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H. R. 3609

[Report No. 107-605, Parts I and II]

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. YOUNG of Alaska (for himself, Mr. TAUZIN, Mr. PETRI, Mr. BARTON of Texas, Mr. SANDLIN, Mr. CARSON of Oklahoma, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the Committee concerned

JULY 23, 2002

Additional sponsors: Mr. PICKERING, Mr. CRAMER, Mrs. CAPITO, Mr. MATHE-
SON, Mr. LATOURETTE, Mr. LUCAS of Kentucky, Mr. SHOWS, Mr.
NETHERCUTT, Mr. BARCIA, Mr. ENGLISH, Mr. RADANOVICH, Mr. COM-
BEST, Mr. QUINN, Mr. STENHOLM, Mr. MORAN of Kansas, Mr. NOR-
WOOD, Mr. CULBERSON, Mr. BLUNT, Mr. POMBO, Mr. DUNCAN, Mr.
BAKER, Mr. PLATTS, Mr. BISHOP, Mr. REYES, Mr. BROWN of South
Carolina, Mr. MOLLOHAN, Mr. SHUSTER, Mr. NEY, Mr. COOKSEY, Mr.
KINGSTON, Mr. LAMPSON, Mr. OTTER, Mr. BRYANT, Mr. SULLIVAN, Mr.
WALDEN of Oregon, and Mr. FOSSELLA

JULY 23, 2002

Reported from the Committee on Transportation and Infrastructure with an
amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 23, 2002

Reported from the Committee on Energy and Commerce with an amendment;
committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on December 20, 2001]

A BILL

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,*

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

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

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

14 (c) *TABLE OF CONTENTS.*—

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. Public education programs.

Sec. 5. State oversight role.

Sec. 6. Community right-to-know and emergency preparedness.

Sec. 7. Safety and security orders.

Sec. 8. Penalties.

Sec. 9. Population encroachment.

Sec. 10. Additional gas pipeline protections.

Sec. 11. Pipeline integrity research, development, and demonstration.

- Sec. 12. *Qualification of pipeline personnel.*
 Sec. 13. *Security of pipeline facilities.*
 Sec. 14. *National pipeline mapping system.*
 Sec. 15. *Administrative process for permitting a pipeline repair activity.*
 Sec. 16. *Pipeline security-sensitive information.*
 Sec. 17. *Technical amendments.*
 Sec. 18. *Authorization of appropriations.*
 Sec. 19. *Protection of employees providing pipeline safety information.*
 Sec. 20. *Pipeline bridge risk study.*

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 excavators”*
 10 *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 shall*
 16 *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:*

1 **“§ 6105. Implementation of best practices guidelines**

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

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

14 “(c) *GRANTS.*—

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

18 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—*In*
19 *addition to amounts authorized under section 6107,*
20 *there is authorized to be appropriated for making*
21 *grants under this subsection \$500,000 for each of fis-*
22 *cal years 2002 through 2005. Such sums shall remain*
23 *available until expended.*

24 “(3) *GENERAL REVENUE FUNDING.*—*Any sums*
25 *appropriated under this subsection shall be derived*

1 *from general revenues and may not be derived from*
2 *amounts collected under section 60301.”.*

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

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

6 (d) *AUTHORIZATION OF APPROPRIATIONS.—*

7 (1) *FOR GRANTS FOR STATES.—Section 6107(a)*
8 *is amended by striking “\$1,000,000 for fiscal year*
9 *2000” and all that follows before the period at the*
10 *end of the first sentence and inserting “\$1,000,000 for*
11 *each of fiscal years 2002 through 2005”.*

12 (2) *FOR ADMINISTRATION.—Section 6107(b) is*
13 *amended by striking “for fiscal years 1999, 2000, and*
14 *2001” and inserting “for fiscal years 2002 through*
15 *2005”.*

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

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

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”.*

17 **SEC. 4. PUBLIC EDUCATION PROGRAMS.**

18 (a) *SECURITY AND SAFETY STANDARDS.*—Section
19 *60102(b) is amended—*

20 (1) *in the subsection heading by striking “PRAC-*
21 *TICABILITY AND SAFETY NEEDS STANDARDS” and in-*
22 *serting “SECURITY AND SAFETY STANDARDS”;*

23 (2) *in paragraph (1)(B)(i)—*

24 (A) *by striking “safety” and inserting*
25 *“safety and security”; and*

1 (B) by striking “safely” and inserting
2 “safely and securely”;

3 (3) in paragraph (2)(A)—

4 (A) by striking “and” at the end of clause
5 (ii);

6 (B) by adding “and” at the end of clause
7 (iii); and

8 (C) by adding at the end the following:

9 “(iv) security information;”;

10 (4) in paragraph (2)—

11 (A) by striking “and” at the end of sub-
12 paragraph (F);

13 (B) by striking the period at the end of sub-
14 paragraph (G) and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(H) the comments and recommendations of
17 the Office of Homeland Security and the Trans-
18 portation Security Administration.”; and

19 (5) in paragraph (3)—

20 (A) by striking “and” at the end of sub-
21 paragraph (C);

22 (B) by striking the period at the end of sub-
23 paragraph (D) and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(E) assess the vulnerabilities of pipeline
2 facilities to terrorist attacks.”.

3 (b) *PUBLIC SAFETY PROGRAM REQUIREMENTS.*—Sec-
4 tion 60102(c) is amended to read as follows:

5 “(c) *PUBLIC SAFETY PROGRAM REQUIREMENTS.*—

6 “(1) *IN GENERAL.*—The Secretary shall include
7 in the standards prescribed under subsection (a) a re-
8 quirement that the operator of a pipeline facility par-
9 ticipate in a public safety program that—

10 “(A) notifies an operator of proposed demo-
11 lition, excavation, tunneling, or construction
12 near or affecting the facility;

13 “(B) requires an operator to identify a
14 pipeline facility that may be affected by the pro-
15 posed demolition, excavation, tunneling, or con-
16 struction, to prevent damaging the facility; and

17 “(C) the Secretary decides will protect a fa-
18 cility adequately against a hazard caused by
19 demolition, excavation, tunneling, or construc-
20 tion.

21 “(2) *COMPARABLE SERVICES.*—To the extent a
22 public safety program referred to in paragraph (1) is
23 not available, the Secretary shall prescribe standards
24 requiring an operator to take action to provide serv-

1 *ices comparable to services that would be available*
2 *under a public safety program.*

3 *“(3) PROMOTING PUBLIC SAFETY.—*

4 *“(A) PROVISION OF MAP TO MUNICIPALI-*
5 *TIES.—The operator of a hazardous liquid or*
6 *interstate gas pipeline facility shall provide on*
7 *an annual basis to the governing body of each*
8 *municipality in which the facility is located, a*
9 *map identifying the location of the facility.*

10 *“(B) SURVEY.—The Secretary shall periodi-*
11 *cally survey and assess the public education pro-*
12 *grams under section 60116 and the public safety*
13 *programs under this subsection and determine*
14 *their effectiveness and applicability as compo-*
15 *nents of a model program. In particular, the*
16 *survey shall include—*

17 *“(i) the methods by which operators*
18 *notify residents of the location of the facility*
19 *and its right of way;*

20 *“(ii) public information regarding ex-*
21 *isting One-Call programs; and*

22 *“(iii) appropriate procedures to be fol-*
23 *lowed by residents of affected municipalities*
24 *in the event of accidents involving interstate*
25 *pipeline facilities.*

1 “(C) *RULEMAKING.*—*The Secretary shall*
2 *institute a rulemaking to determine the most ef-*
3 *fective public safety and education program com-*
4 *ponents and promulgate standards implementing*
5 *those components on a nationwide basis. Such*
6 *standards shall establish appropriate limitations*
7 *on access to maps provided under subparagraph*
8 *(A) based on the need for security of the informa-*
9 *tion.*”

10 “(D) *TECHNICAL ASSISTANCE.*—*The Sec-*
11 *retary may provide technical assistance to State*
12 *and local officials in applying practices devel-*
13 *oped as part of the programs required under this*
14 *subsection and section 60116 to their activities to*
15 *educate and promote pipeline safety with the*
16 *public.*”

17 **SEC. 5. STATE OVERSIGHT ROLE.**

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

20 (1) *in subsection (a) by striking “GENERAL AU-*
21 *THORITY.—” and inserting “AGREEMENTS WITHOUT*
22 *CERTIFICATION.—”;*

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

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

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

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

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

24 “(A) *the agreement allowing participation*
25 *of the State authority is consistent with the Sec-*

1 *retary’s program for inspection and consistent*
2 *with the safety policies and provisions provided*
3 *under this chapter;*

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

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

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

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

18 *“(3) EXISTING AGREEMENTS.—If requested by*
19 *the State authority, the Secretary shall authorize a*
20 *State authority which had an interstate agreement in*
21 *effect after January 31, 1999, to oversee interstate*
22 *pipeline transportation pursuant to the terms of that*
23 *agreement until the Secretary determines that the*
24 *State meets the requirements of paragraph (2) and*
25 *executes a new agreement, or until December 31,*

1 2003, whichever is sooner. Nothing in this paragraph
2 shall prevent the Secretary, after affording the State
3 notice, hearing, and an opportunity to correct any al-
4 leged deficiencies, from terminating an agreement
5 that was in effect before enactment of the Pipeline In-
6 frastructure Protection To Enhance Security and
7 Safety Act if—

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

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

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

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

21 “(e) *ENDING AGREEMENTS.*—

22 “(1) *PERMISSIVE TERMINATION.*—The Secretary
23 may end an agreement under this section when the
24 Secretary finds that the State authority has not com-
25 plied with any provision of the agreement.

1 “(2) *MANDATORY TERMINATION OF AGREEMENT.*—*The Secretary shall end an agreement for the*
2 *oversight of interstate pipeline transportation if the*
3 *Secretary finds that—*

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

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

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

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

1 *finds that continuation of an agreement poses an im-*
2 *minent hazard.”.*

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

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

8 “*(1) IN GENERAL.—Each agreement*”;

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

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

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

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

1 **SEC. 6. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
2 **PREPAREDNESS.**

3 (a) *IN GENERAL.*—Section 60116 is amended to read
4 as follows:

5 **“§60116. Community right-to-know and emergency**
6 **preparedness**

7 “(a) *PUBLIC EDUCATION PROGRAMS.*—

8 “(1) *IN GENERAL.*—Each operator of a gas pipe-
9 line or hazardous liquid pipeline facility shall carry
10 out a continuing program to educate the public on—

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

14 “(B) the possible hazards associated with
15 unintended releases from the pipeline facility;

16 “(C) the physical indications that such a
17 release may have occurred;

18 “(D) what steps should be taken for public
19 safety in the event of a pipeline release; and

20 “(E) how to report such an event.

21 “(2) *REVIEW OF EXISTING PROGRAMS.*—Not
22 later than 1 year after the date of enactment of this
23 paragraph, each operator of a gas pipeline or haz-
24 ardous liquid pipeline facility shall review its exist-
25 ing public education program for effectiveness and
26 modify the program as necessary. The completed pro-

1 *gram shall be reviewed by the Secretary of Transpor-*
2 *tation as an element of Departmental inspections.*

3 “(3) *STANDARDS.*—*The Secretary may issue*
4 *standards prescribing the details of a public edu-*
5 *cation program and providing for periodic review of*
6 *the program’s effectiveness and modification as need-*
7 *ed. The Secretary may also develop material for use*
8 *in the program.*

9 “(4) *TECHNICAL ASSISTANCE.*—*The Secretary*
10 *may provide technical assistance on public safety and*
11 *public education programming regarding pipeline*
12 *safety as follows:*

13 “(A) *TO PIPELINE INDUSTRY.*—*To the pipe-*
14 *line industry, technical assistance on—*

15 “(i) *developing public safety and pub-*
16 *lic education program content; and*

17 “(ii) *using best practices for program*
18 *delivery and on evaluating the effectiveness*
19 *of the programs.*

20 “(B) *TO STATE AND LOCAL OFFICIALS.*—*To*
21 *State and local officials, technical assistance on*
22 *applying practices developed in public safety*
23 *and public education programs to their activities*
24 *to promote pipeline safety.*

1 “(b) *PUBLIC AVAILABILITY OF REPORTS.*—*The Sec-*
2 *retary shall make available to the public a safety-related*
3 *condition report filed by an operator under section*
4 *60102(h) and, except as provided in section 60117(d)(2),*
5 *a report of a pipeline incident filed by an operator under*
6 *this chapter.*

7 “(c) *EMERGENCY PREPAREDNESS.*—

8 “(1) *OPERATOR LIAISON.*—*Not later than 1 year*
9 *after the date of enactment of this subsection, each op-*
10 *erator of a gas pipeline or hazardous liquid pipeline*
11 *facility shall initiate and maintain liaison with the*
12 *State emergency response commissions, and local*
13 *emergency planning committees in the areas of pipe-*
14 *line right-of-way, established under section 301 of the*
15 *Emergency Planning and Community Right-To-*
16 *Know Act of 1986 (42 U.S.C. 11001) in each State*
17 *in which it operates.*

18 “(2) *EMERGENCY RESPONSE PLANS.*—*The Sec-*
19 *retary shall prescribe standards to require each oper-*
20 *ator of a gas pipeline or hazardous liquid pipeline*
21 *facility—*

22 “(A) *to develop an emergency response plan*
23 *for responding to incidents involving the facility;*
24 *and*

1 “(B) to make the plan available upon re-
2 quest to State and local officials.

3 “(3) COOPERATION WITH LOCAL OFFICIALS.—
4 Each operator of a gas pipeline or hazardous liquid
5 pipeline facility shall work in cooperation with State
6 and local officials in the development of State and
7 local emergency response plans for responding to inci-
8 dents involving the facility.

9 “(d) EMERGENCY RESPONSE GRANTS.—The Secretary
10 may establish a program for making grants to State, coun-
11 ty, and local governments in high consequence areas, as
12 such an area is defined by the Secretary, for emergency re-
13 sponse management, training, and technical assistance.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 601 is amended by striking the item relating to sec-
16 tion 60116 and inserting the following:

 “60116. Community right-to-know and emergency preparedness.”.

17 **SEC. 7. SAFETY AND SECURITY ORDERS.**

18 Section 60117 is amended by adding at the end the
19 following:

20 “(l) SAFETY ORDERS.—If the Secretary decides that
21 a pipeline facility has a potentially unsafe condition, the
22 Secretary may order the operator of the facility to take nec-
23 essary corrective action, including physical inspection, test-
24 ing, repair, replacement, or other appropriate action to
25 remedy the unsafe condition.

1 “(m) *SECURITY ORDERS.*—*If the Secretary decides*
2 *that a pipeline facility has a vulnerability to terrorist at-*
3 *tacks, the Secretary may order that the operator of the facil-*
4 *ity take necessary actions to eliminate or reduce the vulner-*
5 *ability.*”.

