

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3609

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## AN ACT

To amend title 49, United States Code, to enhance the security and safety of pipelines.

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

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

3 (a) **SHORT TITLE.**—This Act may be cited as the  
4 “Pipeline Infrastructure Protection to Enhance Security  
5 and Safety Act”.

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

13 (c) **TABLE OF CONTENTS.**—The table of contents for  
14 this Act is as follows:

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. One-call notification programs.
- Sec. 3. One-call notification of pipeline operators.
- Sec. 4. Protection of employees providing pipeline safety information.
- Sec. 5. Safety orders.
- Sec. 6. Penalties.
- Sec. 7. Pipeline safety information grants to communities.
- Sec. 8. Population encroachment.
- Sec. 9. Pipeline integrity research, development, and demonstration.
- Sec. 10. Pipeline qualification programs.
- Sec. 11. Additional gas pipeline protections.
- Sec. 12. Security of pipeline facilities.
- Sec. 13. National pipeline mapping system.
- Sec. 14. Coordination of environmental reviews.
- Sec. 15. Nationwide toll-free number system.
- Sec. 16. Recommendations and responses.
- Sec. 17. Miscellaneous amendments.
- Sec. 18. Technical amendments.
- Sec. 19. Authorization of appropriations.
- Sec. 20. Inspections by direct assessment.
- Sec. 21. Pipeline bridge risk study.
- Sec. 22. State oversight role.

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

2 (a) **MINIMUM STANDARDS.**—Section 6103 is  
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) by inserting “, in-  
6 cluding all government operators” before the  
7 semicolon at the end; and

8 (B) in paragraph (2) by inserting “, in-  
9 cluding all government and contract exca-  
10 vators” before the semicolon at the end; and

11 (2) in subsection (c) by striking “provide for”  
12 and inserting “provide for and document”.

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

17 (c) **IMPLEMENTATION OF BEST PRACTICES GUIDE-**  
18 **LINES.**—

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

21 **“§ 6105. Implementation of best practices guidelines**

22 “(a) **ADOPTION OF BEST PRACTICES.**—The Sec-  
23 retary of Transportation shall encourage States, operators  
24 of one-call notification programs, excavators (including all  
25 government and contract excavators), and underground  
26 facility operators to adopt and implement practices identi-

1 fied in the best practices report entitled ‘Common  
2 Ground’, as periodically updated.

3 “(b) TECHNICAL ASSISTANCE.—The Secretary shall  
4 provide technical assistance to and participate in pro-  
5 grams sponsored by a non-profit organization specifically  
6 established for the purpose of reducing construction-re-  
7 lated damage to underground facilities.

8 “(c) GRANTS.—

9 “(1) IN GENERAL.—The Secretary may make  
10 grants to a non-profit organization described in sub-  
11 section (b).

12 “(2) AUTHORIZATION OF APPROPRIATIONS.—In  
13 addition to amounts authorized under section 6107,  
14 there is authorized to be appropriated for making  
15 grants under this subsection \$500,000 for each of  
16 fiscal years 2002 through 2005. Such sums shall re-  
17 main available until expended.

18 “(3) GENERAL REVENUE FUNDING.—Any sums  
19 appropriated under this subsection shall be derived  
20 from general revenues and may not be derived from  
21 amounts collected under section 60301.”.

22 (2) CONFORMING AMENDMENT.—The analysis  
23 for chapter 61 is amended by striking the item relat-  
24 ing to section 6105 and inserting the following:

“6105. Implementation of best practices guidelines.”.

25 (d) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) FOR GRANTS FOR STATES.—Section  
2           6107(a) is amended by striking “\$1,000,000 for fis-  
3           cal year 2000” and all that follows before the period  
4           at the end of the first sentence and inserting  
5           “\$1,000,000 for each of fiscal years 2003 through  
6           2006”.

7           (2) FOR ADMINISTRATION.—Section 6107(b) is  
8           amended by striking “for fiscal years 1999, 2000,  
9           and 2001” and inserting “for fiscal years 2003  
10          through 2006”.

11 **SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERA-**  
12 **TORS.**

13          (a) LIMITATION ON PREEMPTION.—Section 60104(c)  
14 is amended by adding at the end the following: “Notwith-  
15 standing the preceding sentence, a State authority may  
16 enforce a requirement of a one-call notification program  
17 of the State if the program meets the requirements for  
18 one-call notification programs under this chapter or chap-  
19 ter 61.”.

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

23          (c) CRIMINAL PENALTIES.—Section 60123(d) is  
24 amended—

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

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

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

7 “(B) a pipeline facility, and knows or has  
8 reason to know of the damage, but does not re-  
9 port the damage promptly to the operator of  
10 the pipeline facility and to other appropriate  
11 authorities; or”; and

12 (4) by adding after paragraph (2) the following:  
13 “Penalties under this subsection may be reduced in the  
14 case of a violation that is promptly reported by the viola-  
15 tor.”.

16 **SEC. 4. PROTECTION OF EMPLOYEES PROVIDING PIPELINE**  
17 **SAFETY INFORMATION.**

18 (a) IN GENERAL.—Chapter 601 is amended by add-  
19 ing at the end the following:

20 **“§ 60129. Protection of employees providing pipeline**  
21 **safety information**

22 “(a) DISCRIMINATION AGAINST EMPLOYEE.—(1) No  
23 employer may discharge any employee or otherwise dis-  
24 criminate against any employee with respect to his com-  
25 pensation, terms, conditions, or privileges of employment

1 because the employee (or any person acting pursuant to  
2 a request of the employee)—

3 “(A) provided, caused to be provided, or is  
4 about to provide or cause to be provided, to the em-  
5 ployer or the Federal Government information relat-  
6 ing to any violation or alleged violation of any order,  
7 regulation, or standard under this chapter or any  
8 other Federal law relating to pipeline safety;

9 “(B) refused to engage in any practice made  
10 unlawful by this chapter or any other Federal law  
11 relating to pipeline safety, if the employee has iden-  
12 tified the alleged illegality to the employer;

13 “(C) provided, caused to be provided, or is  
14 about to provide or cause to be provided, testimony  
15 before Congress or at any Federal or State pro-  
16 ceeding regarding any provision (or proposed provi-  
17 sion) of this chapter or any other Federal law relat-  
18 ing to pipeline safety;

19 “(D) commenced, caused to be commenced, or  
20 is about to commence or cause to be commenced a  
21 proceeding under this chapter or any other Federal  
22 law relating to pipeline safety, or a proceeding for  
23 the administration or enforcement of any require-  
24 ment imposed under this chapter or any other Fed-  
25 eral law relating to pipeline safety;

1           “(E) provided, caused to be provided, or is  
2           about to provide or cause to be provided, testimony  
3           in any proceeding described in subparagraph (D); or

4           “(F) assisted or participated or is about to as-  
5           sist or participate in any manner in such a pro-  
6           ceeding or in any other manner in such a proceeding  
7           or in any other action to carry out the purposes of  
8           this chapter or any other Federal law relating to  
9           pipeline safety.

10          “(2) For purposes of this section, the term ‘employer’  
11          means—

12                 “(A) a person owning or operating a pipeline  
13                 facility; or

14                 “(B) a contractor or subcontractor of such a  
15                 person.

16          “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-  
17          DURE.—

18                 “(1) FILING AND NOTIFICATION.—A person  
19                 who believes that he or she has been discharged or  
20                 otherwise discriminated against by any person in  
21                 violation of subsection (a) may, not later than 180  
22                 days after the date on which such violation occurs,  
23                 file (or have any person file on his or her behalf) a  
24                 complaint with the Secretary of Labor alleging such  
25                 discharge or discrimination. Upon receipt of such a



1 complaint, the Secretary of Labor shall notify, in  
2 writing, the person or persons named in the com-  
3 plaint and the Secretary of Transportation of the fil-  
4 ing of the complaint, of the allegations contained in  
5 the complaint, of the substance of evidence sup-  
6 porting the complaint, and of the opportunities that  
7 will be afforded to such person or persons under  
8 paragraph (2).

