                   (A) *develop tests and other requirements for*  
12 *certifying the qualifications of individuals who*  
13 *operate computer-based systems for controlling*  
14 *the operations of pipelines; and*

15                   (B) *establish and carry out a pilot program*  
16 *for 3 pipeline facilities under which the individ-*  
17 *uals operating computer-based systems for con-*  
18 *trolling the operations of pipelines at such facili-*  
19 *ties are required to be certified under the process*  
20 *established under subparagraph (A).*

21           (2) *REPORT.—The Secretary shall include in the*  
22 *report required under section 60131(h), as added by*  
23 *subsection (a) of this section, the results of the pilot*  
24 *program. The report shall include—*

1           (A) a description of the pilot program and  
2           implementation of the pilot program at each of  
3           the 3 pipeline facilities;

4           (B) an evaluation of the pilot program, in-  
5           cluding the effectiveness of the process for certi-  
6           fying individuals who operate computer-based  
7           systems for controlling the operations of pipe-  
8           lines;

9           (C) any recommendations of the Secretary  
10          for requiring the certification of all individuals  
11          who operate computer-based systems for control-  
12          ling the operations of pipelines; and

13          (D) an assessment of the ramifications of  
14          requiring the certification of other individuals  
15          performing safety-sensitive functions for a pipe-  
16          line facility.

17          (3) *COMPUTER-BASED SYSTEMS DEFINED.*—In  
18          this subsection, the term “computer-based systems”  
19          means supervisory control and data acquisition sys-  
20          tems.

21 **SEC. 14. RISK ANALYSIS AND INTEGRITY MANAGEMENT**  
22 **PROGRAMS FOR GAS PIPELINES.**

23          (a) *IN GENERAL.*—Section 60109 is amended by add-  
24          ing at the end the following:

1       “(c) *RISK ANALYSIS AND INTEGRITY MANAGEMENT*  
2 *PROGRAMS.*—

3               “(1) *REQUIREMENT.*—*Each operator of a gas*  
4 *pipeline facility shall conduct an analysis of the risks*  
5 *to each facility of the operator located in an area*  
6 *identified pursuant to subsection (a)(1) and defined*  
7 *in chapter 192 of title 49, Code of Federal Regula-*  
8 *tions, including any subsequent modifications, and*  
9 *shall adopt and implement a written integrity man-*  
10 *agement program for such facility to reduce the risks.*

11               “(2) *REGULATIONS.*—

12                       “(A) *IN GENERAL.*—*Not later than 12*  
13 *months after the date of enactment of this sub-*  
14 *section, the Secretary shall issue regulations pre-*  
15 *scribing standards to direct an operator’s con-*  
16 *duct of a risk analysis and adoption and imple-*  
17 *mentation of an integrity management program*  
18 *under this subsection. The regulations shall re-*  
19 *quire an operator to conduct a risk analysis and*  
20 *adopt an integrity management program within*  
21 *a time period prescribed by the Secretary, end-*  
22 *ing not later than 24 months after such date of*  
23 *enactment. Not later than 18 months after such*  
24 *date of enactment, each operator of a gas pipe-*

1           *line facility shall begin a baseline integrity as-*  
2           *essment described in paragraph (3).*

3           “(B) *AUTHORITY TO ISSUE REGULA-*  
4           *TIONS.—The Secretary may satisfy the require-*  
5           *ments of this paragraph through the issuance of*  
6           *regulations under this paragraph or under other*  
7           *authority of law.*

8           “(3) *MINIMUM REQUIREMENTS OF INTEGRITY*  
9           *MANAGEMENT PROGRAMS.—An integrity management*  
10          *program required under paragraph (1) shall include,*  
11          *at a minimum, the following requirements:*

12           “(A) *A baseline integrity assessment of each*  
13           *of the operator’s facilities in areas identified*  
14           *pursuant to subsection (a)(1) and defined in*  
15           *chapter 192 of title 49, Code of Federal Regula-*  
16           *tions, including any subsequent modifications,*  
17           *by internal inspection device, pressure testing,*  
18           *direct assessment, or an alternative method that*  
19           *the Secretary determines would provide an equal*  
20           *or greater level of safety. The operator shall com-*  
21           *plete such assessment not later than 10 years*  
22           *after the date of enactment of this subsection. At*  
23           *least 50 percent of such facilities shall be assessed*  
24           *not later than 5 years after such date of enact-*  
25           *ment. The operator shall prioritize such facilities*