6 **SEC. 8. PENALTIES.**

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

9 (1) *by striking “\$25,000” and inserting*
10 *“\$50,000”; and*

11 (2) *by striking “\$500,000” and inserting*
12 *“\$750,000”.*

13 (b) *CRIMINAL PENALTIES.*—*Section 60123(b) is*
14 *amended by inserting “as an act of terrorism or for any*
15 *other purpose” before “shall be fined”.*

16 **SEC. 9. POPULATION ENCROACHMENT.**

17 *Section 60127 is amended to read as follows:*

18 **“§ 60127. Population encroachment**

19 “(a) *STUDY.*—*The Secretary of Transportation, in*
20 *consultation with appropriate Federal agencies and State*
21 *and local governments, shall undertake a study of land use*
22 *practices and zoning ordinances with regard to pipeline*
23 *rights-of-way.*

1 “(b) *PURPOSE OF STUDY.*—*The purpose of the study*
2 *shall be to gather information on land use practices and*
3 *zoning ordinances—*

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

6 “(2) *to address and prevent the hazards and*
7 *risks to the public and the environment associated*
8 *with encroachment on pipeline rights-of-way; and*

9 “(3) *to raise the awareness of the risks and haz-*
10 *ards of encroachment on pipeline rights-of-way.*

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

13 “(1) *The legal authority of Federal agencies and*
14 *State and local governments in controlling land use*
15 *and the limitations on such authority.*

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

19 “(3) *The most effective way to encourage Federal*
20 *agencies and State and local governments to monitor*
21 *and reduce encroachment upon pipeline rights-of-way.*

22 “(d) *REPORT.*—

23 “(1) *IN GENERAL.*—*Not later than 1 year after*
24 *the date of enactment of this subsection, the Secretary*
25 *shall publish a report identifying practices, laws, and*

1 *ordinances that are most successful in addressing*
2 *issues of encroachment on pipeline rights-of-way so as*
3 *to more effectively protect public safety and the envi-*
4 *ronment.*

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

7 “(A) *Congress and appropriate Federal*
8 *agencies; and*

9 “(B) *States for further distribution to ap-*
10 *propriate local authorities.*

11 “(3) *ADOPTION OF PRACTICES, LAWS, AND ORDI-*
12 *NANCES.*—*The Secretary shall encourage Federal*
13 *agencies and State and local governments to adopt*
14 *and implement appropriate practices, laws, and ordi-*
15 *nances, as identified in the report, to address the risks*
16 *and hazards associated with encroachment upon pipe-*
17 *line rights-of-way.*

18 “(e) *LOCAL ASSISTANCE.*—

19 “(1) *IN GENERAL.*—*In conducting the study and*
20 *preparing the report under this section, the Secretary*
21 *shall consult with a group of State and local officials*
22 *selected by the Secretary. The Secretary shall begin*
23 *consulting with the group not later than 90 days after*
24 *the date of enactment of this subsection.*

1 “(2) *MEMBERSHIP.*—*The group shall be com-*
2 *posed of members selected by the Secretary from*
3 *among elected officials of State and local governments*
4 *representing areas in which pipeline facilities are lo-*
5 *cated. At least one of the members shall be an elected*
6 *official of a local government with a population of*
7 *less than 10,000.*

8 “(3) *FEDERAL ADVISORY COMMITTEE ACT.*—*The*
9 *Federal Advisory Committee Act (5 U.S.C. App.)*
10 *shall not apply to the group established under this*
11 *subsection.”.*

12 **SEC. 10. ADDITIONAL GAS PIPELINE PROTECTIONS.**

13 (a) *RISK ANALYSIS AND INTEGRITY MANAGEMENT*
14 *PROGRAMS.*—*Section 60109 is amended by adding at the*
15 *end the following:*

16 “(c) *RISK ANALYSIS AND INTEGRITY MANAGEMENT*
17 *PROGRAMS.*—

18 “(1) *REQUIREMENT.*—*Each operator of a gas*
19 *transmission pipeline facility shall conduct an anal-*
20 *ysis of the risks to each facility of the operator in an*
21 *area identified pursuant to subsection (a)(1) and*
22 *shall adopt and implement a written integrity man-*
23 *agement program for such facility to reduce the risks.*

24 “(2) *REGULATIONS.*—*Not later than 18 months*
25 *after the date of the enactment of this subsection, the*

1 *Secretary shall issue regulations prescribing stand-*
2 *ards to direct an operator’s conduct of a risk analysis*
3 *and adoption and implementation of an integrity*
4 *management program under this subsection. The reg-*
5 *ulations shall require the conduct of the risk analysis*
6 *and adoption of the integrity management program*
7 *to occur within a time period prescribed by the Sec-*
8 *retary, not to exceed 1 year after the issuance of such*
9 *regulations. The Secretary may satisfy the require-*
10 *ments of this paragraph through the issuance of regu-*
11 *lations under this paragraph or under other authority*
12 *of law.*

13 *“(3) MINIMUM REQUIREMENTS OF INTEGRITY*
14 *MANAGEMENT PROGRAMS.—An integrity management*
15 *program required under paragraph (1) shall include,*
16 *at a minimum, the following requirements:*

17 *“(A) A baseline integrity assessment of each*
18 *of the operator’s facilities in areas identified*
19 *pursuant to subsection (a)(1), to be completed*
20 *not later than 10 years after the date of the*
21 *adoption of the integrity management program,*
22 *by internal inspection device, pressure testing,*
23 *direct assessment, or an alternative method that*
24 *the Secretary determines would provide an equal*
25 *or greater level of safety.*

1 “(B) Subject to paragraph (4), periodic re-
2 inspection of the facility, at a minimum of once
3 every 7 years, using methods described in sub-
4 paragraph (A).

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

13 “(5) CONSIDERATIONS.—In developing standards
14 under paragraph (2), the Secretary shall take into
15 consideration the following:

16 “(A) The level of safety, the characteristics
17 of the gas, the application of existing or new
18 technology, the results of technical studies by rec-
19 ognized experts and previous assessments, histor-
20 ical performance of gas pipelines, engineering
21 criteria for determining the severity of threats to
22 integrity, the availability of inspection equip-
23 ment and analytical personnel, the security and
24 reliability of supply, and the impact on gas
25 prices to consumers.

1 “(B) *The appropriateness of the application*
2 *of various assessment methodologies, taking into*
3 *account the nature of the anomalies of specific*
4 *pipeline segments under investigation, including*
5 *such methodologies as direct assessment, hydro-*
6 *static testing, in-line inspection, and other effec-*
7 *tive methods.*

8 “(C) *The application of a prescriptive or*
9 *performance-based means of compliance (or a*
10 *combination thereof).*

11 “(D) *Incorporation of applicable national*
12 *consensus standards to create a consistent and*
13 *effective approach to risk assessment and*
14 *prioritization, high consequence areas, pipeline*
15 *facility inspection, integrity management, and*
16 *repair requirements for managing pipeline integ-*
17 *riety.*

18 “(E) *The effectiveness of review and over-*
19 *sight of an operator’s integrity management*
20 *plan by a designated pipeline safety authority.*

21 “(6) *ADDITIONAL OPTIONAL STANDARDS.—The*
22 *Secretary may also prescribe standards requiring an*
23 *operator of a pipeline facility to include in an integ-*
24 *riety management program under this subsection—*

1 “(A) changes to valves or the establishment
2 or modification of systems that monitor pressure
3 and detect leaks based on the operator’s risk
4 analysis; and

5 “(B) the use of emergency flow restricting
6 devices.

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

15 “(8) *REVIEW OF INTEGRITY MANAGEMENT PRO-*
16 *GRAMS.*—

17 “(A) *REVIEW OF PROGRAMS.*—

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

23 “(ii) *CONTEXT OF REVIEW.*—The Sec-
24 retary may conduct a review under clause

1 *(i) as an element of the Secretary’s inspec-*
2 *tion of an operator.*

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

13 “*(B) AMENDMENTS TO PROGRAMS.—In*
14 *order to facilitate reviews under this paragraph,*
15 *an operator of a pipeline facility shall notify the*
16 *Secretary of any amendment made to the opera-*
17 *tor’s integrity management program not later*
18 *than 30 days after the date of adoption of the*
19 *amendment.*

20 “*(C) TRANSMITTAL OF PROGRAMS TO STATE*
21 *AUTHORITIES.—The Secretary shall provide a*
22 *copy of each risk analysis and integrity manage-*
23 *ment program reviewed by the Secretary under*
24 *this paragraph to any appropriate State author-*

1 *ity with which the Secretary has entered into an*
2 *agreement under section 60106.*

3 “(9) *STATE REVIEW OF INTEGRITY MANAGEMENT*
4 *PLANS.—A State authority that enters into an agree-*
5 *ment pursuant to section 60106, permitting the State*
6 *authority to review the risk analysis and integrity*
7 *management program pursuant to paragraph (8),*
8 *may provide the Secretary with a written assessment*
9 *of the risk analysis and integrity management pro-*
10 *gram, make recommendations, as appropriate, to ad-*
11 *dress safety concerns not adequately addressed by the*
12 *operator’s risk analysis or integrity management pro-*
13 *gram, and submit documentation explaining the*
14 *State-proposed revisions. The Secretary shall consider*
15 *carefully the State’s proposals and work in consulta-*
16 *tion with the States and operators to address safety*
17 *concerns.*

18 “(10) *APPLICATION OF STANDARDS.—Section*
19 *60104(b) shall not apply to this section.”.*

20 (b) *INTEGRITY MANAGEMENT REGULATIONS.—Section*
21 *60109 is further amended by adding at the end the fol-*
22 *lowing:*

23 “(d) *EVALUATION OF INTEGRITY MANAGEMENT REGU-*
24 *LATIONS.—Not later than 5 years after the date of enact-*
25 *ment of this subsection, the Secretary shall complete an as-*

1 *assessment and evaluation of the effects on public safety and*
2 *the environment of the requirements for the implementation*
3 *of integrity management programs contained in the stand-*
4 *ards prescribed as described in subsection (c)(2).”.*

5 *(c) CONFORMING AMENDMENT.—Section 60118(a) is*
6 *amended—*

7 *(1) by striking “and” at the end of paragraph*
8 *(2);*

9 *(2) by striking the period at the end of para-*
10 *graph (3) and inserting “; and”; and*

11 *(3) by adding at the end the following:*

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

15 *(d) STUDY OF PERFORMANCE-BASED WAIVERS FOR*
16 *REINSPECTION INTERVALS.—*

17 *(1) STUDY.—The Secretary of Transportation*
18 *shall conduct a study to determine the feasibility of*
19 *extending the 7-year reinspection interval required by*
20 *section 60109(c)(3)(B) of title 49, United States Code,*
21 *on a case-by-case basis, as an incentive for pipeline*
22 *operators whose integrity management plans exceed*
23 *the minimum requirements for inspections and re-*
24 *pairs under section 60109(c) of such title and provide*
25 *a greater level of safety than such requirements.*

1 (2) *REPORT.*—Not later than 1 year after the
2 date of the enactment of this Act, the Secretary shall
3 transmit to Congress a report on the results of the
4 study conducted, together with such recommendations
5 as the Secretary may have regarding extension of the
6 reinspection interval.

7 **SEC. 11. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,**
8 **AND DEMONSTRATION.**

9 (a) *ESTABLISHMENT OF COOPERATIVE PROGRAM.*—

10 (1) *IN GENERAL.*—The heads of the participating
11 agencies shall develop and implement a program of
12 research, development, demonstration, and standard-
13 ization to ensure the integrity of energy pipelines and
14 next-generation pipelines.

15 (2) *ELEMENTS.*—The program shall include re-
16 search, development, demonstration, and standardiza-
17 tion activities related to—

18 (A) *materials inspection;*

19 (B) *stress and fracture analysis, detection of*
20 *cracks, corrosion, abrasion, and other abnormali-*
21 *ties inside pipelines that lead to pipeline failure,*
22 *and development of new equipment or tech-*
23 *nologies that are inserted into pipelines to detect*
24 *anomalies;*

1 (C) *internal inspection and leak detection*
2 *technologies, including detection of leaks at very*
3 *low volumes;*

4 (D) *methods of analyzing content of pipe-*
5 *line throughput;*

6 (E) *pipeline security, including improving*
7 *the real-time surveillance of pipeline rights-of-*
8 *way, developing tools for evaluating and enhanc-*
9 *ing pipeline security and infrastructure, reduc-*
10 *ing natural, technological, and terrorist threats,*
11 *and protecting first response units and persons*
12 *near an incident;*

13 (F) *risk assessment methodology, including*
14 *vulnerability assessment and reduction of third-*
15 *party damage;*

16 (G) *communication, control, and informa-*
17 *tion systems surety;*

18 (H) *fire safety of pipelines;*

19 (I) *improved excavation, construction, and*
20 *repair technologies; and*

21 (J) *other elements the heads of the partici-*
22 *pating agencies consider appropriate.*

23 (3) *ACTIVITIES AND CAPABILITIES REPORT.*—*Not*
24 *later than 6 months after the date of enactment of this*
25 *Act, the participating agencies shall transmit to Con-*

1 *gress a report on the existing activities and capabili-*
2 *ties of the participating agencies, including the na-*
3 *tional laboratories. The report shall include the re-*
4 *sults of a survey by the participating agencies of any*
5 *activities of other Federal agencies that are relevant*
6 *to or could supplement existing research, development,*
7 *demonstration, and standardization activities under*
8 *the program created under this section.*

9 *(b) PROGRAM PLAN.—*

10 *(1) IN GENERAL.—Not later than 1 year after*
11 *the date of enactment of this Act, the participating*
12 *agencies shall prepare and transmit to Congress a 5-*
13 *year program plan to guide activities under this sec-*
14 *tion. Such program plan shall be submitted to the*
15 *Pipeline Integrity Technical Advisory Committee es-*
16 *tablished under subsection (c) for review, and the re-*
17 *port to Congress shall include the comments of the*
18 *Advisory Committee. The 5-year program plan shall*
19 *take into account related activities of Federal agencies*
20 *that are not participating agencies.*

21 *(2) CONSULTATION.—In preparing the program*
22 *plan, the participating agencies shall seek the advice*
23 *of other Federal agencies, appropriate representatives*
24 *of State and local government and the private sector,*
25 *including companies owning energy pipelines and de-*

1 *velopers of next-generation pipelines, utilities, manu-*
2 *facturers, institutions of higher learning, pipeline re-*
3 *search institutions, national laboratories, environ-*
4 *mental organizations, pipeline safety advocates, pro-*
5 *fessional and technical societies, and any other appro-*
6 *priate entities to help establish program priorities.*

7 *(c) PIPELINE INTEGRITY TECHNICAL ADVISORY COM-*
8 *MITTEE.—*

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

15 *(2) DUTIES.—The Advisory Committee shall—*

16 *(A) advise the participating agencies on the*
17 *development and implementation of the program*
18 *plan prepared under subsection (b); and*

19 *(B) have a continuing role in evaluating*
20 *the progress and results of research, development,*
21 *demonstration, and standardization activities*
22 *carried out under this section.*

23 *(3) MEMBERSHIP.—*

24 *(A) APPOINTMENT.—The Advisory Com-*
25 *mittee shall be composed of—*

1 (i) 3 members appointed by the Sec-
2 retary of Energy;

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

5 (iii) 3 members appointed by the Di-
6 rector of the National Institute of Standards
7 and Technology.

8 In making appointments, the participating
9 agencies shall seek recommendations from the
10 National Academy of Sciences.

11 (B) QUALIFICATIONS.—Members appointed
12 to the Advisory Committee shall have experience
13 or be technically qualified, by training or knowl-
14 edge, in the operations of the pipeline industry,
15 and have experience in the research and develop-
16 ment of pipeline or related technologies.

17 (C) COMPENSATION.—The members of the
18 Advisory Committee shall serve without com-
19 pensation, but shall receive travel expenses, in-
20 cluding per diem in lieu of subsistence, in ac-
21 cordance with sections 5702 and 5703 of title 5,
22 United States Code.