9 “(2) INVESTIGATION; PRELIMINARY ORDER.—

10 “(A) IN GENERAL.—Not later than 60  
11 days after the date of receipt of a complaint  
12 filed under paragraph (1) and after affording  
13 the person or persons named in the complaint  
14 an opportunity to submit to the Secretary of  
15 Labor a written response to the complaint and  
16 an opportunity to meet with a representative of  
17 the Secretary of Labor to present statements  
18 from witnesses, the Secretary of Labor shall  
19 conduct an investigation and determine whether  
20 there is reasonable cause to believe that the  
21 complaint has merit and notify in writing the  
22 complainant and the person or persons alleged  
23 to have committed a violation of subsection (a)  
24 of the Secretary of Labor’s findings. If the Sec-  
25 retary of Labor concludes that there is reason-

1           able cause to believe that a violation of sub-  
2           section (a) has occurred, the Secretary of Labor  
3           shall include with the Secretary of Labor’s find-  
4           ings with a preliminary order providing the re-  
5           lief prescribed by paragraph (3)(B). Not later  
6           than 60 days after the date of notification of  
7           findings under this subparagraph, any person  
8           alleged to have committed a violation or the  
9           complainant may file objections to the findings  
10          or preliminary order, or both, and request a  
11          hearing on the record. The filing of such objec-  
12          tions shall not operate to stay any reinstatement  
13          remedy contained in the preliminary  
14          order. Such hearings shall be conducted expedi-  
15          tiously. If a hearing is not requested in such  
16          60-day period, the preliminary order shall be  
17          deemed a final order that is not subject to judi-  
18          cial review.

19                   “(B) REQUIREMENTS.—

20                           “(i) REQUIRED SHOWING BY COM-  
21                           PLAINANT.—The Secretary of Labor shall  
22                           dismiss a complaint filed under this sub-  
23                           section and shall not conduct an investiga-  
24                           tion otherwise required under subpara-  
25                           graph (A) unless the complainant makes a

1           prima facie showing that any behavior de-  
2           scribed in paragraphs (1) through (4) of  
3           subsection (a) was a contributing factor in  
4           the unfavorable personnel action alleged in  
5           the complaint.

6           “(ii) SHOWING BY EMPLOYER.—Not-  
7           withstanding a finding by the Secretary of  
8           Labor that the complainant has made the  
9           showing required under clause (i), no in-  
10          vestigation otherwise required under sub-  
11          paragraph (A) shall be conducted if the  
12          employer demonstrates, by clear and con-  
13          vincing evidence, that the employer would  
14          have taken the same unfavorable personnel  
15          action in the absence of that behavior.

16          “(iii) CRITERIA FOR DETERMINATION  
17          BY SECRETARY.—The Secretary of Labor  
18          may determine that a violation of sub-  
19          section (a) has occurred only if the com-  
20          plainant demonstrates that any behavior  
21          described in paragraphs (1) through (4) of  
22          subsection (a) was a contributing factor in  
23          the unfavorable personnel action alleged in  
24          the complaint.

1                   “(iv) PROHIBITION.—Relief may not  
2                   be ordered under subparagraph (A) if the  
3                   employer demonstrates by clear and con-  
4                   vincing evidence that the employer would  
5                   have taken the same unfavorable personnel  
6                   action in the absence of that behavior.

7                   “(3) FINAL ORDER.—

8                   “(A) DEADLINE FOR ISSUANCE; SETTLE-  
9                   MENT AGREEMENTS.—Not later than 90 days  
10                  after the date of conclusion of a hearing under  
11                  paragraph (2), the Secretary of Labor shall  
12                  issue a final order providing the relief pre-  
13                  scribed by this paragraph or denying the com-  
14                  plaint. At any time before issuance of a final  
15                  order, a proceeding under this subsection may  
16                  be terminated on the basis of a settlement  
17                  agreement entered into by the Secretary of  
18                  Labor, the complainant, and the person or per-  
19                  sons alleged to have committed the violation.

20                  “(B) REMEDY.—If, in response to a com-  
21                  plaint filed under paragraph (1), the Secretary  
22                  of Labor determines that a violation of sub-  
23                  section (a) has occurred, the Secretary of Labor  
24                  shall order the person or persons who com-  
25                  mitted such violation to—

1           “(i) take affirmative action to abate  
2           the violation;

3           “(ii) reinstate the complainant to his  
4           or her former position together with the  
5           compensation (including back pay) and re-  
6           store the terms, conditions, and privileges  
7           associated with his or her employment; and

8           “(iii) provide compensatory damages  
9           to the complainant.

10           If such an order is issued under this paragraph,  
11           the Secretary of Labor, at the request of the  
12           complainant, shall assess against the person or  
13           persons against whom the order is issued a sum  
14           equal to the aggregate amount of all costs and  
15           expenses (including attorney’s and expert wit-  
16           ness fees) reasonably incurred, as determined  
17           by the Secretary of Labor, by the complainant  
18           for, or in connection with, the bringing the com-  
19           plaint upon which the order was issued.

20           “(C) FRIVOLOUS COMPLAINTS.—If the  
21           Secretary of Labor finds that a complaint  
22           under paragraph (1) is frivolous or has been  
23           brought in bad faith, the Secretary of Labor  
24           may award to the prevailing employer a reason-  
25           able attorney’s fee not exceeding \$1,000.

1           “(4) REVIEW.—

2                   “(A) APPEAL TO COURT OF APPEALS.—

3           Any person adversely affected or aggrieved by  
4           an order issued under paragraph (3) may ob-  
5           tain review of the order in the United States  
6           Court of Appeals for the circuit in which the  
7           violation, with respect to which the order was  
8           issued, allegedly occurred or the circuit in which  
9           the complainant resided on the date of such vio-  
10          lation. The petition for review must be filed not  
11          later than 60 days after the date of issuance of  
12          the final order of the Secretary of Labor. Re-  
13          view shall conform to chapter 7 of title 5,  
14          United States Code. The commencement of pro-  
15          ceedings under this subparagraph shall not, un-  
16          less ordered by the court, operate as a stay of  
17          the order.

18                   “(B) LIMITATION ON COLLATERAL AT-  
19          TACK.—An order of the Secretary of Labor  
20          with respect to which review could have been  
21          obtained under subparagraph (A) shall not be  
22          subject to judicial review in any criminal or  
23          other civil proceeding.

24                   “(5) ENFORCEMENT OF ORDER BY SECRETARY  
25          OF LABOR.—Whenever any person has failed to com-

1       ply with an order issued under paragraph (3), the  
2       Secretary of Labor may file a civil action in the  
3       United States district court for the district in which  
4       the violation was found to occur to enforce such  
5       order. In actions brought under this paragraph, the  
6       district courts shall have jurisdiction to grant all ap-  
7       propriate relief, including, but not to be limited to,  
8       injunctive relief and compensatory damages.

9               “(6) ENFORCEMENT OF ORDER BY PARTIES.—

10               “(A) COMMENCEMENT OF ACTION.—A per-  
11               son on whose behalf an order was issued under  
12               paragraph (3) may commence a civil action  
13               against the person or persons to whom such  
14               order was issued to require compliance with  
15               such order. The appropriate United States dis-  
16               trict court shall have jurisdiction, without re-  
17               gard to the amount in controversy or the citi-  
18               zenship of the parties, to enforce such order.

19               “(B) ATTORNEY FEES.—The court, in  
20               issuing any final order under this paragraph,  
21               may award costs of litigation (including reason-  
22               able attorney and expert witness fees) to any  
23               party whenever the court determines such  
24               award costs is appropriate.

1       “(c) MANDAMUS.—Any nondiscretionary duty im-  
2 posed by this section shall be enforceable in a mandamus  
3 proceeding brought under section 1361 of title 28, United  
4 States Code.

5       “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-  
6 TIONS.—Subsection (a) shall not apply with respect to an  
7 action of an employee of an employer who, acting without  
8 direction from the employer (or such employer’s agent),  
9 deliberately causes a violation of any requirement relating  
10 to pipeline safety under this chapter or any other law of  
11 the United States.”.

12       (b) CIVIL PENALTY.—Section 60122(a) is amended  
13 by adding at the end the following:

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

19       (c) CONFORMING AMENDMENT.—The chapter anal-  
20 ysis for chapter 601 is amended by adding at the end the  
21 following:

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

22 **SEC. 5. SAFETY ORDERS.**

23       Section 60117 is amended by adding at the end the  
24 following:



1       “(1) SAFETY ORDERS.—If the Secretary decides that  
2 a pipeline facility has a potentially unsafe condition, the  
3 Secretary may order the operator of the facility to take  
4 necessary corrective action, including physical inspection,  
5 testing, repair, replacement, or other appropriate action  
6 to remedy the unsafe condition.”.