1           *for assessment based on all risk factors, includ-*  
2           *ing any previously discovered defects or anoma-*  
3           *lies and any history of leaks, repairs, or failures.*  
4           *The operator shall ensure that assessments of fa-*  
5           *ilities with the highest risks are given priority*  
6           *for completion and that such assessments will be*  
7           *completed not later than 5 years after such date*  
8           *of enactment.*

9           “(B) Subject to paragraph (5), periodic re-  
10          *assessment of the facility, at a minimum of once*  
11          *every 7 years, using methods described in sub-*  
12          *paragraph (A).*

13          “(C) Clearly defined criteria for evaluating  
14          *the results of assessments conducted under sub-*  
15          *paragraphs (A) and (B) and for taking actions*  
16          *based on such results.*

17          “(D) A method for conducting an analysis  
18          *on a continuing basis that integrates all avail-*  
19          *able information about the integrity of the facil-*  
20          *ity and the consequences of releases from the fa-*  
21          *cility.*

22          “(E) A description of actions to be taken by  
23          *the operator to promptly address any integrity*  
24          *issue raised by an evaluation conducted under*



1           *subparagraph (C) or the analysis conducted*  
2           *under subparagraph (D).*

3           “(F) *A description of measures to prevent*  
4           *and mitigate the consequences of releases from*  
5           *the facility.*

6           “(G) *A method for monitoring cathodic pro-*  
7           *tection systems throughout the pipeline system of*  
8           *the operator to the extent not addressed by other*  
9           *regulations.*

10          “(H) *If the Secretary raises a safety con-*  
11          *cern relating to the facility, a description of the*  
12          *actions to be taken by the operator to address the*  
13          *safety concern, including issues raised with the*  
14          *Secretary by States and local authorities under*  
15          *an agreement entered into under section 60106.*

16          “(4) *TREATMENT OF BASELINE INTEGRITY AS-*  
17          *SESSMENTS.—In the case of a baseline integrity as-*  
18          *essment conducted by an operator in the period be-*  
19          *ginning on the date of enactment of this subsection*  
20          *and ending on the date of issuance of regulations*  
21          *under this subsection, the Secretary shall accept the*  
22          *assessment as complete, and shall not require the op-*  
23          *erator to repeat any portion of the assessment, if the*  
24          *Secretary determines that the assessment was con-*

1        *ducted in accordance with the requirements of this*  
2        *subsection.*

3                *“(5) WAIVERS AND MODIFICATIONS.—In accord-*  
4        *ance with section 60118(c), the Secretary may waive*  
5        *or modify any requirement for reassessment of a facil-*  
6        *ity under paragraph (3)(B) for reasons that may in-*  
7        *clude the need to maintain local product supply or*  
8        *the lack of internal inspection devices if the Secretary*  
9        *determines that such waiver is not inconsistent with*  
10       *pipeline safety.*

11               *“(6) STANDARDS.—The standards prescribed by*  
12       *the Secretary under paragraph (2) shall address each*  
13       *of the following factors:*

14               *“(A) The minimum requirements described*  
15       *in paragraph (3).*

16               *“(B) The type or frequency of inspections or*  
17       *testing of pipeline facilities, in addition to the*  
18       *minimum requirements of paragraph (3)(B).*

19               *“(C) The manner in which the inspections*  
20       *or testing are conducted.*

21               *“(D) The criteria used in analyzing results*  
22       *of the inspections or testing.*

23               *“(E) The types of information sources that*  
24       *must be integrated in assessing the integrity of*

1           *a pipeline facility as well as the manner of inte-*  
2           *gration.*

3           “(F) *The nature and timing of actions se-*  
4           *lected to address the integrity of a pipeline facil-*  
5           *ity.*

6           “(G) *Such other factors as the Secretary de-*  
7           *termines appropriate to ensure that the integrity*  
8           *of a pipeline facility is addressed and that ap-*  
9           *propriate mitigative measures are adopted to*  
10          *protect areas identified under subsection (a)(1).*

11          *In prescribing those standards, the Secretary shall en-*  
12          *sure that all inspections required are conducted in a*  
13          *manner that minimizes environmental and safety*  
14          *risks, and shall take into account the applicable level*  
15          *of protection established by national consensus stand-*  
16          *ards organizations.*

17          “(7) *ADDITIONAL OPTIONAL STANDARDS.—The*  
18          *Secretary may also prescribe standards requiring an*  
19          *operator of a pipeline facility to include in an integ-*  
20          *riety management program under this subsection—*

21                 “(A) *changes to valves or the establishment*  
22                 *or modification of systems that monitor pressure*  
23                 *and detect leaks based on the operator’s risk*  
24                 *analysis; and*

1           “(B) the use of emergency flow restricting  
2           devices.