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

1 (5) *TERMINATION.*—*The Advisory Committee*
2 *shall terminate 5 years after its establishment.*

3 (d) *REPORTS TO CONGRESS.*—*Not later than 1 year*
4 *after the date of enactment of this Act, and annually there-*
5 *after, the participating agencies shall each transmit to Con-*
6 *gress a report on the status and results to date of the imple-*
7 *mentation of their portion of the program plan prepared*
8 *under subsection (b).*

9 (e) *MEMORANDUM OF UNDERSTANDING.*—*Not later*
10 *than 120 days after the date of enactment of this Act, the*
11 *participating agencies shall enter into a memorandum of*
12 *understanding detailing their respective responsibilities*
13 *under this section, consistent with the activities and capa-*
14 *bilities identified under subsection (a)(3). Each of the par-*
15 *ticipating agencies shall have the primary responsibility for*
16 *ensuring that the elements of the program plan within its*
17 *jurisdiction are implemented in accordance with this sec-*
18 *tion. The Department of Transportation's responsibilities*
19 *shall reflect its expertise in pipeline inspection and infor-*
20 *mation systems surety. The Department of Energy's respon-*
21 *sibilities shall reflect its expertise in low-volume leak detec-*
22 *tion and surveillance technologies. The National Institute*
23 *of Standards and Technology's responsibilities shall reflect*
24 *its expertise in standards and materials research.*

1 (f) *DEFINITIONS.*—*In this section, the following defini-*
2 *tions apply:*

3 (1) *ENERGY PIPELINE.*—*The term “energy pipe-*
4 *line” means a pipeline system used in the trans-*
5 *mission or local distribution of natural gas (includ-*
6 *ing liquefied natural gas), crude oil, or refined petro-*
7 *leum products.*

8 (2) *NEXT-GENERATION PIPELINE.*—*The term*
9 *“next-generation pipeline” means a transmission or*
10 *local distribution pipeline system designed to trans-*
11 *mit energy or energy-related products, in liquid or*
12 *gaseous form, other than energy pipelines.*

13 (3) *PARTICIPATING AGENCIES.*—*The term “par-*
14 *ticipating agencies” means the Department of En-*
15 *ergy, the Department of Transportation, and the Na-*
16 *tional Institute of Standards and Technology.*

17 (4) *PIPELINE.*—*The term “pipeline” means an*
18 *energy pipeline or a next-generation pipeline.*

19 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
20 *authorized to be appropriated—*

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

22 (2) *to the Secretary of Transportation*
23 *\$5,000,000; and*

24 (3) *to the National Institute of Standards and*
25 *Technology \$5,000,000,*

1 *for each of the fiscal years 2003 through 2007 for carrying*
 2 *out this section.*

3 **SEC. 12. QUALIFICATION OF PIPELINE PERSONNEL.**

4 *(a) QUALIFICATION PROGRAMS.—*

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

7 **“§ 60129. Qualification of pipeline personnel**

8 *“(a) QUALIFICATION PROGRAM.—Not later than one*
 9 *year after the date of enactment of this section, each oper-*
 10 *ator of a gas pipeline or hazardous liquid pipeline facility*
 11 *shall adopt and implement a written qualification program*
 12 *that ensures that all individuals performing covered tasks*
 13 *for the facility are qualified to perform such tasks.*

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

18 *“(1) A method for examining or testing the*
 19 *qualifications of individuals performing covered tasks*
 20 *for the facility. Such method may not be limited to*
 21 *observation of on-the-job performance unless such ob-*
 22 *servaion includes a written performance evaluation.*

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

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

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

6 *“(c) REVIEW OF QUALIFICATION PROGRAMS.—*

7 *“(1) REVIEW OF PROGRAMS.—*

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

14 *“(B) CONTEXT OF REVIEW.—The Secretary*
15 *or State authority may conduct a review under*
16 *subparagraph (A) as an element of its inspection*
17 *of an operator.*

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

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

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

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

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

16 “(2) *with respect to a hazardous liquid pipeline*
17 *facility, has the meaning such term has under section*
18 *195.501 of such title, as in effect on the date of enact-*
19 *ment of this section.”.*

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

 “60129. *Qualification of pipeline personnel.*”.

23 “(b) *PILOT PROGRAM FOR CERTIFICATION OF CERTAIN*
24 *PIPELINE WORKERS.*—

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

4 (A) *develop tests and other requirements for*
5 *certifying the qualifications of individuals who*
6 *operate computer-based supervisory control and*
7 *data acquisition (referred to in this subsection as*
8 *“SCADA”) systems for controlling the operations*
9 *of pipelines; and*

10 (B) *establish and carry out a pilot program*
11 *for 3 pipeline facilities under which the individ-*
12 *uals operating SCADA systems for controlling*
13 *the operations of pipelines at such facilities are*
14 *required to be certified under the process estab-*
15 *lished under subparagraph (A).*

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

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

23 (B) *an evaluation of the pilot program, in-*
24 *cluding the effectiveness of the process for certi-*

1 *fyng individuals who operate SCADA systems*
2 *for controlling the operations of pipelines;*

3 *(C) any recommendations of the Secretary*
4 *for requiring the certification of all individuals*
5 *who operate SCADA systems for controlling the*
6 *operations of pipelines; and*

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

11 *(3) REPORT ON OPERATOR QUALIFICATION RULE*
12 *IMPLEMENTATION.—Not later than 2 years after the*
13 *date of the enactment of this section, the Secretary*
14 *shall transmit to Congress a report on the implemen-*
15 *tation of the operator qualification rule issued by the*
16 *Secretary in August 1999.*

17 **SEC. 13. SECURITY OF PIPELINE FACILITIES.**

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

20 **“§ 60130. Security of pipeline facilities**

21 *“(a) TERRORISM SECURITY PROGRAMS.—*

22 *“(1) IN GENERAL.—Subject to the requirements*
23 *of this subsection, the Secretary of Transportation*
24 *shall require the operator of a pipeline facility to de-*
25 *velop and implement a terrorism security program.*

1 “(2) *CONTENTS OF PROGRAMS.*—

2 “(A) *IN GENERAL.*—*A terrorism security*
3 *program of a pipeline operator shall consist of*
4 *written procedures to follow and actions to take*
5 *in the event of a terrorist attack on a pipeline*
6 *facility or an attack on other infrastructure fa-*
7 *cilities in the United States. Such procedures*
8 *shall include procedures for communicating with*
9 *military, law enforcement, emergency service,*
10 *and other appropriate State and local govern-*
11 *ment and non-government entities.*

12 “(B) *STANDARD.*—*A terrorism security pro-*
13 *gram of a pipeline operator shall require the op-*
14 *erator to establish and implement reasonable*
15 *procedures to safeguard the pipeline facility and*
16 *safely maintain its operations.*

17 “(3) *APPROVAL OF PROGRAMS.*—*Not later than 1*
18 *year after the date of enactment of this section, the*
19 *Secretary shall conduct a review of, and approve or*
20 *disapprove, the terrorism security program of each*
21 *pipeline operator. The Secretary shall prescribe proce-*
22 *dures for the review and standards for the approval*
23 *of such programs.*

24 “(b) *TECHNICAL ASSISTANCE.*—*The Secretary may*
25 *provide technical assistance to an operator of a pipeline*

1 *facility, or to State, tribal, or local officials, to prevent or*
2 *respond to acts of terrorism that may affect the pipeline*
3 *facility. Such technical assistance may include at a*
4 *minimum—*

5 “(1) *actions by the Secretary that support the*
6 *use of National Guard or State or Federal personnel*
7 *to provide additional security for a pipeline facility*
8 *at risk of terrorist attack or in response to such an*
9 *attack;*

10 “(2) *use of resources available to the Secretary to*
11 *develop and implement security measures for a pipe-*
12 *line facility;*

13 “(3) *identification of security issues with respect*
14 *to the operation of a pipeline facility; and*

15 “(4) *the provision of information and guidance*
16 *on security practices that prevent damage to pipeline*
17 *facilities from terrorist attacks.”.*

18 **(b) CONFORMING AMENDMENT.**—*The analysis for*
19 *chapter 601 is further amended by adding at the end the*
20 *following:*

“60130. Security of pipeline facilities.”.

21 **SEC. 14. NATIONAL PIPELINE MAPPING SYSTEM.**

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

1 **“§ 60131. National pipeline mapping system**

2 “(a) *INFORMATION TO BE PROVIDED.*—Not later than
3 30 days after the date of enactment of this section, the oper-
4 ator of a pipeline facility shall provide to the Secretary of
5 Transportation the following information with respect to
6 the facility:

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

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

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

16 “(b) *UPDATES.*—A person providing information
17 under subsection (a) shall provide to the Secretary periodic
18 updates of the information to reflect changes in the pipeline
19 facility owned or operated by the person and as otherwise
20 required by the Secretary.

21 “(c) *TECHNICAL ASSISTANCE TO IMPROVE LOCAL RE-*
22 *SPONSE CAPABILITIES.*—The Secretary may provide tech-
23 nical assistance to State and local officials to improve local
24 response capabilities for pipeline emergencies by adapting
25 information available through the National Pipeline Map-

1 *ping System to software used by emergency response per-*
 2 *sonnel responding to pipeline emergencies.”.*

3 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 4 *chapter 601 is further amended by adding at the end the*
 5 *following:*

“60131. National pipeline mapping system.”.

6 **SEC. 15. ADMINISTRATIVE PROCESS FOR PERMITTING OF**
 7 **PIPELINE REPAIR ACTIVITY.**

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

10 **“§ 60132. Administrative process for permitting of**
 11 **pipeline repair activity**

12 *“(a) INTERAGENCY COMMITTEE.—*

13 *“(1) ESTABLISHMENT.—Within 30 days after the*
 14 *date of enactment of the Pipeline Infrastructure Pro-*
 15 *tection to Enhance Security and Safety Act, the*
 16 *President shall establish an Interagency Committee*
 17 *on Pipeline Repair Permitting (in this section re-*
 18 *ferred to as the ‘Interagency Committee’).*

19 *“(2) MEMBERSHIP.—The Chairman of the Coun-*
 20 *cil on Environmental Quality (or a designee of the*
 21 *Chairman) shall chair the Interagency Committee,*
 22 *which shall also include each of the following persons*
 23 *(or a designee thereof):*

24 *“(A) The Secretary.*

1 “(B) *The Administrator of the Environ-*
2 *mental Protection Agency.*

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

5 “(D) *The Assistant Administrator for Fish-*
6 *eries of the National Oceanic and Atmospheric*
7 *Administration.*

8 “(E) *The Director of the Bureau of Land*
9 *Management.*

10 “(F) *The Director of the Minerals Manage-*
11 *ment Service.*

12 “(G) *The Assistant Secretary of the Army*
13 *for Civil Works.*

14 “(H) *The Chairman of the Federal Energy*
15 *Regulatory Commission.*

16 “(3) *PURPOSES.—The Interagency Committee*
17 *shall evaluate current Federal permitting require-*
18 *ments to which access, excavation, and restoration ac-*
19 *tivities in connection with pipeline repairs may be*
20 *subject and shall recommend to the Secretary a proc-*
21 *ess by which owners or operators of pipelines (in this*
22 *section referred to as ‘pipeline operators’) may com-*
23 *mence and complete all such activities necessary to*
24 *carry out pipeline repairs that must be completed*
25 *within time periods specified by rule by the Secretary*

1 *under the integrity management program. As part of*
2 *its evaluation, the Interagency Committee shall exam-*
3 *ine access, excavation, and restoration activities cur-*
4 *rently used in the pipeline industry in connection*
5 *with pipeline repairs and shall develop a compen-*
6 *dium of best practices used by the industry to access,*
7 *excavate, and restore the site of a pipeline repair.*

8 *“(4) STATE AND LOCAL CONSULTATION.—In car-*
9 *rying out this subsection, the Interagency Committee*
10 *shall consult with appropriate State and local envi-*
11 *ronmental, pipeline safety, and emergency response*
12 *officials and such other officials as the Interagency*
13 *Committee deems appropriate.*

14 *“(b) IMPLEMENTATION.—*

15 *“(1) PROPOSED RULE.—Within 180 days after*
16 *the date of enactment of the Pipeline Infrastructure*
17 *Protection to Enhance Security and Safety Act, the*
18 *Interagency Committee shall present its evaluation*
19 *and recommendations to the Secretary. Within 30*
20 *days after the date on which such evaluation and rec-*
21 *ommendations are presented, the Secretary shall pro-*
22 *pose a rule, based on and consistent with such rec-*
23 *ommendations, to establish a process by which pipe-*
24 *line operators may commence and complete all access,*
25 *excavation, and restoration activities necessary to*

1 *carry out pipeline repairs that must be completed*
2 *within time periods specified by rule by the Secretary*
3 *under the integrity management program. Such pro-*
4 *posed rule shall contain the provisions required by*
5 *paragraph (2) and shall incorporate, to the extent*
6 *practicable and cost effective, the compendium of best*
7 *practices developed by the Interagency Committee.*

8 “(2) *FINAL RULE.*—

9 “(A) *ISSUANCE.*—*The Secretary shall issue*
10 *a final rule not later than 180 days after the*
11 *date on which the Interagency Committee pre-*
12 *sents its evaluation and recommendations to the*
13 *Secretary.*

14 “(B) *CONTENT.*—*The final rule shall—*

15 “(i) *provide that a pipeline operator*
16 *carrying out a pipeline repair project as*
17 *part of its pipeline integrity management*
18 *program may proceed with the project only*
19 *if the operator provides notice to the Sec-*
20 *retary that the operator is proceeding with*
21 *the repairs in compliance with the applica-*
22 *ble best practices incorporated in such final*
23 *rule and the Secretary concurs;*

24 “(ii) *provide that if the Secretary dis-*
25 *approves of the operator proceeding with the*

1 *repairs as described in the operator’s notice,*
2 *the Secretary shall provide notice to the op-*
3 *erator of the disapproval in the 7-day pe-*
4 *riod beginning on the date of receipt by the*
5 *Secretary of the operator’s notice, together*
6 *with a description of the actions that the*
7 *operator must take to receive the Secretary’s*
8 *concurrence;*

9 *“(iii) provide that if the Secretary does*
10 *not provide notice to an operator of the Sec-*
11 *retary’s disapproval of the operator pro-*
12 *ceeding with the repairs as described in the*
13 *operator’s notice in the 7-day period de-*
14 *scribed in clause (ii), the Secretary shall be*
15 *deemed to concur;*

16 *“(iv) provide that if the Secretary dis-*
17 *approves of the operator proceeding with the*
18 *repairs as described in the operator’s notice,*
19 *the Secretary shall provide the operator*
20 *with an opportunity to resubmit a notice*
21 *for the pipeline repair project under clause*
22 *(i); and*

23 *“(v) require a certification to the Sec-*
24 *retary following completion of the repair*

1 *project that the project was completed in*
2 *compliance with all such best practices.*

3 “(C) *EFFECTIVE DATE.*—*The final rule*
4 *shall be made effective no later than 90 days*
5 *after it is published in the Federal Register.*

6 “(c) *RELATIONSHIP TO OTHER PERMITS.*—

7 “(1) *OTHER FEDERAL PERMITS.*—*A pipeline op-*
8 *erator that proceeds to carry out a pipeline repair*
9 *project under the provisions of the final rule described*
10 *in subsection (b) shall not be required to obtain a per-*
11 *mit from any other Federal agency before carrying*
12 *out such repair project, except as may be provided in*
13 *such final rule.*

14 “(2) *SAVINGS PROVISIONS; NO PREEMPTION.*—
15 *Nothing in this section shall be construed in connec-*
16 *tion with a particular repair situation—*

17 “(A) *to require a pipeline operator to com-*
18 *ply with the final rule described in subsection (b)*
19 *if no Federal permit would otherwise have been*
20 *required under Federal law;*

21 “(B) *to prohibit a pipeline operator from*
22 *opting to obtain all permits otherwise necessary*
23 *under Federal law rather than proceeding under*
24 *the final rule described in subsection (b); or*

1 “(C) to preempt otherwise applicable State
2 and local permitting requirements.

3 “(d) REPAIR PROJECTS NOT COMPORTING WITH BEST
4 PRACTICES.—

5 “(1) PREPARATION OF SITE MANAGEMENT
6 PLAN.—In the case of any pipeline repair that must
7 be completed within time periods specified by rule by
8 the Secretary under the integrity management pro-
9 gram, but for which repair activities may not proceed
10 under subsection (b) because the repair is not able to
11 comport with the requirements of the final rule issued
12 thereunder or for any other reason, or any repair
13 project on which work has been commenced but which
14 the pipeline operator thereafter discovers cannot com-
15 port with such requirements, the pipeline operator
16 shall prepare a specific site management plan for the
17 proposed access, excavation, and restoration activities.