7 **SEC. 6. PENALTIES.**

8       (a) PIPELINE FACILITIES HAZARDOUS TO LIFE AND  
9 PROPERTY.—

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

12       “(a) GENERAL AUTHORITY.—After notice and an op-  
13 portunity for a hearing, the Secretary of Transportation  
14 may decide that a pipeline facility is hazardous if the Sec-  
15 retary decides that—

16           “(1) operation of the facility is or would be haz-  
17 arduous to life, property, or the environment; or

18           “(2) the facility is or would be constructed or  
19 operated, or a component of the facility is or would  
20 be constructed or operated, with equipment, mate-  
21 rial, or a technique that the Secretary decides is  
22 hazardous to life, property, or the environment.”.

23           (2) CORRECTIVE ACTION ORDERS.—Section  
24 60112(d) is amended by striking “is hazardous” and  
25 inserting “is or would be hazardous”.

1 (b) ENFORCEMENT.—(1) Section 60122(a)(1) is  
2 amended—

3 (A) by striking “\$25,000” and inserting  
4 “\$100,000”; and

5 (B) by striking “\$500,000” and inserting  
6 “\$1,000,000”.

7 (2) Section 60122(b) is amended by striking “under  
8 this section” and all that follows through paragraph (4)  
9 and inserting “under this section—

10 “(1) the Secretary shall consider—

11 “(A) the nature, circumstances, and grav-  
12 ity of the violation, including adverse impact on  
13 the environment;

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

18 “(C) good faith in attempting to comply;  
19 and

20 “(2) the Secretary may consider—

21 “(A) the economic benefit gained from the  
22 violation without any reduction because of sub-  
23 sequent damages; and

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

25 (3) Section 60120(a) is amended—

1 (A) by striking “(a) CIVIL ACTIONS.—(1)” and  
2 all that follows through “(2) At the request” and in-  
3 sserting the following:

4 “(a) CIVIL ACTIONS.—

5 “(1) CIVIL ACTIONS TO ENFORCE THIS CHAP-  
6 TER.—At the request of the Secretary of Transpor-  
7 tation, the Attorney General may bring a civil action  
8 in an appropriate district court of the United States  
9 to enforce this chapter, including section 60112, or  
10 a regulation prescribed or order issued under this  
11 chapter. The court may award appropriate relief, in-  
12 cluding a temporary or permanent injunction, puni-  
13 tive damages, and assessment of civil penalties, con-  
14 sidering the same factors as prescribed for the Sec-  
15 retary in an administrative case under section  
16 60122.

17 “(2) CIVIL ACTIONS TO REQUIRE COMPLIANCE  
18 WITH SUBPOENAS OR ALLOW FOR INSPECTIONS.—At  
19 the request”; and

20 (B) by aligning the remainder of the text of  
21 paragraph (2) with the text of paragraph (1).

22 **SEC. 7. PIPELINE SAFETY INFORMATION GRANTS TO COM-**  
23 **MUNITIES.**

24 (a) GRANT AUTHORITY.—(1) The Secretary of  
25 Transportation may make grants for technical assistance

1 to local communities and groups of individuals (not includ-  
2 ing for-profit entities) relating to the safety of pipelines  
3 in local communities. The Secretary shall establish com-  
4 petitive procedures for awarding grants under this section,  
5 and criteria for selection of grant recipients. The amount  
6 of any grant under this section may not exceed \$50,000  
7 for a single grant recipient. The Secretary shall establish  
8 appropriate procedures to ensure the proper use of funds  
9 provided under this section.

10 (2) For purposes of this subsection, the term “tech-  
11 nical assistance” means engineering and other scientific  
12 analysis of pipeline safety issues, including the promotion  
13 of public participation in Department of Transportation  
14 and other official processes, commenting on Department  
15 of Transportation proposals, and participating in official  
16 Federal standard setting processes.

17 (b) PROHIBITED USES.—Funds provided under this  
18 section may not be used for lobbying or in direct support  
19 of litigation.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Secretary of  
22 Transportation for carrying out this section \$1,000,000  
23 for each of the fiscal years 2003 through 2006. Such  
24 amounts shall not be derived from user fees collected  
25 under section 60301.

1 **SEC. 8. POPULATION ENCROACHMENT.**

2 Section 60127 is amended to read as follows:

3 **“§ 60127. Population encroachment**

4 “(a) STUDY.—The Secretary of Transportation, in  
5 conjunction with the Federal Energy Regulatory Commis-  
6 sion and in consultation with appropriate Federal agencies  
7 and State and local governments, shall undertake a study  
8 of land use practices and zoning ordinances with regard  
9 to pipeline rights-of-way.

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

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

15 “(2) to address and prevent the hazards and  
16 risks to the public, pipeline workers, and the envi-  
17 ronment associated with encroachment on pipeline  
18 rights-of-way; and

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

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

23 “(1) The legal authority of Federal agencies  
24 and State and local governments in controlling land  
25 use and the limitations on such authority.

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

4           “(3) The most effective way to encourage Fed-  
5           eral agencies and State and local governments to  
6           monitor and reduce encroachment upon pipeline  
7           rights-of-way.

8           “(d) REPORT.—

9           “(1) IN GENERAL.—Not later than 1 year after  
10          the date of enactment of this subsection, the Sec-  
11          retary shall publish a report identifying practices,  
12          laws, and ordinances that are most successful in ad-  
13          dressing issues of encroachment on pipeline rights-  
14          of-way so as to more effectively protect public safety,  
15          pipeline workers, and the environment.

16          “(2) DISTRIBUTION OF REPORT.—The Sec-  
17          retary shall provide a copy of the report to—

18                  “(A) Congress and appropriate Federal  
19                  agencies; and

20                  “(B) States for further distribution to ap-  
21                  propriate local authorities.

22          “(3) ADOPTION OF PRACTICES, LAWS, AND OR-  
23          DINANCES.—The Secretary shall encourage Federal  
24          agencies and State and local governments to adopt  
25          and implement appropriate practices, laws, and ordi-

1 nances, as identified in the report, to address the  
2 risks and hazards associated with encroachment  
3 upon pipeline rights-of-way.”.

4 **SEC. 9. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,**  
5 **AND DEMONSTRATION.**

6 (a) ESTABLISHMENT OF COOPERATIVE PROGRAM.—

7 (1) IN GENERAL.—The heads of the partici-  
8 pating agencies shall develop and implement a pro-  
9 gram of research, development, demonstration, and  
10 standardization to ensure the integrity of energy  
11 pipelines and next-generation pipelines.

12 (2) ELEMENTS.—The program shall include re-  
13 search, development, demonstration, and standard-  
14 ization activities related to—

15 (A) materials inspection;

16 (B) stress and fracture analysis, detection  
17 of cracks, corrosion, abrasion, and other abnor-  
18 malities inside pipelines that lead to pipeline  
19 failure, and development of new equipment or  
20 technologies that are inserted into pipelines to  
21 detect anomalies;

22 (C) internal inspection and leak detection  
23 technologies, including detection of leaks at very  
24 low volumes;

1 (D) methods of analyzing content of pipe-  
2 line throughput;

3 (E) pipeline security, including improving  
4 the real-time surveillance of pipeline rights-of-  
5 way, developing tools for evaluating and en-  
6 hancing pipeline security and infrastructure, re-  
7 ducing natural, technological, and terrorist  
8 threats, and protecting first response units and  
9 persons near an incident;

10 (F) risk assessment methodology, including  
11 vulnerability assessment and reduction of third-  
12 party damage;

13 (G) communication, control, and informa-  
14 tion systems surety;

15 (H) fire safety of pipelines;

16 (I) improved excavation, construction, and  
17 repair technologies; and

18 (J) other elements the heads of the partici-  
19 pating agencies consider appropriate.

20 (3) ACTIVITIES AND CAPABILITIES REPORT.—

21 Not later than 6 months after the date of the enact-  
22 ment of this Act, the participating agencies shall  
23 transmit to the Congress a report on the existing ac-  
24 tivities and capabilities of the participating agencies,  
25 including the national laboratories. The report shall



1 include the results of a survey by the participating  
2 agencies of any activities of other Federal agencies  
3 that are relevant to or could supplement existing re-  
4 search, development, demonstration, and standard-  
5 ization activities under the program created under  
6 this section.

7 (b) PROGRAM PLAN.—

8 (1) IN GENERAL.—Not later than 1 year after  
9 the date of the enactment of this Act, the partici-  
10 pating agencies shall prepare and transmit to Con-  
11 gress a 5-year program plan to guide activities  
12 under this section. Such program plan shall be sub-  
13 mitted to the Pipeline Integrity Technical Advisory  
14 Committee established under subsection (c) for re-  
15 view, and the report to Congress shall include the  
16 comments of the Advisory Committee. The 5-year  
17 program plan shall take into account related activi-  
18 ties of Federal agencies that are not participating  
19 agencies.