3           “(8) *LACK OF REGULATIONS.*—*In the absence of*  
4           *regulations addressing the elements of an integrity*  
5           *management program described in this subsection, the*  
6           *operator of a pipeline facility shall conduct a risk*  
7           *analysis and adopt and implement an integrity man-*  
8           *agement program described in this subsection not*  
9           *later than 24 months after the date of enactment of*  
10          *this subsection and shall complete the baseline integ-*  
11          *egrity assessment described in this subsection not later*  
12          *than 10 years after such date of enactment. At least*  
13          *50 percent of such facilities shall be assessed not later*  
14          *than 5 years after such date of enactment. The oper-*  
15          *ator shall prioritize such facilities for assessment*  
16          *based on all risk factors, including any previously*  
17          *discovered defects or anomalies and any history of*  
18          *leaks, repairs, or failures. The operator shall ensure*  
19          *that assessments of facilities with the highest risks are*  
20          *given priority for completion and that such assess-*  
21          *ments will be completed not later than 5 years after*  
22          *such date of enactment.*

23          “(9) *REVIEW OF INTEGRITY MANAGEMENT PRO-*  
24          *GRAMS.*—

25          “(A) *REVIEW OF PROGRAMS.*—

1           “(i) *IN GENERAL.*—*The Secretary shall*  
2           *review a risk analysis and integrity man-*  
3           *agement program under paragraph (1) and*  
4           *record the results of that review for use in*  
5           *the next review of an operator’s program.*

6           “(ii) *CONTEXT OF REVIEW.*—*The Sec-*  
7           *retary may conduct a review under clause*  
8           *(i) as an element of the Secretary’s inspec-*  
9           *tion of an operator.*

10          “(iii) *INADEQUATE PROGRAMS.*—*If the*  
11          *Secretary determines that a risk analysis or*  
12          *integrity management program does not*  
13          *comply with the requirements of this sub-*  
14          *section or regulations issued as described in*  
15          *paragraph (2), or is inadequate for the safe*  
16          *operation of a pipeline facility, the Sec-*  
17          *retary shall act under section 60108(a)(2)*  
18          *to require the operator to revise the risk*  
19          *analysis or integrity management program.*

20          “(B) *AMENDMENTS TO PROGRAMS.*—*In*  
21          *order to facilitate reviews under this paragraph,*  
22          *an operator of a pipeline facility shall notify the*  
23          *Secretary of any amendment made to the opera-*  
24          *tor’s integrity management program not later*  
25          *than 30 days after the date of adoption of the*

1           *amendment. The Secretary shall review any such*  
2           *amendment in accordance with this paragraph.*

3           “(C) *TRANSMITTAL OF PROGRAMS TO STATE*  
4           *AUTHORITIES.—The Secretary shall provide a*  
5           *copy of each risk analysis and integrity manage-*  
6           *ment program reviewed by the Secretary under*  
7           *this paragraph to any appropriate State author-*  
8           *ity with which the Secretary has entered into an*  
9           *agreement under section 60106.*

10          “(10) *STATE REVIEW OF INTEGRITY MANAGE-*  
11          *MENT PLANS.—A State authority that enters into an*  
12          *agreement pursuant to section 60106, permitting the*  
13          *State authority to review the risk analysis and integ-*  
14          *egrity management program pursuant to paragraph*  
15          *(9), may provide the Secretary with a written assess-*  
16          *ment of the risk analysis and integrity management*  
17          *program, make recommendations, as appropriate, to*  
18          *address safety concerns not adequately addressed by*  
19          *the operator’s risk analysis or integrity management*  
20          *program, and submit documentation explaining the*  
21          *State-proposed revisions. The Secretary shall consider*  
22          *carefully the State’s proposals and work in consulta-*  
23          *tion with the States and operators to address safety*  
24          *concerns.*

1           “(11) *APPLICATION OF STANDARDS.*—Section  
2           60104(b) shall not apply to this section.”.

3           (b) *INTEGRITY MANAGEMENT REGULATIONS.*—Section  
4           60109 is further amended by adding at the end the fol-  
5           lowing:

6           “(d) *EVALUATION OF INTEGRITY MANAGEMENT REGU-*  
7           *LATIONS.*—Not later than 4 years after the date of enact-  
8           ment of this subsection, the Comptroller General shall com-  
9           plete an assessment and evaluation of the effects on public  
10          safety and the environment of the requirements for the im-  
11          plementation of integrity management programs contained  
12          in the standards prescribed as described in subsection  
13          (c)(2).”.