18 “(2) SUBMISSION OF PLAN TO PERMITTING
19 AGENCIES.—Such plan shall be submitted to all ap-
20 plicable permitting agencies for review and approval,
21 and to the Secretary. In the event an agency has not
22 approved a permit application within 60 days after
23 its submission, or has not issued a denial of such ap-
24 plication within 60 days together with a specification
25 of items in the application requiring correction, the

1 *pipeline operator shall be permitted to proceed with*
2 *the proposed repair activities as provided in its site*
3 *management plan.*

4 *“(3) FAILURE TO ADHERE TO PLAN.—If the*
5 *pipeline operator fails to adhere to its site manage-*
6 *ment plan and such failure results in damage to*
7 *human health, public safety, or the environment, the*
8 *owner or operator shall be subject to such civil and*
9 *criminal remedies and penalties as are otherwise pro-*
10 *vided by Federal, State, and local law.*

11 *“(e) INTERIM OPERATIONAL ALTERNATIVES.—*

12 *“(1) IN GENERAL.—Within 30 days after the*
13 *date of enactment of the Pipeline Infrastructure Pro-*
14 *tection to Enhance Security and Safety Act, the Sec-*
15 *retary shall commence a rulemaking to permit pres-*
16 *sure reduction, line monitoring, and other mitigation*
17 *measures to be employed, as appropriate, during the*
18 *period between such date of enactment and the date*
19 *on which the final rule issued under subsection (b) be-*
20 *comes effective, on pipeline facilities subject to time*
21 *periods for repair specified by rule by the Secretary*
22 *under the integrity management program. Such alter-*
23 *native mitigation measures shall be available only to*
24 *a pipeline operator that, with respect to a particular*
25 *repair project, has applied for and is pursuing in*

1 *good faith all required Federal, State, and local per-*
2 *mits to carry out the project.*

3 “(2) *FACTORS TO CONSIDER.*—*In issuing the*
4 *final rule under this subsection, the Secretary shall*
5 *consider the need to protect human health, public*
6 *safety, and the environment, to ensure continuity in*
7 *energy supplies, and to avoid conflict between and*
8 *among regulatory regimes.*

9 “(3) *DEADLINE FOR ISSUANCE.*—*The Secretary*
10 *shall issue a final rule under this subsection within*
11 *90 days after the date on which a notice of proposed*
12 *rulemaking is published in the Federal Register.*

13 “(f) *OMBUDSMAN.*—*The Secretary shall designate an*
14 *ombudsman to assist in expediting pipeline repairs and re-*
15 *solving disagreements between the permitting agency and*
16 *the pipeline operator during agency review of any pipeline*
17 *repair activity, or during the review of any permit applica-*
18 *tion under subsection (d), consistent with protection of*
19 *human health, public safety, and the environment.*

20 “(g) *STATE AND LOCAL PERMITTING PROCESSES.*—
21 *The Secretary shall encourage States and local governments*
22 *to streamline their respective permitting processes for pipe-*
23 *line repair projects subject to time periods for repair speci-*
24 *fied by rule by the Secretary under pipeline integrity man-*
25 *agement programs. The Secretary may request other rel-*

1 *evant Federal agencies to provide technical assistance to*
 2 *States and local governments for the purpose of encouraging*
 3 *such streamlining.*

4 “(h) *PURPOSE AND NEED.*—*For any environmental*
 5 *review, analysis, opinion, permit, license, or approval*
 6 *issued or made under this section, the relevant Federal or*
 7 *State agency shall be bound by the project purpose and need*
 8 *as defined by the Secretary.”.*

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

“60132. Administrative process for permitting of pipeline repair activity.”.

12 **SEC. 16. PIPELINE SECURITY-SENSITIVE INFORMATION.**

13 Section 60117(d) is amended—

14 (1) *by striking “Information” and inserting the*
 15 *following:*

16 “(1) *IN GENERAL.*—*Information”;*

17 (2) *by moving the remainder of the text of para-*
 18 *graph (1) (as so designated) 2 ems to the right; and*

19 (3) *adding at the end the following:*

20 “(2) *INFORMATION REVEALING VULNER-*
 21 *ABILITIES.*—

22 “(A) *IN GENERAL.*—*If the Secretary deter-*
 23 *mines that particular information obtained by*
 24 *the Secretary or an officer, employee, or agent in*
 25 *carrying out this chapter may reveal a systemic*

1 *vulnerability of a pipeline system, or a vulner-*
2 *ability of pipeline facilities to attack, the infor-*
3 *mation shall be withheld from public disclosure.*

4 “(B) *DISCLOSURE TO CERTAIN PERSONS.—*
5 *Information withheld from public disclosure*
6 *under subparagraph (A) may be disclosed only—*

7 “(i) *to an officer, employee, or agent of*
8 *a Federal, State, tribal, or local govern-*
9 *ment, including a volunteer fire depart-*
10 *ment, concerned with carrying out this*
11 *chapter, with protecting the facilities, with*
12 *protecting public safety, or with national*
13 *security issues;*

14 “(ii) *in an administrative or judicial*
15 *proceeding brought under this chapter or*
16 *one that addresses terrorist actions or*
17 *threats of such actions; and*

18 “(iii) *to such other persons as the Sec-*
19 *retary determines necessary to protect pub-*
20 *lic safety and security.*

21 “(C) *DISCLOSURE DETERMINATIONS.—The*
22 *Secretary, by regulation, may make a deter-*
23 *mination regarding disclosure under subpara-*
24 *graph (A) with respect to a category of informa-*
25 *tion or a class of persons.*

1 “(D) *RELATIONSHIP TO TITLE 5.*—A release
2 of information withheld from public disclosure
3 under subparagraph (A) to persons identified in
4 subparagraph (B) is not a release to the public
5 within the meaning of section 552 of title 5.”.

6 **SEC. 17. TECHNICAL AMENDMENTS.**

7 Chapter 601 is amended—

8 (1) in section 60102(a)—

9 (A) by striking “(a)(1)” and all that follows
10 through “The Secretary of Transportation” and
11 inserting the following:

12 “(a) *MINIMUM SAFETY STANDARDS.*—

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

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

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

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

1 (3) *in section 60114 by redesignating subsection*
2 *(d) as subsection (c);*

3 (4) *in section 60122(a) by striking “section*
4 *60114(c)” and inserting “section 60114(b)”;* and

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

7 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

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

10 “(a) *GAS AND HAZARDOUS LIQUID.—To carry out*
11 *this chapter (except for sections 60107 and 60130) related*
12 *to gas and hazardous liquid, the following amounts are au-*
13 *thorized to be appropriated to the Department of Transpor-*
14 *tation:*

15 “(1) *\$35,500,000 for fiscal year 2002, of which*
16 *\$29,500,000 is to be derived from user fees for fiscal*
17 *year 2002 collected under section 60301 of this title.*

18 “(2) *\$37,900,000 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 “(3) *\$41,700,000 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 “(4) \$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 (b) *STATE GRANTS*.—Section 60125 is amended—

5 (1) by striking subsections (b), (d), and (f) and
6 redesignating subsections (c) and (e) as subsections
7 (b) and (d), respectively; and

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

11 “(A) \$18,500,000 for fiscal year 2002, of which
12 \$13,500,000 is to be derived from user fees for fiscal
13 year 2002 collected under section 60301 of this title.

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

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

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

23 (c) *RESEARCH*.—Section 60125 is amended by insert-
24 ing after subsection (b) (as redesignated by subsection (b)(1)
25 of this section) the following:

1 “(c) *PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,*
 2 *AND DEMONSTRATION.*—*In addition to amounts authorized*
 3 *under subsections (a) and (b), not more than \$3,000,000*
 4 *for each of fiscal years 2002 through 2005 may be appro-*
 5 *priated to the Secretary to carry out section 60130.”.*

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

9 (e) *EMERGENCY RESPONSE GRANTS.*—*Section 60125*
 10 *is amended by adding after subsection (d) (as redesignated*
 11 *by subsection (b)(1) of this section) the following:*

12 “(e) *EMERGENCY RESPONSE GRANTS.*—*There are au-*
 13 *thorized to be appropriated \$6,000,000 for each of fiscal*
 14 *years 2002, 2003, and 2004 to carry out subsection (d) of*
 15 *section 60116.”.*

16 **SEC. 19. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
 17 **LINE SAFETY INFORMATION.**

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

20 **“§ 60133. Protection of employees providing pipeline**
 21 **safety information**

22 “(a) *DISCRIMINATION AGAINST PIPELINE EMPLOY-*
 23 *EES.*—*No pipeline operator, or contractor or subcontractor*
 24 *of a pipeline operator, may discharge an employee or other-*
 25 *wise discriminate against an employee with respect to com-*

1 *pensation, terms, conditions, or privileges of employment*
2 *because the employee (or any person acting pursuant to a*
3 *request of the employee)—*

4 “(1) *provided, caused to be provided, or is about*
5 *to provide (with any knowledge of the employer) or*
6 *cause to be provided to the employer or Federal Gov-*
7 *ernment information relating to any violation or al-*
8 *leged violation of any order, regulation, or standard*
9 *of the Research and Special Programs Administration*
10 *or any other provision of Federal law relating to*
11 *pipeline safety under this chapter or any other law*
12 *of the United States;*

13 “(2) *refused to engage in any practice made un-*
14 *lawful by this chapter or any other Federal law relat-*
15 *ing to pipeline safety, if the employee has identified*
16 *the alleged illegality to the employer;*

17 “(3) *has filed, caused to be filed, or is about to*
18 *file (with any knowledge of the employer) or cause to*
19 *be filed a proceeding relating to any violation or al-*
20 *leged violation of any order, regulation, or standard*
21 *of the Administration or any other provision of Fed-*
22 *eral law relating to pipeline safety under this chapter*
23 *or any other law of the United States;*

24 “(4) *testified or is about to testify in such a pro-*
25 *ceeding; or*

1 “(5) *assisted or participated or is about to assist*
2 *or participate in such a proceeding.*

3 “(b) *DEPARTMENT OF LABOR COMPLAINT PROCE-*
4 *DURE.—*

5 “(1) *FILING AND NOTIFICATION.—A person who*
6 *believes that he or she has been discharged or other-*
7 *wise discriminated against by any person in viola-*
8 *tion of subsection (a) may file (or have any person*
9 *file on his or her behalf), not later than 90 days after*
10 *the date on which such violation occurs, a complaint*
11 *with the Secretary of Labor alleging such discharge or*
12 *discrimination. Upon receipt of such a complaint, the*
13 *Secretary of Labor shall notify, in writing, the person*
14 *named in the complaint and the Administrator of the*
15 *Research and Special Programs Administration of the*
16 *filing of the complaint, of the allegations contained in*
17 *the complaint, of the substance of evidence supporting*
18 *the complaint, and of the opportunities that will be*
19 *afforded to such person under paragraph (2).*

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

21 “(A) *IN GENERAL.—Not later than 60 days*
22 *after the date of receipt of a complaint filed*
23 *under paragraph (1) and after affording the per-*
24 *son named in the complaint an opportunity to*
25 *submit to the Secretary of Labor a written re-*

1 *sponse to the complaint and an opportunity to*
2 *meet with a representative of the Secretary to*
3 *present statements from witnesses, the Secretary*
4 *shall conduct an investigation and determine*
5 *whether there is reasonable cause to believe that*
6 *the complaint has merit and notify in writing*
7 *the complainant and the person alleged to have*
8 *committed a violation of subsection (a) of the*
9 *Secretary's findings. If the Secretary concludes*
10 *that there is reasonable cause to believe that a*
11 *violation of subsection (a) has occurred, the Sec-*
12 *retary shall accompany the Secretary's findings*
13 *with a preliminary order providing the relief*
14 *prescribed by paragraph (3)(B). Not later than*
15 *30 days after the date of notification of findings*
16 *under this paragraph, either the person alleged*
17 *to have committed the violation or the complain-*
18 *ant may file objections to the findings or pre-*
19 *liminary order, or both, and request a hearing*
20 *on the record. The filing of such objections shall*
21 *not operate to stay any reinstatement remedy*
22 *contained in the preliminary order. Such hear-*
23 *ings shall be conducted expeditiously. If a hear-*
24 *ing is not requested in such 30-day period, the*

1 *preliminary order shall be deemed a final order*
2 *that is not subject to judicial review.*

3 “(B) *REQUIREMENTS.*—

4 “(i) *REQUIRED SHOWING BY COM-*
5 *PLAINANT.*—*The Secretary of Labor shall*
6 *dismiss a complaint filed under this sub-*
7 *section and shall not conduct an investiga-*
8 *tion otherwise required under subparagraph*
9 *(A) unless the complainant makes a prima*
10 *facie showing that any behavior described*
11 *in paragraphs (1) through (5) of subsection*
12 *(a) was a contributing factor in the unfa-*
13 *vorable personnel action alleged in the com-*
14 *plaint.*

15 “(ii) *SHOWING BY EMPLOYER.*—*Not-*
16 *withstanding a finding by the Secretary*
17 *that the complainant has made the showing*
18 *required under clause (i), no investigation*
19 *otherwise required under subparagraph (A)*
20 *shall be conducted if the employer dem-*
21 *onstrates, by clear and convincing evidence,*
22 *that the employer would have taken the*
23 *same unfavorable personnel action in the*
24 *absence of that behavior.*

1 “(iii) *CRITERIA FOR DETERMINATION*
2 *BY SECRETARY.*—*The Secretary may deter-*
3 *mine that a violation of subsection (a) has*
4 *occurred only if the complainant dem-*
5 *onstrates that any behavior described in*
6 *paragraphs (1) through (5) of subsection (a)*
7 *was a contributing factor in the unfavorable*
8 *personnel action alleged in the complaint.*

9 “(iv) *PROHIBITION.*—*Relief may not*
10 *be ordered under subparagraph (A) if the*
11 *employer demonstrates by clear and con-*
12 *vincing evidence that the employer would*
13 *have taken the same unfavorable personnel*
14 *action in the absence of that behavior.*

15 “(3) *FINAL ORDER.*—

16 “(A) *DEADLINE FOR ISSUANCE; SETTLE-*
17 *MENT AGREEMENTS.*—*Not later than 120 days*
18 *after the date of conclusion of a hearing under*
19 *paragraph (2), the Secretary of Labor shall issue*
20 *a final order providing the relief prescribed by*
21 *this paragraph or denying the complaint. At any*
22 *time before issuance of a final order, a pro-*
23 *ceeding under this subsection may be terminated*
24 *on the basis of a settlement agreement entered*

1 into by the Secretary, the complainant, and the
2 person alleged to have committed the violation.

3 “(B) *REMEDY.*—If, in response to a com-
4 plaint filed under paragraph (1), the Secretary
5 determines that a violation of subsection (a) has
6 occurred, the Secretary shall order the person
7 who committed such violation to—

8 “(i) take affirmative action to abate
9 the violation;

10 “(ii) reinstate the complainant to his
11 or her former position together with the
12 compensation (including back pay) and re-
13 store the terms, conditions, and privileges
14 associated with his or her employment; and

15 “(iii) provide compensatory damages
16 to the complainant.

17 If such an order is issued under this paragraph,
18 the Secretary, at the request of the complainant,
19 shall assess against the person whom the order is
20 issued a sum equal to the aggregate amount of
21 all costs and expenses (including attorney’s and
22 expert witness fees) reasonably incurred, as de-
23 termined by the Secretary, by the complainant
24 for, or in connection with, the bringing the com-
25 plaint upon which the order was issued.