20 (2) CONSULTATION.—In preparing the program  
21 plan, the participating agencies shall consult with  
22 appropriate representatives of State and local gov-  
23 ernment and the private sector, including companies  
24 owning energy pipelines and developers of next-gen-

1       eration pipelines, to help establish program prior-  
2       ities.

3               (3) ADVICE FROM OTHER ENTITIES.—In pre-  
4       paring the program plan, the participating agencies  
5       shall also seek the advice of other Federal agencies,  
6       utilities, manufacturers, institutions of higher learn-  
7       ing, pipeline research institutions, national labora-  
8       tories, environmental organizations, pipeline safety  
9       advocates, professional and technical societies, and  
10      any other appropriate entities.

11      (c) PIPELINE INTEGRITY TECHNICAL ADVISORY  
12      COMMITTEE.—

13              (1) ESTABLISHMENT.—The participating agen-  
14      cies shall establish and manage a Pipeline Integrity  
15      Technical Advisory Committee (in this subsection re-  
16      ferred to as the “Advisory Committee”). The Advi-  
17      sory Committee shall be established not later than 6  
18      months after the date of the enactment of this Act.

19              (2) DUTIES.—The Advisory Committee shall—

20                  (A) advise the participating agencies on  
21      the development and implementation of the pro-  
22      gram plan prepared under subsection (b); and

23                  (B) have a continuing role in evaluating  
24      the progress and results of research, develop-

1           ment, demonstration, and standardization ac-  
2           tivities carried out under this section.

3           (3) MEMBERSHIP.—

4                 (A) APPOINTMENT.—The Advisory Com-  
5                 mittee shall be composed of—

6                         (i) 3 members appointed by the Sec-  
7                         retary of Energy;

8                         (ii) 3 members appointed by the Sec-  
9                         retary of Transportation; and

10                        (iii) 3 members appointed by the Di-  
11                        rector of the National Institute of Stand-  
12                        ards and Technology.

13           In making appointments, the participating  
14           agencies shall seek recommendations from the  
15           National Academy of Sciences.

16                 (B) QUALIFICATIONS.—Members ap-  
17                 pointed to the Advisory Committee shall have  
18                 experience or be technically qualified, by train-  
19                 ing or knowledge, in the operations of the pipe-  
20                 line industry, and have experience in the re-  
21                 search and development of pipeline or related  
22                 technologies.

23                 (C) COMPENSATION.—The members of the  
24                 Advisory Committee shall serve without com-  
25                 pensation, but shall receive travel expenses, in-

1 including per diem in lieu of subsistence, in ac-  
2 cordance with sections 5702 and 5703 of title  
3 5, United States Code.

4 (4) MEETINGS.—The Advisory Committee shall  
5 meet at least 4 times each year.

6 (5) TERMINATION.—The Advisory Committee  
7 shall terminate 5 years after its establishment.

8 (d) REPORTS TO CONGRESS.—Not later than 1 year  
9 after the date of the enactment of this Act, and annually  
10 thereafter, the participating agencies shall each transmit  
11 to the Congress a report on the status and results to date  
12 of the implementation of their portion of the program plan  
13 prepared under subsection (b).

14 (e) MEMORANDUM OF UNDERSTANDING.—Not later  
15 than 120 days after the date of the enactment of this Act,  
16 the participating agencies shall enter into a memorandum  
17 of understanding detailing their respective responsibilities  
18 under this Act, consistent with the activities and capabili-  
19 ties identified under subsection (a)(3). Each of the partici-  
20 pating agencies shall have the primary responsibility for  
21 ensuring that the elements of the program plan within its  
22 jurisdiction are implemented in accordance with this sec-  
23 tion. The Department of Transportation’s responsibilities  
24 shall reflect its expertise in pipeline inspection and infor-  
25 mation systems surety. The Department of Energy’s re-

1 sponsibilities shall reflect its expertise in low-volume leak  
2 detection and surveillance technologies. The National In-  
3 stitute of Standards and Technology’s responsibilities  
4 shall reflect its expertise in standards and materials re-  
5 search.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated—

8 (1) to the Secretary of Energy \$10,000,000;

9 (2) to the Secretary of Transportation  
10 \$5,000,000; and

11 (3) to the National Institute of Standards and  
12 Technology \$5,000,000,

13 for each of the fiscal years 2003 through 2007 for car-  
14 rying out this section.

15 (g) DEFINITIONS.—For purposes of this section—

16 (1) the term “energy pipeline” means a pipeline  
17 system used in the transmission or local distribution  
18 of natural gas (including liquefied natural gas),  
19 crude oil, or refined petroleum products;

20 (2) the term “next-generation pipeline” means  
21 a transmission or local distribution pipeline system  
22 designed to transmit energy or energy-related prod-  
23 ucts, in liquid or gaseous form, other than energy  
24 pipelines;

1           (3) the term “participating agencies” means the  
2           Department of Energy, the Department of Trans-  
3           portation, and the National Institute of Standards  
4           and Technology; and

5           (4) the term “pipeline” means an energy pipe-  
6           line or a next-generation pipeline.

7 **SEC. 10. PIPELINE QUALIFICATION PROGRAMS.**

8           (a) VERIFICATION PROGRAM.—

9           (1) IN GENERAL.—Chapter 601 is further  
10          amended by adding at the end the following:

11 **“§ 60130. Verification of pipeline qualification pro-**  
12 **grams**

13          “(a) IN GENERAL.—Subject to the requirements of  
14 this section, the Secretary of Transportation shall require  
15 the operator of a pipeline facility to develop and adopt a  
16 qualification program to ensure that the individuals who  
17 perform covered tasks are qualified to conduct such tasks.

18          “(b) STANDARDS AND CRITERIA.—

19           “(1) DEVELOPMENT.—Not later than 1 year  
20 after the date of enactment of this section, the Sec-  
21 retary shall ensure that the Department of Trans-  
22 portation has in place standards and criteria for  
23 qualification programs referred to in subsection (a).

24           “(2) CONTENTS.—The standards and criteria  
25 shall include the following:

1           “(A) The establishment of methods for  
2           evaluating the acceptability of the qualifications  
3           of individuals described in subsection (a).

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

12          “(C) A requirement that the plans and  
13          procedures adopted by a pipeline operator  
14          under subparagraph (B) be reviewed and  
15          verified under subsection (e).

16          “(c) DEVELOPMENT OF QUALIFICATION PROGRAMS  
17          BY PIPELINE OPERATORS.—Not later than 2 years after  
18          the date of the enactment of this section, the Secretary  
19          shall require a pipeline operator to develop and adopt a  
20          qualification program that complies with the standards  
21          and criteria described in subsection (b).

22          “(d) ELEMENTS OF QUALIFICATION PROGRAMS.—A  
23          qualification program adopted by an operator under sub-  
24          section (a) shall include, at a minimum, the following ele-  
25          ments:

1           “(1) A method for examining or testing the  
2           qualifications of individuals described in subsection  
3           (a). Such method may not be limited to observation  
4           of on-the-job performance, except with respect to  
5           tasks for which the Secretary has determined that  
6           such observation is the best method of examining or  
7           testing qualifications. The Secretary shall ensure  
8           that the results of any such observations are docu-  
9           mented in writing.

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

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

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

22           “(e) REVIEW AND VERIFICATION OF PROGRAMS.—

23           “(1) IN GENERAL.—The Secretary shall review  
24           the qualification program of each pipeline operator  
25           and verify its compliance with the standards and cri-



1       teria described in subsection (b) and includes the  
2       elements described in paragraphs (1) through (3) of  
3       subsection (d). The Secretary shall record the results  
4       of that review for use in the next review of an opera-  
5       tor’s program.

6               “(2) DEADLINE FOR COMPLETION.—Reviews  
7       and verifications under this subsection shall be com-  
8       pleted not later than 3 years after the date of the  
9       enactment of this section.

10              “(3) INADEQUATE PROGRAMS.—If the Sec-  
11       retary decides that a qualification program is inad-  
12       equate for the safe operation of a pipeline facility,  
13       the Secretary shall act as under section 60108(a)(2)  
14       to require the operator to revise the qualification  
15       program.

16              “(4) PROGRAM MODIFICATIONS.—If the oper-  
17       ator of a pipeline facility seeks to modify signifi-  
18       cantly a program that has been verified under this  
19       subsection, the operator shall submit the modifica-  
20       tions to the Secretary for review and verification.