14          (c) *CONFORMING AMENDMENT.*—Section 60118(a) is  
15          amended—

16               (1) by striking “and” at the end of paragraph  
17               (2);

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

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

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

24          (d) *STUDY OF REASSESSMENT INTERVALS.*—

1           (1) *STUDY.*—*The Comptroller General shall con-*  
2 *duct a study to evaluate the 7-year reassessment in-*  
3 *terval required by section 60109(c)(3)(B) of title 49,*  
4 *United States Code, as added by subsection (a) of this*  
5 *section.*

6           (2) *REPORT.*—*Not later than 4 years after the*  
7 *date of the enactment of this Act, the Comptroller*  
8 *General shall transmit to Congress a report on the re-*  
9 *sults of the study conducted under paragraph (1).*

10 **SEC. 15. NATIONAL PIPELINE MAPPING SYSTEM.**

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

13 **“§ 60132. National pipeline mapping system**

14           “(a) *INFORMATION TO BE PROVIDED.*—*Not later than*  
15 *6 months after the date of enactment of this section, the*  
16 *operator of a pipeline facility (except distribution lines and*  
17 *gathering lines) shall provide to the Secretary of Transpor-*  
18 *tation the following information with respect to the facility:*

19                   “(1) *Geospatial data appropriate for use in the*  
20 *National Pipeline Mapping System or data in a for-*  
21 *mat that can be readily converted to geospatial data.*

22                   “(2) *The name and address of the person with*  
23 *primary operational control to be identified as its op-*  
24 *erator for purposes of this chapter.*



1           “(3) *A means for a member of the public to con-*  
 2           *tact the operator for additional information about the*  
 3           *pipeline facilities it operates.*

4           “(b) *UPDATES.—A person providing information*  
 5           *under subsection (a) shall provide to the Secretary updates*  
 6           *of the information to reflect changes in the pipeline facility*  
 7           *owned or operated by the person and as otherwise required*  
 8           *by the Secretary.*

9           “(c) *TECHNICAL ASSISTANCE TO IMPROVE LOCAL RE-*  
 10          *SPONSE CAPABILITIES.—The Secretary may provide tech-*  
 11          *nical assistance to State and local officials to improve local*  
 12          *response capabilities for pipeline emergencies by adapting*  
 13          *information available through the National Pipeline Map-*  
 14          *ping System to software used by emergency response per-*  
 15          *sonnel responding to pipeline emergencies.”.*

16          “(b) *CONFORMING AMENDMENT.—The analysis for*  
 17          *chapter 601 is amended by adding at the end the following:*  
           “60132. *National pipeline mapping system.”.*

18          **SEC. 16. COORDINATION OF ENVIRONMENTAL REVIEWS.**

19          “(a) *IN GENERAL.—Chapter 601 is further amended by*  
 20          *adding at the end the following:*

21          **“§ 60133. Coordination of environmental reviews**

22          “(a) *INTERAGENCY COMMITTEE.—*

23                 “(1) *ESTABLISHMENT AND PURPOSE.—Not later*  
 24                 *than 30 days after the date of enactment of this sec-*  
 25                 *tion, the President shall establish an Interagency*

1 *Committee to develop and ensure implementation of a*  
2 *coordinated environmental review and permitting*  
3 *process in order to enable pipeline operators to com-*  
4 *mence and complete all activities necessary to carry*  
5 *out pipeline repairs within any time periods specified*  
6 *by rule by the Secretary.*

7 “(2) *MEMBERSHIP.*—*The Chairman of the Coun-*  
8 *cil on Environmental Quality (or a designee of the*  
9 *Chairman) shall chair the Interagency Committee,*  
10 *which shall consist of representatives of Federal agen-*  
11 *cies with responsibilities relating to pipeline repair*  
12 *projects, including each of the following persons (or a*  
13 *designee thereof):*

14 “(A) *The Secretary of Transportation.*

15 “(B) *The Administrator of the Environ-*  
16 *mental Protection Agency.*

17 “(C) *The Director of the United States Fish*  
18 *and Wildlife Service.*

19 “(D) *The Assistant Administrator for Fish-*  
20 *eries of the National Oceanic and Atmospheric*  
21 *Administration.*

22 “(E) *The Director of the Bureau of Land*  
23 *Management.*

24 “(F) *The Director of the Minerals Manage-*  
25 *ment Service.*

1                   “(G) *The Assistant Secretary of the Army*  
2                   *for Civil Works.*

3                   “(H) *The Chairman of the Federal Energy*  
4                   *Regulatory Commission.*