1 “(C) *FRIVOLOUS COMPLAINTS.*—*If the Sec-*
2 *retary finds that a complaint under paragraph*
3 *(1) is frivolous or has been brought in bad faith,*
4 *the Secretary may award to the prevailing em-*
5 *ployer a reasonable attorney’s fee not exceeding*
6 *\$1,000.*

7 “(4) *REVIEW.*—

8 “(A) *APPEAL TO COURT OF APPEALS.*—*Any*
9 *person adversely affected or aggrieved by an*
10 *order issued under paragraph (3) may obtain re-*
11 *view of the order in the United States Court of*
12 *Appeals for the circuit in which the violation,*
13 *with respect to which the order was issued, alleg-*
14 *edly occurred or the circuit in which the com-*
15 *plainant resided on the date of such violation.*
16 *The petition for review must be filed not later*
17 *than 60 days after the date of issuance of the*
18 *final order of the Secretary of Labor. Review*
19 *shall conform to chapter 7 of title 5. The com-*
20 *mencement of proceedings under this subpara-*
21 *graph shall not, unless ordered by the court, op-*
22 *erate as a stay of the order.*

23 “(B) *LIMITATION ON COLLATERAL AT-*
24 *TACK.*—*An order of the Secretary with respect to*
25 *which review could have been obtained under*

1 *subparagraph (A) shall not be subject to judicial*
2 *review in any criminal or other civil proceeding.*

3 “(5) *ENFORCEMENT OF ORDER BY SECRETARY*
4 *OF LABOR.—Whenever any person has failed to com-*
5 *ply with an order issued under paragraph (3), the*
6 *Secretary of Labor may file a civil action in the*
7 *United States district court for the district in which*
8 *the violation was found to occur to enforce such order.*
9 *In actions brought under this paragraph, the district*
10 *courts shall have jurisdiction to grant all appropriate*
11 *relief, including injunctive relief and compensatory*
12 *damages.*

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

14 “(A) *COMMENCEMENT OF ACTION.—A per-*
15 *son on whose behalf an order was issued under*
16 *paragraph (3) may commence a civil action*
17 *against the person to whom such order was*
18 *issued to require compliance with such order.*
19 *The appropriate United States district court*
20 *shall have jurisdiction, without regard to the*
21 *amount in controversy or the citizenship of the*
22 *parties, to enforce such order.*

23 “(B) *ATTORNEY FEES.—The court, in*
24 *issuing any final order under this paragraph,*
25 *may award costs of litigation (including reason-*

1 able attorney and expert witness fees) to any
2 party whenever the court determines such award
3 costs is appropriate.

4 “(c) *MANDAMUS*.—Any nondiscretionary duty im-
5 posed by this section shall be enforceable in a mandamus
6 proceeding brought under section 1361 of title 28.

7 “(d) *NONAPPLICABILITY TO DELIBERATE VIOLA-*
8 *TIONS*.—Subsection (a) shall not apply with respect to an
9 employee of a pipeline operator, contractor, or subcon-
10 tractor who, acting without direction from the pipeline op-
11 erator, contractor, or subcontractor (or such person’s agent),
12 deliberately causes a violation of any requirement relating
13 to pipeline safety under this chapter or any other law of
14 the United States.

15 “(e) *CONTRACTOR DEFINED*.—In this section, the term
16 ‘contractor’ means a company that performs safety-sensitive
17 functions by contract for a pipeline operator.”.

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

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

1 (c) *CONFORMING AMENDMENT.*—*The analysis for*
2 *chapter 601 is further amended by adding at the end the*
3 *following:*

 “60133. *Protection of employees providing pipeline safety information.*”.

4 **SEC. 20. PIPELINE BRIDGE RISK STUDY.**

5 (a) *INITIATION.*—*Within 90 days after the date of en-*
6 *actment of this Act, the Secretary of Transportation shall*
7 *initiate a study to determine whether cable-suspension pipe-*
8 *line bridges pose structural or other risks warranting par-*
9 *ticularized attention in connection with pipeline operators*
10 *risk assessment programs and whether particularized in-*
11 *spection standards need to be developed by the Department*
12 *of Transportation to recognize the peculiar risks posed by*
13 *such bridges.*

14 (b) *PUBLIC PARTICIPATION AND COMMENTS.*—*In con-*
15 *ducting the study, the Secretary shall provide, to the max-*
16 *imum extent practicable, for public participation and com-*
17 *ment and shall solicit views and comments from the public*
18 *and interested persons, including participants in the pipe-*
19 *line industry with knowledge and experience in inspection*
20 *of pipeline facilities.*

21 (c) *COMPLETION AND REPORT.*—*Within 1 year after*
22 *the date of enactment of this Act, the Secretary shall com-*
23 *plete the study and transmit to Congress a report detailing*
24 *the results of the study.*

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
4 the “**Pipeline Infrastructure Protection to En-**
5 **hance Security and Safety Act**”.

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

14 (c) **TABLE OF CONTENTS.**—

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 infor-
mation.

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 dem-
onstration.

Sec. 10. Certification of 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.

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
6 “, including all government opera-
7 tors” before the semicolon at the end;
8 and

9 (B) in paragraph (2) by inserting
10 “, including all government and con-
11 tract excavators” before the semi-
12 colon at the end; and

13 (2) in subsection (c) by striking “pro-
14 vide for” and inserting “provide for and
15 document”.

16 (b) COMPLIANCE WITH MINIMUM STAND-
17 ARDS.—Section 6104(d) is amended by striking
18 “Within 3 years after the date of the enact-
19 ment of this chapter, the Secretary shall begin
20 to” and inserting “The Secretary shall”.

21 (c) IMPLEMENTATION OF BEST PRACTICES
22 GUIDELINES.—

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

1 **“§ 6105. Implementation of best practices guidelines**

2 **“(a) ADOPTION OF BEST PRACTICES.—The**
3 **Secretary of Transportation shall encourage**
4 **States, operators of one-call notification pro-**
5 **grams, excavators (including all government**
6 **and contract excavators), and underground**
7 **facility operators to adopt and implement**
8 **practices identified in the best practices re-**
9 **port entitled ‘Common Ground’, as periodi-**
10 **cally updated.**

11 **“(b) TECHNICAL ASSISTANCE.—The Sec-**
12 **retary shall provide technical assistance to**
13 **and participate in programs sponsored by a**
14 **non-profit organization specifically estab-**
15 **lished for the purpose of reducing construc-**
16 **tion-related damage to underground facili-**
17 **ties.**

18 **“(c) GRANTS.—**

19 **“(1) IN GENERAL.—The Secretary may**
20 **make grants to a non-profit organization**
21 **described in subsection (b).**

22 **“(2) AUTHORIZATION OF APPROPRIA-**
23 **TIONS.—In addition to amounts author-**
24 **ized under section 6107, there is author-**
25 **ized to be appropriated for making**
26 **grants under this subsection \$500,000 for**

1 each of fiscal years 2002 through 2005.
2 Such sums shall remain available until
3 expended.

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

9 **(2) CONFORMING AMENDMENT.—The**
10 **analysis for chapter 61 is amended by**
11 **striking the item relating to section 6105**
12 **and inserting the following:**

“6105. Implementation of best practices guidelines.”.

13 **(d) AUTHORIZATION OF APPROPRIATIONS.—**

14 **(1) FOR GRANTS FOR STATES.—Section**
15 **6107(a) is amended by striking “\$1,000,000**
16 **for fiscal year 2000” and all that follows**
17 **before the period at the end of the first**
18 **sentence and inserting “\$1,000,000 for**
19 **each of fiscal years 2003 through 2006”.**

20 **(2) FOR ADMINISTRATION.—Section**
21 **6107(b) is amended by striking “for fiscal**
22 **years 1999, 2000, and 2001” and inserting**
23 **“for fiscal years 2003 through 2006”.**

1 SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERA-
2 TORS.

3 (a) **LIMITATION ON PREEMPTION.**—Section
4 **60104(c)** is amended by adding at the end the
5 **following: “Notwithstanding the preceding**
6 **sentence, a State authority may enforce a re-**
7 **quirement of a one-call notification program**
8 **of the State if the program meets the require-**
9 **ments for one-call notification programs**
10 **under this chapter or chapter 61.”.**

11 (b) **MINIMUM REQUIREMENTS.**—Section
12 **60114(a)(2)** is amended by inserting “, includ-
13 **ing a government employee or contractor,”**
14 **after “person”.**

15 (c) **CRIMINAL PENALTIES.**—Section **60123(d)**
16 **is amended—**

17 (1) **in the matter preceding paragraph**

18 (1) **by striking “knowingly and willfully”;**

19 (2) **in paragraph (1) by inserting**
20 **“knowingly and willfully” before “en-**
21 **gages”;**

22 (3) **by striking paragraph (2)(B) and**
23 **inserting the following:**

24 “(B) **a pipeline facility, and knows**
25 **or has reason to know of the damage,**
26 **but does not report the damage**

1 **promptly to the operator of the pipe-**
2 **line facility and to other appropriate**
3 **authorities; or”;** and

4 **(4) by adding after paragraph (2) the**
5 **following:**

6 **“Penalties under this subsection may be re-**
7 **duced in the case of a violation that is**
8 **promptly reported by the violator.”.**

9 **SEC. 4. PROTECTION OF EMPLOYEES PROVIDING PIPELINE**
10 **SAFETY INFORMATION.**

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

13 **“§ 60129. Protection of employees providing pipeline**
14 **safety information**

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

16 **(1) No employer may discharge any employee**
17 **or otherwise discriminate against any em-**
18 **ployee with respect to his compensation,**
19 **terms, conditions, or privileges of employ-**
20 **ment because the employee (or any person**
21 **acting pursuant to a request of the em-**
22 **ployee)—**

23 **“(A) provided, caused to be provided,**
24 **or is about to provide or cause to be pro-**
25 **vided, to the employer or the Federal**

1 **Government information relating to any**
2 **violation or alleged violation of any**
3 **order, regulation, or standard under this**
4 **chapter or any other Federal law relating**
5 **to pipeline safety;**

6 **“(B) refused to engage in any practice**
7 **made unlawful by this chapter or any**
8 **other Federal law relating to pipeline**
9 **safety, if the employee has identified the**
10 **alleged illegality to the employer;**

11 **“(C) provided, caused to be provided,**
12 **or is about to provide or cause to be pro-**
13 **vided, testimony before Congress or at**
14 **any Federal or State proceeding regard-**
15 **ing any provision (or proposed provision)**
16 **of this chapter or any other Federal law**
17 **relating to pipeline safety;**

18 **“(D) commenced, caused to be com-**
19 **menced, or is about to commence or**
20 **cause to be commenced a proceeding**
21 **under this chapter or any other Federal**
22 **law relating to pipeline safety, or a pro-**
23 **ceeding for the administration or en-**
24 **forcement of any requirement imposed**

1 **under this chapter or any other Federal**
2 **law relating to pipeline safety;**

3 **“(E) provided, caused to be provided,**
4 **or is about to provide or cause to be pro-**
5 **vided, testimony in any proceeding de-**
6 **scribed in subparagraph (D); or**

7 **“(F) assisted or participated or is**
8 **about to assist or participate in any man-**
9 **ner in such a proceeding or in any other**
10 **manner in such a proceeding or in any**
11 **other action to carry out the purposes of**
12 **this chapter or any other Federal law re-**
13 **lating to pipeline safety.**

14 **“(2) For purposes of this section, the term**
15 **‘employer’ means—**

16 **“(A) a person owning or operating a**
17 **pipeline facility; or**

18 **“(B) a contractor or subcontractor of**
19 **such a person.**

20 **“(b) DEPARTMENT OF LABOR COMPLAINT**
21 **PROCEDURE.—**

22 **“(1) FILING AND NOTIFICATION.—A per-**
23 **son who believes that he or she has been**
24 **discharged or otherwise discriminated**
25 **against by any person in violation of sub-**

1 section (a) may, not later than 180 days
2 after the date on which such violation oc-
3 curs, file (or have any person file on his
4 or her behalf) a complaint with the Sec-
5 retary of Labor alleging such discharge
6 or discrimination. Upon receipt of such a
7 complaint, the Secretary of Labor shall
8 notify, in writing, the person or persons
9 named in the complaint and the Sec-
10 retary of Transportation of the filing of
11 the complaint, of the allegations con-
12 tained in the complaint, of the substance
13 of evidence supporting the complaint,
14 and of the opportunities that will be af-
15 farded to such person or persons under
16 paragraph (2).

17 “(2) INVESTIGATION; PRELIMINARY
18 ORDER.—

19 “(A) IN GENERAL.—Not later than
20 60 days after the date of receipt of a
21 complaint filed under paragraph (1)
22 and after affording the person or per-
23 sons named in the complaint an op-
24 portunity to submit to the Secretary
25 of Labor a written response to the

1 **complaint and an opportunity to meet**
2 **with a representative of the Secretary**
3 **of Labor to present statements from**
4 **witnesses, the Secretary of Labor**
5 **shall conduct an investigation and**
6 **determine whether there is reason-**
7 **able cause to believe that the com-**
8 **plaint has merit and notify in writing**
9 **the complainant and the person or**
10 **persons alleged to have committed a**
11 **violation of subsection (a) of the Sec-**
12 **retary of Labor's findings. If the Sec-**
13 **retary of Labor concludes that there**
14 **is reasonable cause to believe that a**
15 **violation of subsection (a) has oc-**
16 **curred, the Secretary of Labor shall**
17 **include with the Secretary of Labor's**
18 **findings with a preliminary order**
19 **providing the relief prescribed by**
20 **paragraph (3)(B). Not later than 60**
21 **days after the date of notification of**
22 **findings under this subparagraph,**
23 **any person alleged to have committed**
24 **a violation or the complainant may**
25 **file objections to the findings or pre-**

1 liminary order, or both, and request a
2 hearing on the record. The filing of
3 such objections shall not operate to
4 stay any reinstatement remedy con-
5 tained in the preliminary order. Such
6 hearings shall be conducted expedi-
7 tiously. If a hearing is not requested
8 in such 60-day period, the prelimi-
9 nary order shall be deemed a final
10 order that is not subject to judicial
11 review.

12 “(B) REQUIREMENTS.—

13 “(i) REQUIRED SHOWING BY COM-
14 PLAINANT.—The Secretary of
15 Labor shall dismiss a complaint
16 filed under this subsection and
17 shall not conduct an investigation
18 otherwise required under sub-
19 paragraph (A) unless the com-
20 plainant makes a prima facie
21 showing that any behavior de-
22 scribed in paragraphs (1) through
23 (4) of subsection (a) was a con-
24 tributing factor in the unfavor-

1 **able personnel action alleged in**
2 **the complaint.**

3 **“(ii) SHOWING BY EMPLOYER.—**
4 **Notwithstanding a finding by the**
5 **Secretary of Labor that the com-**
6 **plainant has made the showing**
7 **required under clause (i), no in-**
8 **vestigation otherwise required**
9 **under subparagraph (A) shall be**
10 **conducted if the employer dem-**
11 **onstrates, by clear and con-**
12 **vincing evidence, that the em-**
13 **ployer would have taken the same**
14 **unfavorable personnel action in**
15 **the absence of that behavior.**

16 **“(iii) CRITERIA FOR DETERMINA-**
17 **TION BY SECRETARY.—The Sec-**
18 **retary of Labor may determine**
19 **that a violation of subsection (a)**
20 **has occurred only if the complain-**
21 **ant demonstrates that any behav-**
22 **ior described in paragraphs (1)**
23 **through (4) of subsection (a) was**
24 **a contributing factor in the unfa-**

1 **avorable personnel action alleged**
2 **in the complaint.**

3 **“(iv) PROHIBITION.—Relief may**
4 **not be ordered under subpara-**
5 **graph (A) if the employer dem-**
6 **onstrates by clear and convincing**
7 **evidence that the employer would**
8 **have taken the same unfavorable**
9 **personnel action in the absence of**
10 **that behavior.**

11 **“(3) FINAL ORDER.—**

12 **“(A) DEADLINE FOR ISSUANCE; SET-**
13 **TLEMENT AGREEMENTS.—Not later than**
14 **90 days after the date of conclusion of**
15 **a hearing under paragraph (2), the**
16 **Secretary of Labor shall issue a final**
17 **order providing the relief prescribed**
18 **by this paragraph or denying the**
19 **complaint. At any time before**
20 **issuance of a final order, a pro-**
21 **ceeding under this subsection may be**
22 **terminated on the basis of a settle-**
23 **ment agreement entered into by the**
24 **Secretary of Labor, the complainant,**

1 **and the person or persons alleged to**
2 **have committed the violation.**

3 **“(B) REMEDY.—If, in response to a**
4 **complaint filed under paragraph (1),**
5 **the Secretary of Labor determines**
6 **that a violation of subsection (a) has**
7 **occurred, the Secretary of Labor shall**
8 **order the person or persons who com-**
9 **mitted such violation to—**

10 **“(i) take affirmative action to**
11 **abate the violation;**

12 **“(ii) reinstate the complainant**
13 **to his or her former position to-**
14 **gether with the compensation (in-**
15 **cluding back pay) and restore the**
16 **terms, conditions, and privileges**
17 **associated with his or her em-**
18 **ployment; and**

19 **“(iii) provide compensatory**
20 **damages to the complainant.**

21 **If such an order is issued under this**
22 **paragraph, the Secretary of Labor, at**
23 **the request of the complainant, shall**
24 **assess against the person or persons**
25 **against whom the order is issued a**

1 sum equal to the aggregate amount of
2 all costs and expenses (including at-
3 torney's and expert witness fees) rea-
4 sonably incurred, as determined by
5 the Secretary of Labor, by the com-
6 plainant for, or in connection with,
7 the bringing the complaint upon
8 which the order was issued.