21              “(5) WAIVERS AND MODIFICATIONS.—In ac-  
22       cordance with section 60118(c), the Secretary may  
23       waive or modify any requirement of this section.

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 paragraphs (1) through (3) of  
6 subsection (d) not later than 2 years after the date  
7 of enactment of this section.

8 “(f) COVERED TASK DEFINED.—In this section, the  
9 term ‘covered task’—

10 “(1) with respect to a gas pipeline facility, has  
11 the meaning such term has under section 192.801 of  
12 title 49, Code of Federal Regulations, as in effect on  
13 the date of enactment of this section; and

14 “(2) with respect to a hazardous liquid pipeline  
15 facility, has the meaning such term has under sec-  
16 tion 195.501 of such title, as in effect on the date  
17 of enactment of this section.

18 “(g) REPORT.—Not later than 5 years after the date  
19 of enactment of this section, the Secretary shall transmit  
20 to Congress a report on the status and results to date of  
21 the personnel qualification regulations issued under this  
22 chapter.”.

23 (2) CONFORMING AMENDMENT.—The analysis  
24 for chapter 601 is amended by adding at end the fol-  
25 lowing:

“60130. Verification of pipeline qualification programs.”.

1 (b) PILOT PROGRAM FOR CERTIFICATION OF CER-  
2 TAIN PIPELINE WORKERS.—

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

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

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

17 (2) REPORT.—The Secretary shall include in  
18 the report required under section 60130(g), as  
19 added by subsection (a) of this section, the results  
20 of the pilot program. The report shall include—

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

24 (B) an evaluation of the pilot program, in-  
25 cluding the effectiveness of the process for cer-

1           tifying individuals who operate computer-based  
2           systems for controlling the operations of pipe-  
3           lines;

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

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

12          (3) DEFINITION.—For purposes of this sub-  
13          section, the term “computer-based systems” means  
14          supervisory control and data acquisition systems  
15          (SCADA).

16 **SEC. 11. ADDITIONAL GAS PIPELINE PROTECTIONS.**

17          (a) RISK ANALYSIS AND INTEGRITY MANAGEMENT  
18          PROGRAMS.—Section 60109 is amended by adding at the  
19          end the following:

20          “(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT  
21          PROGRAMS.—

22                  “(1) REQUIREMENT.—Each operator of a gas  
23                  pipeline facility shall conduct an analysis of the risks  
24                  to each facility of the operator in an area identified  
25                  pursuant to subsection (a)(1), and shall adopt and

1       implement a written integrity management program  
2       for such facility to reduce the risks.

3               “(2) REGULATIONS.—Not later than 18 months  
4       after the date of the enactment of this subsection,  
5       the Secretary shall issue regulations prescribing  
6       standards to direct an operator’s conduct of a risk  
7       analysis and adoption and implementation of an in-  
8       tegrity management program under this subsection.  
9       The regulations shall require the conduct of the risk  
10      analysis and adoption of the integrity management  
11      program to occur within a time period prescribed by  
12      the Secretary, not to exceed 1 year after the  
13      issuance of such regulations. The Secretary may sat-  
14      isfy the requirements of this paragraph through the  
15      issuance of regulations under this paragraph or  
16      under other authority of law.

17              “(3) MINIMUM REQUIREMENTS OF INTEGRITY  
18      MANAGEMENT PROGRAMS.—An integrity manage-  
19      ment program required under paragraph (1) shall  
20      include, at a minimum, the following requirements:

21                      “(A) A baseline integrity assessment of  
22                      each of the operator’s facilities in areas identi-  
23                      fied pursuant to subsection (a)(1), to be com-  
24                      pleted not later than 10 years after the date of  
25                      the adoption of the integrity management pro-

1           gram, by internal inspection device, pressure  
2           testing, direct assessment, or an alternative  
3           method that the Secretary determines would  
4           provide an equal or greater level of safety.

5           “(B) Subject to paragraph (4), periodic re-  
6           assessment of the facility, at a minimum of  
7           once every 7 years, using methods described in  
8           subparagraph (A).

9           “(C) Clearly defined criteria for evaluating  
10          the results of reassessments conducted under  
11          subparagraph (B) and for taking actions based  
12          on such results.

13          “(D) A method for conducting an analysis  
14          on a continuing basis that integrates all avail-  
15          able information about the integrity of the facil-  
16          ity and the consequences of releases from the  
17          facility.

18          “(E) A description of actions to be taken  
19          by the operator to promptly address any integ-  
20          rity issue raised by an evaluation conducted  
21          under subparagraph (C) or the analysis con-  
22          ducted under subparagraph (D).

23          “(F) A description of measures to prevent  
24          and mitigate the consequences of releases from  
25          the facility.

1           “(G) A method for monitoring cathodic  
2 protection systems throughout the pipeline sys-  
3 tem of the operator to the extent not addressed  
4 by other regulations.

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

12           “(4) WAIVERS AND MODIFICATIONS.—In ac-  
13 cordance with section 60118(c), the Secretary may  
14 waive or modify any requirement for reassessment of  
15 a facility under paragraph (3)(B) for reasons that  
16 may include the need to maintain local product sup-  
17 ply or the lack of internal inspection devices if the  
18 Secretary determines that such waiver is not incon-  
19 sistent with pipeline safety.

20           “(5) STANDARDS.—The standards prescribed  
21 by the Secretary under paragraph (2) shall address  
22 each of the following factors:

23           “(A) The minimum requirements described  
24 in paragraph (3).

1           “(B) The type or frequency of inspections  
2           or testing of pipeline facilities, in addition to  
3           the minimum requirements of paragraph  
4           (3)(B).

5           “(C) The manner in which the inspections  
6           or testing are conducted.

7           “(D) The criteria used in analyzing results  
8           of the inspections or testing.

9           “(E) The types of information sources that  
10          must be integrated in assessing the integrity of  
11          a pipeline facility as well as the manner of inte-  
12          gration.

13          “(F) The nature and timing of actions se-  
14          lected to address the integrity of a pipeline fa-  
15          cility.

16          “(G) Such other factors as the Secretary  
17          determines appropriate to ensure that the integ-  
18          rity of a pipeline facility is addressed and that  
19          appropriate mitigative measures are adopted to  
20          protect areas identified under subsection (a)(1).

21          In prescribing those standards, the Secretary shall  
22          ensure that all inspections required are conducted in  
23          a manner that minimizes environmental and safety  
24          risks, and shall take into account the applicable level



1 of protection established by national consensus  
2 standards organizations.

3 “(6) ADDITIONAL OPTIONAL STANDARDS.—The  
4 Secretary may also prescribe standards requiring an  
5 operator of a pipeline facility to include in an integ-  
6 rity management program under this subsection—

7 “(A) changes to valves or the establish-  
8 ment or modification of systems that monitor  
9 pressure and detect leaks based on the opera-  
10 tor’s risk analysis; and

11 “(B) the use of emergency flow restricting  
12 devices.

13 “(7) INACTION BY THE SECRETARY.—Notwith-  
14 standing any failure of the Secretary to prescribe  
15 standards as described in paragraph (2), an operator  
16 of a pipeline facility shall conduct a risk analysis  
17 and adopt and implement an integrity management  
18 program under paragraph (1) not later than 30  
19 months after the date of the enactment of this sub-  
20 section.

21 “(8) REVIEW OF INTEGRITY MANAGEMENT  
22 PROGRAMS.—

23 “(A) REVIEW OF PROGRAMS.—

24 “(i) IN GENERAL.—The Secretary  
25 shall review a risk analysis and integrity

1 management program under paragraph (1)  
2 and record the results of that review for  
3 use in the next review of an operator’s pro-  
4 gram.

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

9 “(iii) INADEQUATE PROGRAMS.—If  
10 the Secretary determines that a risk anal-  
11 ysis or integrity management program does  
12 not comply with the requirements of this  
13 subsection or regulations issued as de-  
14 scribed in paragraph (2), or is inadequate  
15 for the safe operation of a pipeline facility,  
16 the Secretary shall act under section  
17 60108(a)(2) to require the operator to re-  
18 vise the risk analysis or integrity manage-  
19 ment 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 oper-  
24 ator’s integrity management program not later

1           than 30 days after the date of adoption of the  
2           amendment.

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

10          “(9) 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          rity management program pursuant to paragraph  
15          (8), 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 con-  
22          sider carefully the State’s proposals and work in  
23          consultation with the States and operators to ad-  
24          dress safety concerns.