5                   “(3) *EVALUATION.—The Interagency Committee*  
6                   *shall evaluate Federal permitting requirements to*  
7                   *which access, excavation, and restoration activities in*  
8                   *connection with pipeline repairs described in para-*  
9                   *graph (1) may be subject. As part of its evaluation,*  
10                  *the Interagency Committee shall examine the access,*  
11                  *excavation, and restoration practices of the pipeline*  
12                  *industry in connection with such pipeline repairs,*  
13                  *and may develop a compendium of best practices used*  
14                  *by the industry to access, excavate, and restore the*  
15                  *site of a pipeline repair.*

16                  “(4) *MEMORANDUM OF UNDERSTANDING.—Based*  
17                  *upon the evaluation required under paragraph (3)*  
18                  *and not later than 1 year after the date of enactment*  
19                  *of this section, the members of the Interagency Com-*  
20                  *mittee shall enter into a memorandum of under-*  
21                  *standing to provide for a coordinated and expedited*  
22                  *pipeline repair permit review process to carry out the*  
23                  *purpose set forth in paragraph (1). The Interagency*  
24                  *Committee shall include provisions in the memo-*  
25                  *randum of understanding identifying those repairs or*

1 categories of repairs described in paragraph (1) for  
2 which the best practices identified under paragraph  
3 (3), when properly employed by a pipeline operator,  
4 would result in no more than minimal adverse effects  
5 on the environment and for which discretionary ad-  
6 ministrative reviews may therefore be minimized or  
7 eliminated. With respect to pipeline repairs described  
8 in paragraph (1) to which the preceding sentence  
9 would not be applicable, the Interagency Committee  
10 shall include provisions to enable pipeline operators  
11 to commence and complete all activities necessary to  
12 carry out pipeline repairs within any time periods  
13 specified by rule by the Secretary. The Interagency  
14 Committee shall include in the memorandum of un-  
15 derstanding criteria under which permits required for  
16 such pipeline repair activities should be prioritized  
17 over other less urgent agency permit application re-  
18 views. The Interagency Committee shall not enter into  
19 a memorandum of understanding under this para-  
20 graph except by unanimous agreement of the members  
21 of the Interagency Committee.

22 “(5) STATE AND LOCAL CONSULTATION.—In car-  
23 rying out this subsection, the Interagency Committee  
24 shall consult with appropriate State and local envi-  
25 ronmental, pipeline safety, and emergency response

1       officials, and such other officials as the Interagency  
2       Committee considers appropriate.

3       “(b) *IMPLEMENTATION.*—Not later than 180 days after  
4       the completion of the memorandum of understanding re-  
5       quired under subsection (a)(4), each agency represented on  
6       the Interagency Committee shall revise its regulations as  
7       necessary to implement the provisions of the memorandum  
8       of understanding.

9       “(c) *SAVINGS PROVISIONS; NO PREEMPTION.*—Noth-  
10      ing in this section shall be construed—

11             “(1) to require a pipeline operator to obtain a  
12             Federal permit, if no Federal permit would otherwise  
13             have been required under Federal law; or

14             “(2) to preempt applicable Federal, State, or  
15             local environmental law.

16      “(d) *INTERIM OPERATIONAL ALTERNATIVES.*—

17             “(1) *IN GENERAL.*—Not later than 30 days after  
18             the date of enactment of this section, and subject to  
19             the limitations in paragraph (2), the Secretary of  
20             Transportation shall revise the regulations of the De-  
21             partment, to the extent necessary, to permit a pipe-  
22             line operator subject to time periods for repair speci-  
23             fied by rule by the Secretary to implement alternative  
24             mitigation measures until all applicable permits have  
25             been granted.

1           “(2) *LIMITATIONS.*—*The regulations issued by*  
2           *the Secretary pursuant to this subsection shall not*  
3           *allow an operator to implement alternative mitiga-*  
4           *tion measures pursuant to paragraph (1) unless—*

5                   “(A) *allowing the operator to implement*  
6                   *such measures would be consistent with the pro-*  
7                   *tection of human health, public safety, and the*  
8                   *environment;*

9                   “(B) *the operator, with respect to a par-*  
10                  *ticular repair project, has applied for and is*  
11                  *pursuing diligently and in good faith all re-*  
12                  *quired Federal, State, and local permits to carry*  
13                  *out the project; and*

14                  “(C) *the proposed alternative mitigation*  
15                  *measures are not incompatible with pipeline*  
16                  *safety.*

17           “(e) *OMBUDSMAN.*—*The Secretary shall designate an*  
18           *ombudsman to assist in expediting pipeline repairs and re-*  
19           *solving disagreements between Federal, State, and local per-*  
20           *mitting agencies and the pipeline operator during agency*  
21           *review of any pipeline repair activity, consistent with pro-*  
22           *tection of human health, public safety, and the environment.*