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

17 “(4) REVIEW.—

18 “(A) APPEAL TO COURT OF AP-
19 PEALS.—Any person adversely af-
20 fected or aggrieved by an order
21 issued under paragraph (3) may ob-
22 tain review of the order in the United
23 States Court of Appeals for the cir-
24 cuit in which the violation, with re-
25 spect to which the order was issued,

1 **allegedly occurred or the circuit in**
2 **which the complainant resided on the**
3 **date of such violation. The petition**
4 **for review must be filed not later**
5 **than 60 days after the date of**
6 **issuance of the final order of the Sec-**
7 **retary of Labor. Review shall conform**
8 **to chapter 7 of title 5, United States**
9 **Code. The commencement of pro-**
10 **ceedings under this subparagraph**
11 **shall not, unless ordered by the court,**
12 **operate as a stay of the order.**

13 **“(B) LIMITATION ON COLLATERAL AT-**
14 **TACK.—An order of the Secretary of**
15 **Labor with respect to which review**
16 **could have been obtained under sub-**
17 **paragraph (A) shall not be subject to**
18 **judicial review in any criminal or**
19 **other civil proceeding.**

20 **“(5) ENFORCEMENT OF ORDER BY SEC-**
21 **RETARY OF LABOR.—Whenever any person**
22 **has failed to comply with an order issued**
23 **under paragraph (3), the Secretary of**
24 **Labor may file a civil action in the**
25 **United States district court for the dis-**

1 **trict in which the violation was found to**
2 **occur to enforce such order. In actions**
3 **brought under this paragraph, the dis-**
4 **trict courts shall have jurisdiction to**
5 **grant all appropriate relief, including,**
6 **but not to be limited to, injunctive relief**
7 **and compensatory damages.**

8 **“(6) ENFORCEMENT OF ORDER BY PAR-**
9 **TIES.—**

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

22 **“(B) ATTORNEY FEES.—The court,**
23 **in issuing any final order under this**
24 **paragraph, may award costs of litiga-**
25 **tion (including reasonable attorney**

1 **and expert witness fees) to any party**
2 **whenever the court determines such**
3 **award costs is appropriate.**

4 **“(c) MANDAMUS.—Any nondiscretionary**
5 **duty imposed by this section shall be enforce-**
6 **able in a mandamus proceeding brought**
7 **under section 1361 of title 28, United States**
8 **Code.**

9 **“(d) NONAPPLICABILITY TO DELIBERATE VIO-**
10 **LATIONS.—Subsection (a) shall not apply with**
11 **respect to an action of an employee of an em-**
12 **ployer who, acting without direction from the**
13 **employer (or such employer’s agent), delib-**
14 **erately causes a violation of any requirement**
15 **relating to pipeline safety under this chapter**
16 **or any other law of the United States.”.**

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

19 **“(3) A person violating section 60129, or**
20 **an order issued thereunder, is liable to the**
21 **Government for a civil penalty of not more**
22 **than \$1,000 for each violation. The penalties**
23 **provided by paragraph (1) do not apply to a**
24 **violation of section 60129 or an order issued**
25 **thereunder.”.**

1 **(c) CONFORMING AMENDMENT.—The chap-**
2 **ter analysis for chapter 601 is amended by**
3 **adding at the end the following:**

“60129. Protection of employees providing pipeline safety infor-
 mation.”.

4 **SEC. 5. SAFETY ORDERS.**

5 **Section 60117 is amended by adding at the**
6 **end the following:**

7 **“(1) SAFETY ORDERS.—If the Secretary de-**
8 **cides that a pipeline facility has a potentially**
9 **unsafe condition, the Secretary may order the**
10 **operator of the facility to take necessary cor-**
11 **rective action, including physical inspection,**
12 **testing, repair, replacement, or other appro-**
13 **priate action to remedy the unsafe condi-**
14 **tion.”.**

15 **SEC. 6. PENALTIES.**

16 **(a) PIPELINE FACILITIES HAZARDOUS TO LIFE**
17 **AND PROPERTY.—**

18 **(1) GENERAL AUTHORITY.—Section**
19 **60112(a) is amended to read as follows:**

20 **“(a) GENERAL AUTHORITY.—After notice**
21 **and an opportunity for a hearing, the Sec-**
22 **retary of Transportation may decide that a**
23 **pipeline facility is hazardous if the Secretary**
24 **decides that—**

1 “(1) operation of the facility is or
2 would be hazardous to life, property, or
3 the environment; or

4 “(2) the facility is or would be con-
5 structed or operated, or a component of
6 the facility is or would be constructed or
7 operated, with equipment, material, or a
8 technique that the Secretary decides is
9 hazardous to life, property, or the envi-
10 ronment.”.

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

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

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

19 (B) by striking “\$500,000” and insert-
20 ing “\$1,000,000”.

21 (2) Section 60122(b) is amended by strik-
22 ing “under this section” and all that follows
23 through paragraph (4) and inserting “under
24 this section—

25 “(1) the Secretary shall consider—

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

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

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

11 “(2) the Secretary may consider—

12 “(A) the economic benefit gained
13 from the violation without any reduc-
14 tion because of subsequent damages;
15 and

16 “(B) other matters that justice re-
17 quires.”.

18 (3) Section 60120(a)(1) is amended by
19 striking the second sentence and inserting
20 the following: “The Attorney General may
21 seek appropriate relief in such action, includ-
22 ing a temporary or permanent injunction, pu-
23 nitive damages, and assessment of civil pen-
24 alties, and the court may award such relief as
25 appropriate.”.

1 SEC. 7. PIPELINE SAFETY INFORMATION GRANTS TO COM-
2 MUNITIES.

3 (a) GRANT AUTHORITY.—The Secretary of
4 Transportation may make grants for tech-
5 nical assistance to local communities and
6 groups of individuals (not including for-profit
7 entities) relating to the safety of pipelines in
8 local communities. The Secretary shall estab-
9 lish competitive procedures for awarding
10 grants under this section, and criteria for se-
11 lection of grant recipients. The amount of any
12 grant under this section may not exceed
13 \$50,000 for a single grant recipient. The Sec-
14 retary shall establish appropriate procedures
15 to ensure the proper use of funds provided
16 under this section.

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

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

1 SEC. 8. POPULATION ENCROACHMENT.

2 Section 60127 is amended to read as fol-
3 lows:

4 “§ 60127. Population encroachment

5 “(a) STUDY.—The Secretary of Transpor-
6 tation, in conjunction with the Federal En-
7 ergy Regulatory Commission and in consulta-
8 tion with appropriate Federal agencies and
9 State and local governments, shall undertake
10 a study of land use practices and zoning ordi-
11 nances with regard to pipeline rights-of-way.

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

15 “(1) to determine effective practices
16 to limit encroachment on existing pipe-
17 line rights-of-way;

18 “(2) to address and prevent the haz-
19 ards and risks to the public, pipeline
20 workers, and the environment associated
21 with encroachment on pipeline rights-of-
22 way; and

23 “(3) to raise the awareness of the
24 risks and hazards of encroachment on
25 pipeline rights-of-way.

1 “(c) **CONSIDERATIONS.—In conducting the**
2 **study, the Secretary shall consider, at a min-**
3 **imum, the following:**

4 “(1) **The legal authority of Federal**
5 **agencies and State and local governments**
6 **in controlling land use and the limita-**
7 **tions on such authority.**

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

12 “(3) **The most effective way to encour-**
13 **age Federal agencies and State and local**
14 **governments to monitor and reduce en-**
15 **croachment upon pipeline rights-of-way.**

16 “(d) **REPORT.—**

17 “(1) **IN GENERAL.—Not later than 1**
18 **year after the date of enactment of this**
19 **subsection, the Secretary shall publish a**
20 **report identifying practices, laws, and or-**
21 **dinances that are most successful in ad-**
22 **dressing issues of encroachment on pipe-**
23 **line rights-of-way so as to more effec-**
24 **tively protect public safety, pipeline**
25 **workers, and the environment.**

1 **“(2) DISTRIBUTION OF REPORT.—The**
2 **Secretary shall provide a copy of the re-**
3 **port to—**

4 **“(A) Congress and appropriate**
5 **Federal agencies; and**

6 **“(B) States for further distribu-**
7 **tion to appropriate local authorities.**

8 **“(3) ADOPTION OF PRACTICES, LAWS, AND**
9 **ORDINANCES.—The Secretary shall encour-**
10 **age Federal agencies and State and local**
11 **governments to adopt and implement ap-**
12 **propriate practices, laws, and ordinances,**
13 **as identified in the report, to address the**
14 **risks and hazards associated with en-**
15 **croachment upon pipeline rights-of-**
16 **way.”.**

17 **SEC. 9. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,**
18 **AND DEMONSTRATION.**

19 **(a) ESTABLISHMENT OF COOPERATIVE PRO-**
20 **GRAM.—**

21 **(1) IN GENERAL.—The Secretary of En-**
22 **ergy, in cooperation with the Secretary of**
23 **Transportation and the Director of the**
24 **National Institute of Standards and Tech-**
25 **nology, shall develop and implement a**

1 **program of research, development, dem-**
2 **onstration, and standardization to ensure**
3 **the integrity of energy pipelines and**
4 **next-generation pipelines.**

5 **(2) ELEMENTS.—The program shall in-**
6 **clude research, development, demonstra-**
7 **tion, and standardization activities re-**
8 **lated to—**

9 **(A) materials inspection;**

10 **(B) stress and fracture analysis,**
11 **detection of cracks, corrosion, abra-**
12 **sion, and other abnormalities inside**
13 **pipelines that lead to pipeline failure,**
14 **and development of new equipment**
15 **or technologies that are inserted into**
16 **pipelines to detect anomalies;**

17 **(C) internal inspection and leak**
18 **detection technologies, including de-**
19 **tection of leaks at very low volumes;**

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

22 **(E) pipeline security, including**
23 **improving the real-time surveillance**
24 **of pipeline rights-of-way, developing**
25 **tools for evaluating and enhancing**

1 pipeline security and infrastructure,
2 reducing natural, technological, and
3 terrorist threats, and protecting first
4 response units and persons near an
5 incident;

6 (F) risk assessment methodology,
7 including vulnerability assessment
8 and reduction of third-party damage;

9 (G) communication, control, and
10 information systems surety;

11 (H) fire safety of pipelines;

12 (I) improved excavation, con-
13 struction, and repair technologies;
14 and

15 (J) other elements the Secretary
16 of Energy, in cooperation with the
17 Secretary of Transportation and the
18 Director of the National Institute of
19 Standards and Technology, considers
20 appropriate.

21 (3) **ACTIVITIES AND CAPABILITIES RE-**
22 **PORT.**—Not later than 6 months after the
23 date of the enactment of this Act, the Sec-
24 retary of Energy, in cooperation with the
25 Secretary of Transportation and the Di-

1 **rector of the National Institute of Stand-**
2 **ards and Technology, shall transmit to**
3 **the Congress a report on the existing ac-**
4 **tivities and capabilities of the Depart-**
5 **ment of Energy, including the national**
6 **laboratories, the Department of Trans-**
7 **portation, and the National Institute of**
8 **Standards and Technology. The report**
9 **shall include the results of a survey by**
10 **the Secretary of Energy, in cooperation**
11 **with the Secretary of Transportation and**
12 **the Director of the National Institute of**
13 **Standards and Technology, of any activi-**
14 **ties of other Federal agencies that are**
15 **relevant to or could supplement existing**
16 **research, development, demonstration,**
17 **and standardization activities under the**
18 **program created under this section.**

19 **(b) PROGRAM PLAN.—**

20 **(1) IN GENERAL.—Not later than 1 year**
21 **after the date of the enactment of this**
22 **Act, the Secretary of Energy, in coopera-**
23 **tion with the Secretary of Transportation**
24 **and the Director of the National Institute**
25 **of Standards and Technology, shall pre-**

1 pare and transmit to Congress a 5-year
2 program plan to guide activities under
3 this section. Such program plan shall be
4 submitted to the Pipeline Integrity Tech-
5 nical Advisory Committee established
6 under subsection (c) for review, and the
7 report to Congress shall include the com-
8 ments of the Advisory Committee. The 5-
9 year program plan shall take into ac-
10 count related activities of all Federal
11 agencies.

12 (2) CONSULTATION.—In preparing the
13 program plan, the Secretary of Energy, in
14 cooperation with the Secretary of Trans-
15 portation and the Director of the Na-
16 tional Institute of Standards and Tech-
17 nology, shall consult with appropriate
18 representatives of State and local govern-
19 ment and the private sector, including
20 companies owning energy pipelines and
21 developers of next-generation pipelines,
22 to help establish program priorities.

23 (3) ADVICE FROM OTHER ENTITIES.—In
24 preparing the program plan, the Sec-
25 retary of Energy, in cooperation with the

1 **Secretary of Transportation and the Di-**
2 **rector of the National Institute of Stand-**
3 **ards and Technology, shall also seek the**
4 **advice of other Federal agencies, utilities,**
5 **manufacturers, institutions of higher**
6 **learning, pipeline research institutions,**
7 **national laboratories, environmental or-**
8 **ganizations, pipeline safety advocates,**
9 **professional and technical societies, labor**
10 **unions, and any other appropriate enti-**
11 **ties.**

12 **(c) PIPELINE INTEGRITY TECHNICAL ADVI-**
13 **SORY COMMITTEE.—**

14 **(1) ESTABLISHMENT.—The Secretary of**
15 **Energy, in cooperation with the Sec-**
16 **retary of Transportation and the Director**
17 **of the National Institute of Standards**
18 **and Technology, shall establish and man-**
19 **age a Pipeline Integrity Technical Advi-**
20 **sory Committee (in this subsection re-**
21 **ferred to as the “Advisory Committee”).**
22 **The Advisory Committee shall be estab-**
23 **lished not later than 6 months after the**
24 **date of the enactment of this Act.**

1 **(2) DUTIES.—**The Advisory Committee
2 shall—

3 **(A) advise the Secretary of En-**
4 **ergy, the Secretary of Transportation,**
5 **and the Director of the National Insti-**
6 **tute of Standards and Technology on**
7 **the development and implementation**
8 **of the program plan prepared under**
9 **subsection (b); and**

10 **(B) have a continuing role in eval-**
11 **uating the progress and results of re-**
12 **search, development, demonstration,**
13 **and standardization activities carried**
14 **out under this section.**

15 **(3) MEMBERSHIP.—**

16 **(A) APPOINTMENT.—**The Advisory
17 **Committee shall be composed of—**

18 **(i) 3 members appointed by**
19 **the Secretary of Energy;**

20 **(ii) 3 members appointed by**
21 **the Secretary of Transportation;**
22 **and**

23 **(iii) 3 members appointed by**
24 **the Director of the National Insti-**

1 tute of Standards and Tech-
2 nology.