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

3           (b) INTEGRITY MANAGEMENT REGULATIONS.—Sec-  
4           tion 60109 is further amended by adding at the end the  
5           following:

6           “(d) EVALUATION OF INTEGRITY MANAGEMENT  
7           REGULATIONS.—Not later than 5 years after the date of  
8           enactment of this subsection, the Secretary shall complete  
9           an assessment and evaluation of the effects on public safe-  
10          ty and the environment of the requirements for the imple-  
11          mentation of integrity management programs contained in  
12          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 Secretary of Transportation  
2 shall conduct a study to evaluate the 7-year reas-  
3 sessment interval required by section 60109(c)(3)(B)  
4 of title 49, United States Code, as added by sub-  
5 section (a) of this section.

6           (2) REPORT.—Not later than 5 years after the  
7 date of the enactment of this Act, the Secretary  
8 shall transmit to Congress a report on the results of  
9 the study conducted under paragraph (1).

10 **SEC. 12. SECURITY OF PIPELINE FACILITIES.**

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

13 **“§ 60131. Security of pipeline facilities**

14           “(a) RULEMAKING REQUIREMENT.—The Secretary  
15 of Transportation, not later than 60 days after the date  
16 of the enactment of this section, after consultation with  
17 any appropriate Federal, State, or nongovernmental enti-  
18 ties, shall commence a rulemaking to require effective se-  
19 curity measures which the Secretary determines are nec-  
20 essary to be adopted against acts of terrorism or sabotage  
21 directed against waterfront liquefied natural gas plants,  
22 capable of receiving liquefied natural gas tankers, located  
23 in or within 1 mile of a densely populated urban area.  
24 Within 1 year after the date of the enactment of this sec-

1 tion, the Secretary of Transportation shall issue a final  
2 rule.

3 “(b) FACTORS TO BE CONSIDERED.—Regulations  
4 issued under subsection (a) shall take into account—

5 “(1) the events of September 11, 2001;

6 “(2) the potential for attack on facilities by  
7 multiple coordinated teams totaling in the aggregate  
8 a significant number of individuals;

9 “(3) the potential for assistance in an attack  
10 from several persons employed at the facility;

11 “(4) the potential for suicide attacks;

12 “(5) water-based and air-based threats;

13 “(6) the potential use of explosive devices of  
14 considerable size and other modern weaponry;

15 “(7) the potential for attacks by persons with  
16 a sophisticated knowledge of facility operations;

17 “(8) the threat of fires and large explosions;  
18 and

19 “(9) special threats and vulnerabilities affecting  
20 facilities located in or within 1 mile of a densely  
21 populated urban area.

22 “(c) REQUIREMENTS.—Regulations issued under  
23 subsection (a) shall establish requirements for waterfront  
24 liquefied natural gas plants, capable of receiving liquefied  
25 natural gas tankers, relating to construction, operation,

1 security procedures, and emergency response, and shall re-  
2 quire conforming amendments to applicable standards and  
3 rules.

4 “(d) OPERATIONAL SECURITY RESPONSE EVALUA-  
5 TION.—(1) Regulations issued under subsection (a) shall  
6 include the establishment of policies and procedures by the  
7 Secretary of Transportation, which shall ensure that the  
8 operational security response of each facility described in  
9 paragraph (2) is tested at least once every 2 years through  
10 the use of force-on-force exercises to determine whether  
11 the threat factors identified in regulations issued under  
12 subsection (a) have been adequately addressed.

13 “(2) Facilities subject to testing under paragraph (1)  
14 include waterfront liquefied natural gas plants, capable of  
15 receiving liquefied natural gas tankers, located in or with-  
16 in 1 mile of a densely populated urban area, and associ-  
17 ated support facilities and equipment.

18 “(e) REVIEW AND REVISION.—Regulations issued  
19 under subsection (a) shall be reviewed and revised as ap-  
20 propriate at least once every 5 years.

21 “(f) DEFINITIONS.—For purposes of this section, the  
22 term ‘densely populated urban area’ means an area with  
23 a population density of more than 10,000 people per  
24 square mile.”.

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

“60131. Security of pipeline facilities.”.

4 **SEC. 13. NATIONAL PIPELINE MAPPING SYSTEM.**

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

7 **“§ 60132. National pipeline mapping system**

8 “(a) INFORMATION TO BE PROVIDED.—Not later  
9 than 6 months after the date of enactment of this section,  
10 the operator of a pipeline facility (except distribution lines  
11 and gathering lines) shall provide to the Secretary of  
12 Transportation the following information with respect to  
13 the facility:

14 “(1) Geospatial data appropriate for use in the  
15 National Pipeline Mapping System or data in a for-  
16 mat that can be readily converted to geospatial data.

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

20 “(3) A means for a member of the public to  
21 contact the operator for additional information  
22 about the pipeline facilities it operates.

23 “(b) UPDATES.—A person providing information  
24 under subsection (a) shall provide to the Secretary up-  
25 dates of the information to reflect changes in the pipeline



1 facility owned or operated by the person and as otherwise  
2 required by the Secretary.

3 “(c) **TECHNICAL ASSISTANCE TO IMPROVE LOCAL**  
4 **RESPONSE CAPABILITIES.**—The Secretary may provide  
5 technical assistance to State and local officials to improve  
6 local response capabilities for pipeline emergencies by  
7 adapting information available through the National Pipe-  
8 line Mapping System to software used by emergency re-  
9 sponse personnel responding to pipeline emergencies.”.

10 (b) **CONFORMING AMENDMENT.**—The analysis for  
11 chapter 601 is amended by adding at the end the fol-  
12 lowing:

“60132. National pipeline mapping system.”.

13 **SEC. 14. COORDINATION OF ENVIRONMENTAL REVIEWS.**

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

16 **“§ 60133. Coordination of environmental reviews**

17 “(a) **INTERAGENCY COMMITTEE.**—

18 “(1) **ESTABLISHMENT AND PURPOSE.**—Not  
19 later than 30 days after the date of enactment of  
20 this section, the President shall establish an Inter-  
21 agency Committee to develop and ensure implemen-  
22 tation of a coordinated environmental review and  
23 permitting process in order to enable pipeline opera-  
24 tors to commence and complete all activities nec-

1        essary to carry out pipeline repairs within any time  
2        periods specified by rule by the Secretary.

3               “(2) MEMBERSHIP.—The Chairman of the  
4        Council on Environmental Quality (or a designee of  
5        the Chairman) shall chair the Interagency Com-  
6        mittee, which shall consist of representatives of Fed-  
7        eral agencies with responsibilities relating to pipeline  
8        repair projects, including each of the following per-  
9        sons (or a designee thereof):

10               “(A) The Secretary of Transportation.

11               “(B) The Administrator of the Environ-  
12        mental Protection Agency.

13               “(C) The Director of the United States  
14        Fish and Wildlife Service.

15               “(D) The Assistant Administrator for  
16        Fisheries of the National Oceanic and Atmos-  
17        pheric Administration.

18               “(E) The Director of the Bureau of Land  
19        Management.

20               “(F) The Director of the Minerals Man-  
21        agement Service.

22               “(G) The Assistant Secretary of the Army  
23        for Civil Works.

24               “(H) The Chairman of the Federal Energy  
25        Regulatory Commission.

1           “(3) EVALUATION.—The Interagency Com-  
2           mittee shall evaluate Federal permitting require-  
3           ments to which access, excavation, and restoration  
4           activities in connection with pipeline repairs de-  
5           scribed in paragraph (1) may be subject. As part of  
6           its evaluation, the Interagency Committee shall ex-  
7           amine the access, excavation, and restoration prac-  
8           tices of the pipeline industry in connection with such  
9           pipeline repairs, and may develop a compendium of  
10          best practices used by the industry to access, exca-  
11          vate, and restore the site of a pipeline repair.