23           “(f) *STATE AND LOCAL PERMITTING PROCESSES.*—  
24           *The Secretary shall encourage States and local governments*  
25           *to consolidate their respective permitting processes for pipe-*

1 *line repair projects subject to any time periods for repair*  
2 *specified by rule by the Secretary. The Secretary may re-*  
3 *quest other relevant Federal agencies to provide technical*  
4 *assistance to States and local governments for the purpose*  
5 *of encouraging such consolidation.”.*

6 (b) *CONFORMING AMENDMENT.—The analysis for*  
7 *chapter 601 is amended by adding at the end the following:*  
8 *“60133. Coordination of environmental reviews.”.*

8 **SEC. 17. NATIONWIDE TOLL-FREE NUMBER SYSTEM.**

9 *Within 1 year after the date of the enactment of this*  
10 *Act, the Secretary of Transportation shall, in conjunction*  
11 *with the Federal Communications Commission, facility op-*  
12 *erators, excavators, and one-call notification system opera-*  
13 *tors, provide for the establishment of a 3-digit nationwide*  
14 *toll-free telephone number system to be used by State one-*  
15 *call notification systems.*

16 **SEC. 18. IMPLEMENTATION OF INSPECTOR GENERAL REC-**  
17 **COMMENDATIONS.**

18 (a) *IN GENERAL.—Except as otherwise required by*  
19 *this Act, the Secretary of Transportation shall implement*  
20 *the safety improvement recommendations provided for in*  
21 *the Department of Transportation Inspector General’s Re-*  
22 *port (RT–2000–069).*

23 (b) *REPORTS BY THE SECRETARY.—Not later than 90*  
24 *days after the date of enactment of this Act, and every 90*  
25 *days thereafter until each of the recommendations referred*

1 *to in subsection (a) has been implemented, the Secretary*  
2 *shall transmit to the Committee on Commerce, Science, and*  
3 *Transportation of the Senate and the Committees on Trans-*  
4 *portation and Infrastructure and Energy and Commerce of*  
5 *the House of Representatives a report on the specific actions*  
6 *taken to implement such recommendations.*

7       (c) *REPORTS BY THE INSPECTOR GENERAL.—The In-*  
8 *spector General shall periodically transmit to the commit-*  
9 *tees referred to in subsection (b) a report assessing the Sec-*  
10 *retary’s progress in implementing the recommendations re-*  
11 *ferred to in subsection (a) and identifying options for the*  
12 *Secretary to consider in accelerating recommendation im-*  
13 *plementation.*

14 **SEC. 19. NTSB SAFETY RECOMMENDATIONS.**

15       (a) *IN GENERAL.—The Secretary of Transportation,*  
16 *the Administrator of Research and Special Program Ad-*  
17 *ministration, and the Director of the Office of Pipeline*  
18 *Safety shall fully comply with section 1135 of title 49,*  
19 *United States Code, to ensure timely responsiveness to Na-*  
20 *tional Transportation Safety Board recommendations*  
21 *about pipeline safety.*

22       (b) *PUBLIC AVAILABILITY.—The Secretary, Adminis-*  
23 *trator, or Director, respectively, shall make a copy of each*  
24 *recommendation on pipeline safety and response, as de-*



1 *scribed in subsections (a) and (b) of section 1135, title 49,*  
2 *United States Code.*

3 *(c) REPORTS TO CONGRESS.—The Secretary, Admin-*  
4 *istrator, or Director, respectively, shall submit to Congress*  
5 *by January 1 of each year a report containing each rec-*  
6 *ommendation on pipeline safety made by the Board during*  
7 *the prior year and a copy of the response to each such rec-*  
8 *ommendation.*

9 **SEC. 20. MISCELLANEOUS AMENDMENTS.**

10 *(a) GENERAL AUTHORITY AND PURPOSE.—*

11 *(1) IN GENERAL.—Section 60102(a) is*  
12 *amended—*

13 *(A) by redesignating paragraph (2) as*  
14 *paragraph (3);*

15 *(B) by striking “(a)(1)” and all that follows*  
16 *through “The Secretary of Transportation” and*  
17 *inserting the following:*

18 *“(a) PURPOSE AND MINIMUM SAFETY STANDARDS.—*

19 *“(1) PURPOSE.—The purpose of this chapter is*  
20 *to provide adequate protection against risks to life*  
21 *and property posed by pipeline transportation and*  
22 *pipeline facilities by improving the regulatory and*  
23 *enforcement authority of the Secretary of Transpor-*  
24 *tation.*