3 **In making appointments, the Sec-**
4 **retary of Energy, the Secretary of**
5 **Transportation, and the Director of**
6 **the National Institute of Standards**
7 **and Technology shall seek rec-**
8 **ommendations from the National**
9 **Academy of Sciences.**

10 **(B) QUALIFICATIONS.—Members ap-**
11 **pointed to the Advisory Committee**
12 **shall have experience or be tech-**
13 **nically qualified, by training or**
14 **knowledge, in the operations of the**
15 **pipeline industry, and have experi-**
16 **ence in the research and development**
17 **of pipeline or related technologies.**

18 **(C) COMPENSATION.—The members**
19 **of the Advisory Committee shall serve**
20 **without compensation, but shall re-**
21 **ceive travel expenses, including per**
22 **diem in lieu of subsistence, in accord-**
23 **ance with sections 5702 and 5703 of**
24 **title 5, United States Code.**

1 **(4) MEETINGS.—The Advisory Com-**
2 **mittee shall meet at least 4 times each**
3 **year.**

4 **(5) TERMINATION.—The Advisory Com-**
5 **mittee shall terminate 5 years after its es-**
6 **tablishment.**

7 **(d) REPORTS TO CONGRESS.—Not later than**
8 **1 year after the date of the enactment of this**
9 **Act, and annually thereafter, the Secretary of**
10 **Energy, in cooperation with the Secretary of**
11 **Transportation and the Director of the Na-**
12 **tional Institute of Standards and Technology,**
13 **shall transmit to the Congress a report on the**
14 **status and results to date of the implementa-**
15 **tion of the program plan prepared under sub-**
16 **section (b).**

17 **(e) MEMORANDUM OF UNDERSTANDING.—Not**
18 **later than 120 days after the date of the enact-**
19 **ment of this Act, the Secretary of Energy, the**
20 **Secretary of Transportation, and the Director**
21 **of the National Institute of Standards and**
22 **Technology shall enter into a memorandum of**
23 **understanding detailing their respective re-**
24 **sponsibilities under this section, consistent**
25 **with the activities and capabilities identified**

1 under subsection (a)(3). The Department of
2 Transportation's responsibilities shall reflect
3 its expertise in pipeline inspection and infor-
4 mation systems surety. The Department of
5 Energy's responsibilities shall reflect its ex-
6 pertise in low-volume leak detection and sur-
7 veillance technologies. The National Institute
8 of Standards and Technology's responsibil-
9 ities shall reflect its expertise in standards
10 and materials research.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized
13 to be appropriated—

14 (A) to the Secretary of Energy
15 \$10,000,000;

16 (B) to the Secretary of Transpor-
17 tation \$5,000,000; and

18 (C) to the National Institute of
19 Standards and Technology \$5,000,000,
20 for each of the fiscal years 2003 through
21 2006 for carrying out this section.

22 (2) GENERAL REVENUE FUNDING.—Any
23 sums appropriated under this subsection
24 shall be derived from general revenues
25 and may not be derived from amounts

1 collected under section 60301 of title 49,
2 United States Code.

3 (g) DEFINITIONS.—For purposes of this
4 section—

5 (1) the term “energy pipeline” means
6 a pipeline system used in the trans-
7 mission or local distribution of natural
8 gas (including liquefied natural gas),
9 crude oil, or refined petroleum products;

10 (2) the term “next-generation pipe-
11 line” means a transmission or local dis-
12 tribution pipeline system designed to
13 transmit energy or energy-related prod-
14 ucts, in liquid or gaseous form, other
15 than energy pipelines; and

16 (3) the term “pipeline” means an en-
17 ergy pipeline or a next-generation pipe-
18 line.

19 SEC. 10. CERTIFICATION OF PIPELINE QUALIFICATION
20 PROGRAMS.

21 (a) CERTIFICATION PROGRAM.—

22 (1) IN GENERAL.—Chapter 601 is fur-
23 ther amended by adding at the end the
24 following:

1 **“§ 60130. Certification of pipeline qualification pro-**
2 **grams**

3 **“(a) IN GENERAL.—Subject to the require-**
4 **ments of this section, the Secretary of Trans-**
5 **portation shall require the operator of a pipe-**
6 **line facility to develop and adopt a qualifica-**
7 **tion program to ensure that the personnel of**
8 **the operator who perform covered tasks are**
9 **qualified to conduct such tasks.**

10 **“(b) STANDARDS AND CRITERIA.—**

11 **“(1) DEVELOPMENT.—Not later than 1**
12 **year after the date of enactment of this**
13 **section, the Secretary shall ensure that**
14 **the Department of Transportation has in**
15 **place standards and criteria for qualifica-**
16 **tion programs referred to in subsection**
17 **(a).**

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

20 **“(A) The establishment of indus-**
21 **try standards for the qualifications of**
22 **personnel described in subsection (a).**

23 **“(B) A requirement that pipeline**
24 **operators develop and implement**
25 **written plans and procedures to train**
26 **and evaluate the abilities of per-**

1 sonnel described in subsection (a) to
2 meet the industry standards estab-
3 lished under subparagraph (A).

4 “(C) A requirement that the plans
5 and procedures adopted by a pipeline
6 operator under subparagraph (B) be
7 certified under subsection (e).

8 “(c) **DEVELOPMENT OF QUALIFICATION PRO-**
9 **GRAMS BY PIPELINE OPERATORS.**—Not later
10 **than 2 years after the date of the enactment**
11 **of this section, the Secretary shall require a**
12 **pipeline operator to develop and adopt a qual-**
13 **ification program that complies with the**
14 **standards and criteria described in sub-**
15 **section (b).**

16 “(d) **ELEMENTS OF QUALIFICATION PRO-**
17 **GRAMS.**—A qualification program adopted by
18 **an operator under subsection (a) shall in-**
19 **clude, at a minimum, the following elements:**

20 “(1) A method for examining or test-
21 ing the qualifications of personnel de-
22 scribed in subsection (a). Such method
23 may not be limited to observation of on-
24 the-job performance, except with respect
25 to tasks for which the Secretary has de-

1 **terminated that such observation is the**
2 **best method of examining or testing**
3 **qualifications. The Secretary shall ensure**
4 **that the results of any such observations**
5 **are documented in writing.**

6 **“(2) A requirement that the operator**
7 **complete the qualification of all per-**
8 **sonnel described in subsection (a) not**
9 **later than 18 months after the date of**
10 **adoption of the qualification program.**

11 **“(3) A periodic requalification compo-**
12 **nent that provides for examination or**
13 **testing of personnel in accordance with**
14 **paragraph (1).**

15 **“(4) A program to provide training, as**
16 **appropriate, to ensure that individuals**
17 **performing covered tasks have the nec-**
18 **essary knowledge and skills to perform**
19 **the tasks in a manner that ensures the**
20 **safe operation of pipeline facilities.**

21 **“(e) CERTIFICATION OF PROGRAMS.—**

22 **“(1) IN GENERAL.—The Secretary shall**
23 **certify the qualification program of each**
24 **pipeline operator. The qualification pro-**
25 **gram of a pipeline operator shall be cer-**

1 **tified if the operator’s program complies**
2 **with the standards and criteria described**
3 **in subsection (b) and includes the ele-**
4 **ments described in paragraphs (1)**
5 **through (3) of subsection (d).**

6 **“(2) AGREEMENT OR STATE AUTHORIZA-**
7 **TION.—The Secretary may enter into a co-**
8 **operative agreement or contract with a**
9 **public or private entity, or may authorize**
10 **a State authority, to certify qualification**
11 **programs under this subsection.**

12 **“(3) DEADLINE FOR COMPLETION.—Cer-**
13 **tifications under this subsection shall be**
14 **completed not later than 3 years after the**
15 **date of the enactment of this section.**

16 **“(4) INADEQUATE PROGRAMS.—If the**
17 **Secretary decides that a qualification**
18 **program is inadequate for the safe oper-**
19 **ation of a pipeline facility, the Secretary**
20 **shall act as under section 60108(a)(2) to**
21 **require the operator to revise the quali-**
22 **fication program.**

23 **“(5) PROGRAM MODIFICATIONS.—If the**
24 **operator of a pipeline facility seeks to**
25 **modify significantly a program that has**

1 **been certified under this subsection, the**
2 **operator shall submit the modifications**
3 **to the Secretary for approval.**

4 **“(6) WAIVERS AND MODIFICATIONS.—In**
5 **accordance with section 60118(c), the Sec-**
6 **retary may waive or modify any require-**
7 **ment of this section.**

8 **“(7) INACTION BY THE SECRETARY.—Not-**
9 **withstanding any failure of the Secretary**
10 **to prescribe standards and criteria as de-**
11 **scribed in subsection (b), an operator of a**
12 **pipeline facility shall develop and adopt**
13 **a qualification program that complies**
14 **with the requirement of subsection**
15 **(b)(2)(B) and includes the elements de-**
16 **scribed in paragraphs (1) through (3) of**
17 **subsection (d) not later than 2 years after**
18 **the date of enactment of this section.**

19 **“(f) COVERED TASK DEFINED.—In this sec-**
20 **tion, the term ‘covered task’—**

21 **“(1) with respect to a gas pipeline fa-**
22 **cility, has the meaning such term has**
23 **under section 192.801 of title 49, Code of**
24 **Federal Regulations, as in effect on the**
25 **date of enactment of this section; and**

1 “(2) with respect to a hazardous liq-
2 uid pipeline facility, has the meaning
3 such term has under section 195.501 of
4 such title, as in effect on the date of en-
5 actment of this section.

6 “(g) REPORT.—Not later than 5 years after
7 the date of enactment of this section, the Sec-
8 retary shall transmit to Congress a report on
9 the status and results to date of the personnel
10 qualification regulations issued under this
11 chapter.”.

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

 “60130. Certification of pipeline qualification programs.”.

15 (b) PILOT PROGRAM FOR CERTIFICATION OF
16 CERTAIN PIPELINE WORKERS.—

17 (1) IN GENERAL.—Not later than 36
18 months after the date of enactment of
19 this Act, the Secretary of Transportation
20 shall—

21 (A) develop tests and other re-
22 quirements for certifying the quali-
23 fications of individuals who operate
24 computer-based systems for control-
25 ling the operations of pipelines; and

1 **(B) establish and carry out a pilot**
2 **program for 3 pipeline facilities**
3 **under which the individuals oper-**
4 **ating computer-based systems for**
5 **controlling the operations of pipe-**
6 **lines at such facilities are required to**
7 **be certified under the process estab-**
8 **lished under subparagraph (A).**

9 **(2) REPORT.—The Secretary shall in-**
10 **clude in the report required under sec-**
11 **tion 60130(g), as added by subsection (a)**
12 **of this section, the results of the pilot**
13 **program. The report shall include—**

14 **(A) a description of the pilot pro-**
15 **gram and implementation of the pilot**
16 **program at each of the 3 pipeline fa-**
17 **cilities;**

18 **(B) an evaluation of the pilot pro-**
19 **gram, including the effectiveness of**
20 **the process for certifying individuals**
21 **who operate computer-based systems**
22 **for controlling the operations of pipe-**
23 **lines;**

24 **(C) any recommendations of the**
25 **Secretary for requiring the certifi-**

1 **cation of all individuals who operate**
2 **computer-based systems for control-**
3 **ling the operations of pipelines; and**

4 **(D) an assessment of the ramifica-**
5 **tions of requiring the certification of**
6 **other individuals performing safety-**
7 **sensitive functions for a pipeline fa-**
8 **cility.**

9 **(3) DEFINITION.—For purposes of this**
10 **subsection, the term “computer-based**
11 **systems” means supervisory control and**
12 **data acquisition systems.**

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

14 **(a) RISK ANALYSIS AND INTEGRITY MANAGE-**
15 **MENT PROGRAMS.—Section 60109 is amended**
16 **by adding at the end the following:**

17 **“(c) RISK ANALYSIS AND INTEGRITY MANAGE-**
18 **MENT PROGRAMS.—**

19 **“(1) REQUIREMENT.—Each operator of**
20 **a gas pipeline facility shall conduct an**
21 **analysis of the risks to each facility of the**
22 **operator in an area identified pursuant**
23 **to subsection (a)(1), and shall adopt and**
24 **implement a written integrity manage-**

1 **ment program for such facility to reduce**
2 **the risks.**

3 **“(2) REGULATIONS.—Not later than 18**
4 **months after the date of the enactment of**
5 **this subsection, the Secretary shall issue**
6 **regulations prescribing standards to di-**
7 **rect an operator’s conduct of a risk anal-**
8 **ysis and adoption and implementation of**
9 **an integrity management program under**
10 **this subsection. The regulations shall re-**
11 **quire the conduct of the risk analysis and**
12 **adoption of the integrity management**
13 **program to occur within a time period**
14 **prescribed by the Secretary, not to ex-**
15 **ceed 1 year after the issuance of such**
16 **regulations. The Secretary may satisfy**
17 **the requirements of this paragraph**
18 **through the issuance of regulations**
19 **under this paragraph or under other au-**
20 **thority of law.**

21 **“(3) MINIMUM REQUIREMENTS OF INTEG-**
22 **RITY MANAGEMENT PROGRAMS.—An integ-**
23 **riety management program required**
24 **under paragraph (1) shall include, at a**
25 **minimum, the following requirements:**

1 **“(A) A baseline integrity assess-**
2 **ment of each of the operator’s facili-**
3 **ties in areas identified pursuant to**
4 **subsection (a)(1), to be completed not**
5 **later than 10 years after the date of**
6 **the adoption of the integrity manage-**
7 **ment program, by internal inspection**
8 **device, pressure testing, direct assess-**
9 **ment, or an alternative method that**
10 **the Secretary determines would pro-**
11 **vide an equal or greater level of safe-**
12 **ty.**

13 **“(B) Subject to paragraph (4),**
14 **periodic reassessment of the facility,**
15 **at a minimum of once every 7 years,**
16 **using methods described in subpara-**
17 **graph (A).**

18 **“(C) Clearly defined criteria for**
19 **evaluating the results of inspections**
20 **conducted under subparagraph (B)**
21 **and for taking actions based on such**
22 **results.**

23 **“(D) A method for conducting an**
24 **analysis on a continuing basis that in-**
25 **tegrates all available information**

1 **about the integrity of the facility and**
2 **the consequences of releases from the**
3 **facility.**

4 **“(E) A description of actions to be**
5 **taken by the operator to promptly ad-**
6 **dress any integrity issue raised by an**
7 **evaluation conducted under subpara-**
8 **graph (C) or the analysis conducted**
9 **under subparagraph (D).**

10 **“(F) A description of measures to**
11 **prevent and mitigate the con-**
12 **sequences of releases from the facil-**
13 **ity.**

14 **“(G) A method for monitoring ca-**
15 **thodic protection systems throughout**
16 **the pipeline system of the operator to**
17 **the extent not addressed by other**
18 **regulations.**

19 **“(H) If the Secretary raises a safe-**
20 **ty concern relating to the facility, a**
21 **description of the actions to be taken**
22 **by the operator to address the safety**
23 **concern, including issues raised with**
24 **the Secretary by States and local au-**

1 **thorities under an agreement entered**
2 **into under section 60106.**

3 **“(4) WAIVERS AND MODIFICATIONS.—In**
4 **accordance with section 60118(c), the Sec-**
5 **retary may waive or modify any require-**
6 **ment for reassessment of a facility under**
7 **paragraph (3)(B) for reasons that may in-**
8 **clude the need to maintain local product**
9 **supply or the lack of internal inspection**
10 **devices if the Secretary determines that**
11 **such waiver is not inconsistent with pipe-**
12 **line safety.**

13 **“(5) STANDARDS.—The standards pre-**
14 **scribed by the Secretary under para-**
15 **graph (2) shall address each of the fol-**
16 **lowing factors:**

17 **“(A) The minimum requirements**
18 **described in paragraph (3).**

19 **“(B) The type or frequency of in-**
20 **spections or testing of pipeline facili-**
21 **ties, in addition to the minimum re-**
22 **quirements of paragraph (3)(B).**

23 **“(C) The manner in which the in-**
24 **spections or testing are conducted.**

1 **“(D) The criteria used in ana-**
2 **lyzing results of the inspections or**
3 **testing.**

4 **“(E) The types of information**
5 **sources that must be integrated in as-**
6 **sessing the integrity of a pipeline fa-**
7 **ility as well as the manner of inte-**
8 **gration.**

9 **“(F) The nature and timing of ac-**
10 **tions selected to address the integrity**
11 **of a pipeline facility.**

12 **“(G) Such other factors as the**
13 **Secretary determines appropriate to**
14 **ensure that the integrity of a pipeline**
15 **facility is addressed and that appro-**
16 **priate mitigative measures are adopt-**
17 **ed to protect areas identified under**
18 **subsection (a)(1).**

19 **In prescribing those standards, the Sec-**
20 **retary shall ensure that all inspections**
21 **required are conducted in a manner that**
22 **minimizes environmental and safety**
23 **risks, and shall take into account the ap-**
24 **plicable level of protection established by**

1 national consensus standards organiza-
2 tions.