12          “(4) MEMORANDUM OF UNDERSTANDING.—  
13          Based upon the evaluation required under paragraph  
14          (3) and not later than 1 year after the date of enact-  
15          ment of this section, the members of the Interagency  
16          Committee shall enter into a memorandum of under-  
17          standing to provide for a coordinated and expedited  
18          pipeline repair permit review process to carry out  
19          the purpose set forth in paragraph (1). The Inter-  
20          agency Committee shall include provisions in the  
21          memorandum of understanding identifying those re-  
22          pairs or categories of repairs described in paragraph  
23          (1) for which the best practices identified under  
24          paragraph (3), when properly employed by a pipeline  
25          operator, would result in no more than minimal ad-

1       verse effects on the environment and for which dis-  
2       cretionary administrative reviews may therefore be  
3       minimized or eliminated. With respect to pipeline re-  
4       pairs described in paragraph (1) to which the pre-  
5       ceding sentence would not be applicable, the Inter-  
6       agency Committee shall include provisions to enable  
7       pipeline operators to commence and complete all ac-  
8       tivities necessary to carry out pipeline repairs within  
9       any time periods specified by rule by the Secretary.  
10      The Interagency Committee shall include in the  
11      memorandum of understanding criteria under which  
12      permits required for such pipeline repair activities  
13      should be prioritized over other less urgent agency  
14      permit application reviews. The Interagency Com-  
15      mittee shall not enter into a memorandum of under-  
16      standing under this paragraph except by unanimous  
17      agreement of the members of the Interagency Com-  
18      mittee.

19               “(5) STATE AND LOCAL CONSULTATION.—In  
20      carrying out this subsection, the Interagency Com-  
21      mittee shall consult with appropriate State and local  
22      environmental, pipeline safety, and emergency re-  
23      sponse officials, and such other officials as the Inter-  
24      agency Committee considers appropriate.

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

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

9               “(1) to require a pipeline operator to obtain a  
10 Federal permit, if no Federal permit would other-  
11 wise have been required under Federal law; or

12               “(2) to preempt applicable Federal, State, or  
13 local environmental law.

14       “(d) INTERIM OPERATIONAL ALTERNATIVES.—

15               “(1) IN GENERAL.—Not later than 30 days  
16 after the date of enactment of this section, and sub-  
17 ject to the limitations in paragraph (2), the Sec-  
18 retary of Transportation shall revise the regulations  
19 of the Department, to the extent necessary, to per-  
20 mit a pipeline operator subject to time periods for  
21 repair specified by rule by the Secretary to imple-  
22 ment alternative mitigation measures until all appli-  
23 cable permits have been granted.

24               “(2) LIMITATIONS.—The regulations issued by  
25 the Secretary pursuant to this subsection shall not

1 allow an operator to implement alternative mitiga-  
2 tion measures pursuant to paragraph (1) unless—

3 “(A) allowing the operator to implement  
4 such measures would be consistent with the  
5 protection of human health, public safety, and  
6 the environment;

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

12 “(C) the proposed alternative mitigation  
13 measures are not incompatible with pipeline  
14 safety.

15 “(e) OMBUDSMAN.—The Secretary shall designate an  
16 ombudsman to assist in expediting pipeline repairs and re-  
17 solving disagreements between Federal, State, and local  
18 permitting agencies and the pipeline operator during agen-  
19 cy review of any pipeline repair activity, consistent with  
20 protection of human health, public safety, and the environ-  
21 ment.

22 “(f) STATE AND LOCAL PERMITTING PROCESSES.—  
23 The Secretary shall encourage States and local govern-  
24 ments to consolidate their respective permitting processes  
25 for pipeline repair projects subject to any time periods for

1 repair specified by rule by the Secretary. The Secretary  
2 may request other relevant Federal agencies to provide  
3 technical assistance to States and local governments for  
4 the purpose of encouraging such consolidation.”.

5 (b) CONFORMING AMENDMENT.—The analysis for  
6 chapter 601 is amended by adding at the end the fol-  
7 lowing:

“60133. Coordination of environmental reviews.”.

8 **SEC. 15. 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. 16. RECOMMENDATIONS AND RESPONSES.**

17 (a) IN GENERAL.—Chapter 601 is amended by add-  
18 ing at the end the following:

19 **“§ 60134. Recommendations and responses**

20 “(a) RESPONSE REQUIREMENT.—Whenever the Of-  
21 fice of Pipeline Safety has received recommendations from  
22 the National Transportation Safety Board regarding pipe-  
23 line safety, it shall submit a formal written response to  
24 each such recommendation within 90 days after receiving

1 the recommendation. The response shall indicate whether  
2 the Office intends—

3 “(1) to carry out procedures to adopt the com-  
4 plete recommendations;

5 “(2) to carry out procedures to adopt a part of  
6 the recommendations; or

7 “(3) to refuse to carry out procedures to adopt  
8 the recommendations.

9 “(b) **TIMETABLE FOR COMPLETING PROCEDURES**  
10 **AND REASONS FOR REFUSALS.**—A response under sub-  
11 section (a)(1) or (2) shall include a copy of a proposed  
12 timetable for completing the procedures. A response under  
13 subsection (a)(2) shall detail the reasons for the refusal  
14 to carry out procedures on the remainder of the rec-  
15 ommendations. A response under subsection (a)(3) shall  
16 detail the reasons for the refusal to carry out procedures  
17 to adopt the recommendations.

18 “(c) **PUBLIC AVAILABILITY.**—The Office shall make  
19 a copy of each recommendation and response available to  
20 the public, including in electronic form.

21 “(d) **REPORTS TO CONGRESS.**—The Office shall sub-  
22 mit to Congress on January 1 of each year a report de-  
23 scribing each recommendation on pipeline safety made by  
24 the National Transportation Safety Board to the Office



1 during the prior year and the Office’s response to each  
2 recommendation.”.

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

“60134. Recommendations and responses.”.

6 **SEC. 17. MISCELLANEOUS AMENDMENTS.**

7 (a) PROTECTION OF PUBLIC HEALTH, WELFARE,  
8 AND THE ENVIRONMENT.—Section 60102(a)(1) is amend-  
9 ed by inserting “in order to protect public health and wel-  
10 fare and the environment from reasonably anticipated  
11 threats that could be posed by such transportation and  
12 facilities” after “and for pipeline facilities”.

13 (b) CONFLICTS OF INTEREST.—Section 60115(b)(4)  
14 is amended by adding at the end the following new sub-  
15 paragraph:

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

19 **SEC. 18. TECHNICAL AMENDMENTS.**

20 Chapter 601 is amended—

21 (1) in section 60102(a)—

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

25 “(a) MINIMUM SAFETY STANDARDS.—

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

3           (B) by moving the remainder of the text of  
4           paragraph (1), including subparagraphs (A)  
5           and (B) but excluding subparagraph (C), 2 ems  
6           to the right; and

7           (C) in paragraph (2) by inserting “QUALI-  
8           FICATIONS OF PIPELINE OPERATORS.—” before  
9           “The qualifications”;

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

14          (3) in section 60114 by redesignating sub-  
15          section (d) as subsection (c);

16          (4) in section 60122(a)(1) by striking “section  
17          60114(c)” and inserting “section 60114(b)”;

18          (5) in section 60123(a) by striking “60114(c)”  
19          and inserting “60114(b)”.

20   **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

21          (a)    GAS    AND    HAZARDOUS    LIQUID.—Section  
22    60125(a) is amended to read as follows:

23          “(a)    GAS    AND    HAZARDOUS    LIQUID.—To carry out  
24    this chapter (except for section 60107) related to gas and

1 hazardous liquid, the following amounts are authorized to  
2 be appropriated to the Department of Transportation:

3 “(1) \$45,800,000 for fiscal year 2003, of which  
4 \$31,900,000 is to be derived from user fees for fis-  
5 cal year 2003 collected under section 60301 of this  
6 title.

7 “(2) \$46,800,000 for fiscal year 2004, of which  
8 \$35,700,000 is to be derived from user fees for fis-  
9 cal year 2004 collected under section 60301 of this  
10 title.

11 “(3) \$47,100,000 for fiscal year 2005, of which  
12 \$41,100,000 is to be derived from user fees for fis-  
13 cal year 2005 collected under section 60301 of this  
14 title.

15 “(4) \$50,000,000 for fiscal year 2006, of which  
16 \$45,000,000 is to be derived from user fees for fis-  
17 cal year 2006 collected under section 60301 of this  
18 title.”.

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

20 (1) by striking subsections (b), (d), and (f) and  
21 redesignating subsections (c) and (e) as subsections  
22 (b) and (c), respectively; and

23 (2) in subsection (b)(1) (as so redesignated) by  
24 striking subparagraphs (A) through (H) and insert-  
25 ing the following:

1           “(A) \$19,800,000 for fiscal year 2003, of which  
2           \$14,800,000 is to be derived from user fees for fis-  
3           cal year 2003 collected under section 60301 of this  
4           title.

5           “(B) \$21,700,000 for fiscal year 2004, of which  
6           \$16,700,000 is to be derived from user fees for fis-  
7           cal year 2004 collected under section 60301 of this  
8           title.