1           “(2) *MINIMUM SAFETY STANDARDS.—The Sec-*  
2           *retary*”;

3                   (C) *by moving the remainder of the text of*  
4                   *paragraph (2) (as so redesignated), including*  
5                   *subparagraphs (A) and (B) but excluding sub-*  
6                   *paragraph (C), 2 ems to the right; and*

7                   (D) *in paragraph (3) (as so redesignated)*  
8                   *by inserting “QUALIFICATIONS OF PIPELINE OP-*  
9                   *ERATORS.—” before “The qualifications”.*

10           (2) *CONFORMING AMENDMENTS.—Chapter 601 is*  
11           *amended—*

12                   (A) *by striking the heading for section*  
13                   *60102 and inserting the following:*

14           **“§ 60102. Purpose and general authority”; and**

15                   (B) *in the analysis for such chapter by*  
16                   *striking the item relating to section 60102 and*  
17                   *inserting the following:*

          “60102. Purpose and general authority.”.

18           (b) *CONFLICTS OF INTEREST.—Section 60115(b)(4) is*  
19           *amended by adding at the end the following:*

20                   “(D) *None of the individuals selected for a committee*  
21                   *under paragraph (3)(C) may have a significant financial*  
22                   *interest in the pipeline, petroleum, or gas industry.”.*

23           **SEC. 21. TECHNICAL AMENDMENTS.**

24           Chapter 601 is amended—

1           (1) in section 60110(b) by striking “cir-  
2           cumstances” and all that follows through “operator”  
3           and inserting the following: “circumstances, if any,  
4           under which an operator”;

5           (2) in section 60114 by redesignating subsection  
6           (d) as subsection (c);

7           (3) in section 60122(a)(1) by striking “section  
8           60114(c)” and inserting “section 60114(b)”; and

9           (4) in section 60123(a) by striking “60114(c)”  
10          and inserting “60114(b)”.

11 **SEC. 22. AUTHORIZATION OF APPROPRIATIONS.**

12          (a) *GAS AND HAZARDOUS LIQUID.*—Section 60125(a)  
13          is amended to read as follows:

14          “(a) *GAS AND HAZARDOUS LIQUID.*—To carry out  
15          this chapter (except for section 60107) related to gas and  
16          hazardous liquid, the following amounts are authorized to  
17          be appropriated to the Department of Transportation:

18                 “(1) \$45,800,000 for fiscal year 2003, of which  
19                 \$31,900,000 is to be derived from user fees for fiscal  
20                 year 2003 collected under section 60301 of this title.

21                 “(2) \$46,800,000 for fiscal year 2004, of which  
22                 \$35,700,000 is to be derived from user fees for fiscal  
23                 year 2004 collected under section 60301 of this title.

1           “(3) \$47,100,000 for fiscal year 2005, of which  
2           \$41,100,000 is to be derived from user fees for fiscal  
3           year 2005 collected under section 60301 of this title.

4           “(4) \$50,000,000 for fiscal year 2006, of which  
5           \$45,000,000 is to be derived from user fees for fiscal  
6           year 2006 collected under section 60301 of this title.”.

7           (b) *STATE GRANTS*.—Section 60125 is amended—

8           (1) by striking subsections (b), (d), and (f) and  
9           redesignating subsection (c) as subsection (b); and

10           (2) in subsection (b)(1) (as so redesignated) by  
11           striking subparagraphs (A) through (H) and insert-  
12           ing the following:

13           “(A) \$19,800,000 for fiscal year 2003, of which  
14           \$14,800,000 is to be derived from user fees for fiscal  
15           year 2003 collected under section 60301 of this title.

16           “(B) \$21,700,000 for fiscal year 2004, of which  
17           \$16,700,000 is to be derived from user fees for fiscal  
18           year 2004 collected under section 60301 of this title.

19           “(C) \$24,600,000 for fiscal year 2005, of which  
20           \$19,600,000 is to be derived from user fees for fiscal  
21           year 2005 collected under section 60301 of this title.

22           “(D) \$26,500,000 for fiscal year 2006, of which  
23           \$21,500,000 is to be derived from user fees for fiscal  
24           year 2006 collected under section 60301 of this title.”.

1       (c) *OIL SPILLS; EMERGENCY RESPONSE GRANTS.*—  
 2       Section 60125 is amended by inserting after subsection (b)  
 3       (as redesignated by subsection (b)(1) of this section) the fol-  
 4       lowing:

5       “(c) *OIL SPILL LIABILITY TRUST FUND.*—Of the  
 6       amounts available in the Oil Spill Liability Trust Fund,  
 7       \$8,000,000 shall be transferred to the Secretary of Trans-  
 8       portation, as provided in appropriation Acts, to carry out  
 9       programs authorized in this chapter for each of fiscal years  
 10      2003 through 2006.