9           “(C) \$24,600,000 for fiscal year 2005, of which  
10          \$19,600,000 is to be derived from user fees for fis-  
11          cal year 2005 collected under section 60301 of this  
12          title.

13          “(D) \$26,500,000 for fiscal year 2006, of which  
14          \$21,500,000 is to be derived from user fees for fis-  
15          cal year 2006 collected under section 60301 of this  
16          title.”.

17          (c) EMERGENCY RESPONSE GRANTS.—Section  
18          60125 is amended by adding after subsection (c) (as re-  
19          designated by subsection (b)(1) of this section) the fol-  
20          lowing:

21          “(d) EMERGENCY RESPONSE GRANTS.—

22                  “(1) IN GENERAL.—The Secretary may estab-  
23                  lish a program for making grants to State, county,  
24                  and local governments in high consequence areas, as

1 defined by the Secretary, for emergency response  
2 management, training, and technical assistance.

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated \$6,000,000  
5 for each of fiscal years 2003, 2004, and 2005 to  
6 carry out this subsection.”.

7 (d) CONFORMING AMENDMENT.—Section 60125(c)  
8 (as redesignated by subsection (b)(1) of this section) is  
9 amended by striking “or (b) of this section”.

10 **SEC. 20. INSPECTIONS BY DIRECT ASSESSMENT.**

11 Section 60102, as amended by this Act, is further  
12 amended by adding at the end the following new sub-  
13 section:

14 “(m) INSPECTIONS BY DIRECT ASSESSMENT.—Not  
15 later than 1 year after the date of the enactment of this  
16 subsection, the Secretary shall issue regulations pre-  
17 scribing standards for inspection of a pipeline facility by  
18 direct assessment.”.

19 **SEC. 21. PIPELINE BRIDGE RISK STUDY.**

20 (a) INITIATION.—Within 90 days after the date of  
21 enactment of this Act, the Secretary of Transportation  
22 shall initiate a study to determine whether cable-suspen-  
23 sion pipeline bridges pose structural or other risks war-  
24 ranting particularized attention in connection with pipe-  
25 line operators risk assessment programs and whether par-

1 ticularized inspection standards need to be developed by  
2 the Department of Transportation to recognize the pecu-  
3 liar risks posed by such bridges.

4 (b) PUBLIC PARTICIPATION AND COMMENTS.—In  
5 conducting the study, the Secretary shall provide, to the  
6 maximum extent practicable, for public participation and  
7 comment and shall solicit views and comments from the  
8 public and interested persons, including participants in the  
9 pipeline industry with knowledge and experience in inspec-  
10 tion of pipeline facilities.

11 (c) COMPLETION AND REPORT.—Within 2 years  
12 after the date of enactment of this Act, the Secretary shall  
13 complete the study and transmit to Congress a report de-  
14 tailing the results of the study.

15 **SEC. 22. STATE OVERSIGHT ROLE.**

16 (a) STATE AGREEMENTS WITH CERTIFICATION.—  
17 Section 60106 is amended—

18 (1) in subsection (a) by striking “GENERAL AU-  
19 THORITY.—” and inserting “AGREEMENTS WITH-  
20 OUT CERTIFICATION.—”;

21 (2) by redesignating subsections (b), (c), and  
22 (d) as subsections (c), (d), and (e), respectively; and

23 (3) by inserting after subsection (a) the fol-  
24 lowing:

25 “(b) AGREEMENTS WITH CERTIFICATION.—

1           “(1) IN GENERAL.—If the Secretary accepts a  
2           certification under section 60105 and makes the de-  
3           termination required under this subsection, the Sec-  
4           retary may make an agreement with a State author-  
5           ity authorizing it to participate in the oversight of  
6           interstate pipeline transportation. Each such agree-  
7           ment shall include a plan for the State authority to  
8           participate in special investigations involving inci-  
9           dents or new construction and allow the State au-  
10          thority to participate in other activities overseeing  
11          interstate pipeline transportation or to assume addi-  
12          tional inspection or investigatory duties. Nothing in  
13          this section modifies section 60104(e) or authorizes  
14          the Secretary to delegate the enforcement of safety  
15          standards prescribed under this chapter to a State  
16          authority.

17           “(2) DETERMINATIONS REQUIRED.—The Sec-  
18          retary may not enter into an agreement under this  
19          subsection, unless the Secretary determines in writ-  
20          ing that—

21                   “(A) the agreement allowing participation  
22                   of the State authority is consistent with the  
23                   Secretary’s program for inspection and con-  
24                   sistent with the safety policies and provisions  
25                   provided under this chapter;

1           “(B) the interstate participation agreement  
2 would not adversely affect the oversight respon-  
3 sibilities of intrastate pipeline transportation by  
4 the State authority;

5           “(C) the State is carrying out a program  
6 demonstrated to promote preparedness and risk  
7 prevention activities that enable communities to  
8 live safely with pipelines;

9           “(D) the State meets the minimum stand-  
10 ards for State one-call notification set forth in  
11 chapter 61; and

12           “(E) the actions planned under the agree-  
13 ment would not impede interstate commerce or  
14 jeopardize public safety.

15           “(3) EXISTING AGREEMENTS.—If requested by  
16 the State authority, the Secretary shall authorize a  
17 State authority which had an interstate agreement  
18 in effect after January 31, 1999, to oversee inter-  
19 state pipeline transportation pursuant to the terms  
20 of that agreement until the Secretary determines  
21 that the State meets the requirements of paragraph  
22 (2) and executes a new agreement, or until Decem-  
23 ber 31, 2003, whichever is sooner. Nothing in this  
24 paragraph shall prevent the Secretary, after afford-  
25 ing the State notice, hearing, and an opportunity to



1 correct any alleged deficiencies, from terminating an  
2 agreement that was in effect before enactment of the  
3 Pipeline Infrastructure Protection to Enhance Secu-  
4 rity and Safety Act if—

5 “(A) the State authority fails to comply  
6 with the terms of the agreement;

7 “(B) implementation of the agreement has  
8 resulted in a gap in the oversight responsibil-  
9 ities of intrastate pipeline transportation by the  
10 State authority; or

11 “(C) continued participation by the State  
12 authority in the oversight of interstate pipeline  
13 transportation has had an adverse impact on  
14 pipeline safety.”.

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

18 “(e) ENDING AGREEMENTS.—

19 “(1) PERMISSIVE TERMINATION.—The Sec-  
20 retary may end an agreement under this section  
21 when the Secretary finds that the State authority  
22 has not complied with any provision of the agree-  
23 ment.

24 “(2) MANDATORY TERMINATION OF AGREE-  
25 MENT.—The Secretary shall end an agreement for

1 the oversight of interstate pipeline transportation if  
2 the Secretary finds that—

3 “(A) implementation of such agreement  
4 has resulted in a gap in the oversight respon-  
5 sibilities of intrastate pipeline transportation by  
6 the State authority;

7 “(B) the State actions under the agree-  
8 ment have failed to meet the requirements  
9 under subsection (b); or

10 “(C) continued participation by the State  
11 authority in the oversight of interstate pipeline  
12 transportation would not promote pipeline safe-  
13 ty.

14 “(3) PROCEDURAL REQUIREMENTS.—The Sec-  
15 retary shall give notice and an opportunity for a  
16 hearing to a State authority before ending an agree-  
17 ment under this section. The Secretary may provide  
18 a State an opportunity to correct any deficiencies be-  
19 fore ending an agreement. The finding and decision  
20 to end the agreement shall be published in the Fed-  
21 eral Register and may not become effective for at  
22 least 15 days after the date of publication unless the  
23 Secretary finds that continuation of an agreement  
24 poses an imminent hazard.”.

1           (c) SECRETARY’S RESPONSE TO STATE NOTICES OF  
2 VIOLATIONS.—Subsection (c) of section 60106 (as reded-  
3 igned by subsection (a)(2) of this section) is amended—

4           (1) by striking “Each agreement” and inserting  
5 the following:

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

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

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

14           “(A) issue an order under section  
15 60118(b) or take other appropriate enforcement  
16 actions to ensure compliance with this chapter;  
17 or

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

1           (3) by aligning the text of paragraph (1) (as  
2           designated by this subsection) with paragraph (2)  
3           (as added by this subsection).

Passed the House of Representatives July 23, 2002.

Attest:

*Clerk.*

107TH CONGRESS  
2D SESSION

**H. R. 3609**

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**AN ACT**

To amend title 49, United States Code, to enhance  
the security and safety of pipelines.