11      “(d) *EMERGENCY RESPONSE GRANTS.*—

12              “(1) *IN GENERAL.*—The Secretary may establish  
 13      a program for making grants to State, county, and  
 14      local governments in high consequence areas, as de-  
 15      fined by the Secretary, for emergency response man-  
 16      agement, training, and technical assistance.

17              “(2) *AUTHORIZATION OF APPROPRIATIONS.*—  
 18      There is authorized to be appropriated \$6,000,000 for  
 19      each of fiscal years 2003 through 2006 to carry out  
 20      this subsection.”.

21      (d) *CONFORMING AMENDMENT.*—Section 60125(e) is  
 22      amended by striking “or (b) of this section”.

23      **SEC. 23. INSPECTIONS BY DIRECT ASSESSMENT.**

24      Section 60102, as amended by this Act, is further  
 25      amended by adding at the end the following:

1           “(m) *INSPECTIONS BY DIRECT ASSESSMENT.*—Not  
2 later than 1 year after the date of the enactment of this  
3 subsection, the Secretary shall issue regulations prescribing  
4 standards for inspection of a pipeline facility by direct as-  
5 sessment.”.

6 **SEC. 24. STATE PIPELINE SAFETY ADVISORY COMMITTEES.**

7           *Within 90 days after receiving recommendations for*  
8 *improvements to pipeline safety from an advisory com-*  
9 *mittee appointed by the Governor of any State, the Sec-*  
10 *retary of Transportation shall respond in writing to the*  
11 *committee setting forth what action, if any, the Secretary*  
12 *will take on those recommendations and the Secretary’s rea-*  
13 *sons for acting or not acting upon any of the recommenda-*  
14 *tions.*

15 **SEC. 25. PIPELINE BRIDGE RISK STUDY.**

16           *(a) IN GENERAL.*—*The Secretary of Transportation*  
17 *shall conduct a study to determine whether cable-suspension*  
18 *pipeline bridges pose structural or other risks warranting*  
19 *particularized attention in connection with pipeline opera-*  
20 *tors risk assessment programs and whether particularized*  
21 *inspection standards need to be developed by the Depart-*  
22 *ment of Transportation to recognize the peculiar risks posed*  
23 *by such bridges.*

24           *(b) PUBLIC PARTICIPATION AND COMMENTS.*—*In con-*  
25 *ducting the study, the Secretary shall provide, to the max-*

1 *imum extent practicable, for public participation and com-*  
2 *ment and shall solicit views and comments from the public*  
3 *and interested persons, including participants in the pipe-*  
4 *line industry with knowledge and experience in inspection*  
5 *of pipeline facilities.*

6 (c) *COMPLETION AND REPORT.*—*Within 2 years after*  
7 *the date of enactment of this Act, the Secretary shall com-*  
8 *plete the study and transmit to Congress a report detailing*  
9 *the results of the study.*

10 (d) *FUNDING.*—*The Secretary may carry out this sec-*  
11 *tion using only amounts that are specifically appropriated*  
12 *to carry out this section.*

13 **SEC. 26. STUDY AND REPORT ON NATURAL GAS PIPELINE**  
14 **AND STORAGE FACILITIES IN NEW ENGLAND.**

15 (a) *STUDY.*—*The Federal Energy Regulatory Commis-*  
16 *sion, in consultation with the Department of Energy, shall*  
17 *conduct a study on the natural gas pipeline transmission*  
18 *network in New England and natural gas storage facilities*  
19 *associated with that network.*

20 (b) *CONSIDERATION.*—*In carrying out the study, the*  
21 *Commission shall consider the ability of natural gas pipe-*  
22 *line and storage facilities in New England to meet current*  
23 *and projected demand by gas-fired power generation plants*  
24 *and other consumers.*

1       (c) *REPORT.*—Not later than 1 year after the date of  
2 enactment of this Act, the Federal Energy Regulatory Com-  
3 mission shall prepare and submit to the Committee on En-  
4 ergy and Natural Resources of the Senate and the Com-  
5 mittee on Energy and Commerce of the House of Represent-  
6 atives a report containing the results of the study conducted  
7 under subsection (a), including recommendations for ad-  
8 dressing potential natural gas transmission and storage ca-  
9 pacity problems in New England.

Attest:

*Secretary.*



107TH CONGRESS  
2D SESSION

**H. R. 3609**

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**AMENDMENT**