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

9 “(A) changes to valves or the es-
10 tablishment or modification of sys-
11 tems that monitor pressure and de-
12 tect leaks based on the operator’s risk
13 analysis; and

14 “(B) the use of emergency flow re-
15 stricting devices.

16 “(7) INACTION BY THE SECRETARY.—Not-
17 withstanding any failure of the Secretary
18 to prescribe standards as described in
19 paragraph (2), an operator of a pipeline
20 facility shall conduct a risk analysis and
21 adopt and implement an integrity man-
22 agement program under paragraph (1)
23 not later than 30 months after the date of
24 the enactment of this subsection.

1 **“(8) REVIEW OF INTEGRITY MANAGEMENT**
2 **PROGRAMS.—**

3 **“(A) REVIEW OF PROGRAMS.—**

4 **“(i) IN GENERAL.—The Sec-**
5 **retary shall review a risk analysis**
6 **and integrity management pro-**
7 **gram under paragraph (1) and**
8 **record the results of that review**
9 **for use in the next review of an**
10 **operator’s program.**

11 **“(ii) CONTEXT OF REVIEW.—The**
12 **Secretary may conduct a review**
13 **under clause (i) as an element of**
14 **the Secretary’s inspection of an**
15 **operator.**

16 **“(iii) INADEQUATE PROGRAMS.—**
17 **If the Secretary determines that a**
18 **risk analysis or integrity manage-**
19 **ment program does not comply**
20 **with the requirements of this sub-**
21 **section or regulations issued as**
22 **described in paragraph (2), or is**
23 **inadequate for the safe operation**
24 **of a pipeline facility, the Sec-**
25 **retary shall act under section**

1 **60108(a)(2) to require the oper-**
2 **ator to revise the risk analysis or**
3 **integrity management program.**

4 **“(B) AMENDMENTS TO PROGRAMS.—**

5 **In order to facilitate reviews under**
6 **this paragraph, an operator of a pipe-**
7 **line facility shall notify the Secretary**
8 **of any amendment made to the opera-**
9 **tor’s integrity management program**
10 **not later than 30 days after the date**
11 **of adoption of the amendment.**

12 **“(C) TRANSMITTAL OF PROGRAMS TO**

13 **STATE AUTHORITIES.—The Secretary**
14 **shall provide a copy of each risk anal-**
15 **ysis and integrity management pro-**
16 **gram reviewed by the Secretary**
17 **under this paragraph to any appro-**
18 **priate State authority with which the**
19 **Secretary has entered into an agree-**
20 **ment under section 60106.**

21 **“(9) STATE REVIEW OF INTEGRITY MAN-**

22 **AGEMENT PLANS.—A State authority that**
23 **enters into an agreement pursuant to sec-**
24 **tion 60106, permitting the State authority**
25 **to review the risk analysis and integrity**

1 management program pursuant to para-
2 graph (8), may provide the Secretary
3 with a written assessment of the risk
4 analysis and integrity management pro-
5 gram, make recommendations, as appro-
6 priate, to address safety concerns not
7 adequately addressed by the operator's
8 risk analysis or integrity management
9 program, and submit documentation ex-
10 plaining the State-proposed revisions.
11 The Secretary shall consider carefully the
12 State's proposals and work in consulta-
13 tion with the States and operators to ad-
14 dress safety concerns.

15 “(10) APPLICATION OF STANDARDS.—Sec-
16 tion 60104(b) shall not apply to this sec-
17 tion.”.

18 (b) INTEGRITY MANAGEMENT REGULA-
19 TIONS.—Section 60109 is further amended by
20 adding at the end the following:

21 “(d) EVALUATION OF INTEGRITY MANAGE-
22 MENT REGULATIONS.—Not later than 5 years
23 after the date of enactment of this subsection,
24 the Secretary shall complete an assessment
25 and evaluation of the effects on public safety

1 and the environment of the requirements for
2 the implementation of integrity management
3 programs contained in the standards pre-
4 scribed as described in subsection (c)(2).”.

5 (c) CONFORMING AMENDMENT.—Section
6 60118(a) is amended—

7 (1) by striking “and” at the end of
8 paragraph (2);

9 (2) by striking the period at the end
10 of paragraph (3) and inserting “; and”;
11 and

12 (3) by adding at the end the fol-
13 lowing:

14 “(4) conduct a risk analysis, and
15 adopt and implement an integrity man-
16 agement program, for pipeline facilities
17 as required under section 60109(c).”.

18 (d) STUDY OF REASSESSMENT INTERVALS.—

19 (1) STUDY.—The Secretary of Trans-
20 portation shall conduct a study to evalu-
21 ate the 7-year reassessment interval re-
22 quired by section 60109(c)(3)(B) of title
23 49, United States Code, as added by sub-
24 section (a) of this section.

1 **(2) REPORT.**—Not later than 7 years
2 after the date of the enactment of this
3 Act, the Secretary shall transmit to Con-
4 gress a report on the results of the study
5 conducted under paragraph (1).

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

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

9 “§ 60131. Security of pipeline facilities

10 “(a) **TERRORISM SECURITY PROGRAMS.**—

11 “(1) **IN GENERAL.**—Subject to the re-
12 quirements of this subsection, the oper-
13 ator of a pipeline facility shall develop
14 and implement a terrorism security pro-
15 gram reviewed and verified under para-
16 graph (3).

17 “(2) **CONTENTS OF PROGRAMS.**—

18 “(A) **IN GENERAL.**—A terrorism se-
19 curity program of a pipeline operator
20 shall consist of written procedures to
21 follow and actions to take in the
22 event of a terrorist attack on a pipe-
23 line facility or an attack on other in-
24 frastructure facilities in the United
25 States. Such procedures shall include

1 **procedures for communicating with**
2 **military, law enforcement, emergency**
3 **service, and other appropriate State**
4 **and local government and non-gov-**
5 **ernment entities.**

6 **“(B) STANDARD.—A terrorism secu-**
7 **rity program of a pipeline operator**
8 **shall require the operator to establish**
9 **and implement reasonable proce-**
10 **dures to safeguard the pipeline facil-**
11 **ity and safely maintain its operations,**
12 **and to safeguard pipeline workers.**

13 **“(3) REVIEW AND VERIFICATION OF PRO-**
14 **GRAMS.—Not later than 1 year after the**
15 **date of enactment of this section, the Sec-**
16 **retary shall review the terrorism security**
17 **program of each pipeline operator and**
18 **verify its compliance with this section.**
19 **The Secretary shall prescribe procedures**
20 **for the review and standards for the**
21 **verification of such programs. The Sec-**
22 **retary shall record the results of that re-**
23 **view for use in the next review of an op-**
24 **erator’s program.**

1 **“(4) INADEQUATE PROGRAMS.—If the**
2 **Secretary determines that a terrorism se-**
3 **curity program does not comply with the**
4 **requirements of this section, the Sec-**
5 **retary shall act under section 60108(a)(2)**
6 **to require the operator to revise the ter-**
7 **rorism security program.**

8 **“(b) TECHNICAL ASSISTANCE.—The Sec-**
9 **retary may provide technical assistance to an**
10 **operator of a pipeline facility, or to State,**
11 **tribal, or local officials, to prevent or respond**
12 **to acts of terrorism that may affect the pipe-**
13 **line facility. Such technical assistance may in-**
14 **clude at a minimum—**

15 **“(1) actions by the Secretary that sup-**
16 **port the use of National Guard or State**
17 **or Federal personnel to provide addi-**
18 **tional security for a pipeline facility at**
19 **risk of terrorist attack or in response to**
20 **such an attack;**

21 **“(2) use of resources available to the**
22 **Secretary to develop and implement secu-**
23 **rity measures for a pipeline facility;**

1 **“(3) identification of security issues**
2 **with respect to the operation of a pipe-**
3 **line facility; and**

4 **“(4) the provision of information and**
5 **guidance on security practices that pre-**
6 **vent damage to pipeline facilities from**
7 **terrorist attacks.**

8 **“(c) SECURITY MEASURES TO PROTECT**
9 **AGAINST ACTS OF TERRORISM OR SABOTAGE.—**

10 **“(1) RULEMAKING REQUIREMENT.—The**
11 **Secretary of Transportation, not later**
12 **than 60 days after the date of the enact-**
13 **ment of this subsection, after consulta-**
14 **tion with any appropriate Federal, State,**
15 **or nongovernmental entities, shall com-**
16 **mence a rulemaking to require effective**
17 **security measures which the Secretary**
18 **determines are necessary to be adopted**
19 **against acts of terrorism or sabotage di-**
20 **rected against waterfront liquefied nat-**
21 **ural gas plants located in or within 1**
22 **mile of a densely populated urban area.**
23 **Within 1 year after the date of the enact-**
24 **ment of this subsection, the Secretary of**
25 **Transportation shall issue a final rule.**

1 **“(2) FACTORS TO BE CONSIDERED.—Reg-**
2 **ulations issued under paragraph (1) shall**
3 **take into account—**

4 **“(A) the events of September 11,**
5 **2001;**

6 **“(B) the potential for attack on fa-**
7 **ilities by multiple coordinated teams**
8 **totaling in the aggregate a significant**
9 **number of individuals;**

10 **“(C) the potential for assistance in**
11 **an attack from several persons em-**
12 **ployed at the facility;**

13 **“(D) the potential for suicide at-**
14 **tacks;**

15 **“(E) water-based and air-based**
16 **threats;**

17 **“(F) the potential use of explosive**
18 **devices of considerable size and other**
19 **modern weaponry;**

20 **“(G) the potential for attacks by**
21 **persons with a sophisticated knowl-**
22 **edge of facility operations;**

23 **“(H) the threat of fires and large**
24 **explosions; and**

1 **“(I) special threats and**
2 **vulnerabilities affecting facilities lo-**
3 **cated in or within 1 mile of a densely**
4 **populated urban area.**

5 **“(3) REQUIREMENTS.—Regulations**
6 **issued under paragraph (1) shall estab-**
7 **lish requirements for waterfront lique-**
8 **fied natural gas plants relating to con-**
9 **struction, operation, security procedures,**
10 **and emergency response, and shall re-**
11 **quire conforming amendments to applica-**
12 **ble standards and rules.**

13 **“(4) OPERATIONAL SECURITY RESPONSE**
14 **EVALUATION.—(A) Regulations issued**
15 **under paragraph (1) shall include the es-**
16 **tablishment of policies and procedures by**
17 **the Secretary of Transportation, which**
18 **shall ensure that the operational security**
19 **response of each facility described in**
20 **subparagraph (B) is tested at least once**
21 **every 2 years through the use of force-on-**
22 **force exercises to determine whether the**
23 **threat factors identified in regulations**
24 **issued under paragraph (1) have been**
25 **adequately addressed.**

1 **“(B) Facilities subject to testing**
2 **under subparagraph (A) include water-**
3 **front liquefied natural gas plants located**
4 **in or within 1 mile of a densely populated**
5 **urban area, and associated support facili-**
6 **ties and equipment.**

7 **“(5) REVIEW AND REVISION.—Regula-**
8 **tions issued under paragraph (1) shall be**
9 **reviewed and revised as appropriate at**
10 **least once every 5 years.**

11 **“(6) DEFINITIONS.—For purposes of**
12 **this subsection, the term ‘densely popu-**
13 **lated urban area’ means an area with a**
14 **population density of more than 10,000**
15 **people per square mile.”.**

16 **(b) CONFORMING AMENDMENT.—The anal-**
17 **ysis for chapter 601 is amended by adding at**
18 **the end the following:**

“60131. Security of pipeline facilities.”.

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

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

22 **“§ 60132. National pipeline mapping system**

23 **“(a) INFORMATION TO BE PROVIDED.—Not**
24 **later than 6 months after the date of enact-**
25 **ment of this section, the operator of a pipeline**

1 **facility (except distribution lines and gath-**
2 **ering lines) shall provide to the Secretary of**
3 **Transportation the following information**
4 **with respect to the facility:**

5 **“(1) Geospatial data appropriate for**
6 **use in the National Pipeline Mapping**
7 **System or data in a format that can be**
8 **readily converted to geospatial data.**

9 **“(2) The name and address of the per-**
10 **son with primary operational control to**
11 **be identified as its operator for purposes**
12 **of this chapter.**

13 **“(3) A means for a member of the pub-**
14 **lic to contact the operator for additional**
15 **information about the pipeline facilities**
16 **it operates.**

17 **“(b) UPDATES.—A person providing infor-**
18 **mation under subsection (a) shall provide to**
19 **the Secretary updates of the information to**
20 **reflect changes in the pipeline facility owned**
21 **or operated by the person and as otherwise**
22 **required by the Secretary.**

23 **“(c) TECHNICAL ASSISTANCE TO IMPROVE**
24 **LOCAL RESPONSE CAPABILITIES.—The Secretary**
25 **may provide technical assistance to State and**

1 **local officials to improve local response capa-**
2 **bilities for pipeline emergencies by adapting**
3 **information available through the National**
4 **Pipeline Mapping System to software used by**
5 **emergency response personnel responding to**
6 **pipeline emergencies.”.**

7 **(b) CONFORMING AMENDMENT.—The anal-**
8 **ysis for chapter 601 is amended by adding at**
9 **the end the following:**

“60132. National pipeline mapping system.”.

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

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

13 **“§ 60133. Coordination of environmental reviews**

14 **“(a) INTERAGENCY COMMITTEE.—**

15 **“(1) ESTABLISHMENT AND PURPOSE.—**
16 **Not later than 30 days after the date of**
17 **enactment of this section, the President**
18 **shall establish an Interagency Committee**
19 **to develop and ensure implementation of**
20 **a coordinated environmental review and**
21 **permitting process in order to enable**
22 **pipeline operators to commence and com-**
23 **plete all activities necessary to carry out**
24 **pipeline repairs within any time periods**
25 **specified by rule by the Secretary.**

1 **“(2) MEMBERSHIP.—The Chairman of**
2 **the Council on Environmental Quality (or**
3 **a designee of the Chairman) shall chair**
4 **the Interagency Committee, which shall**
5 **consist of representatives of Federal**
6 **agencies with responsibilities relating to**
7 **pipeline repair projects, including each**
8 **of the following persons (or a designee**
9 **thereof):**

10 **“(A) The Secretary of Transpor-**
11 **tation.**

12 **“(B) The Administrator of the En-**
13 **vironmental Protection Agency.**

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

16 **“(D) The Assistant Administrator**
17 **for Fisheries of the National Oceanic**
18 **and Atmospheric Administration.**

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

21 **“(F) The Director of the Minerals**
22 **Management Service.**

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

1 **“(H) The Chairman of the Federal**
2 **Energy Regulatory Commission.**

3 **“(3) EVALUATION.—The Interagency**
4 **Committee shall evaluate Federal permit-**
5 **ting requirements to which access, exca-**
6 **vation, and restoration activities in con-**
7 **nection with pipeline repairs described**
8 **in paragraph (1) may be subject. As part**
9 **of its evaluation, the Interagency Com-**
10 **mittee shall examine the access, exca-**
11 **vation, and restoration practices of the**
12 **pipeline industry in connection with such**
13 **pipeline repairs, and may develop a com-**
14 **pendium of best practices used by the in-**
15 **dustry to access, excavate, and restore**
16 **the site of a pipeline repair.**

17 **“(4) MEMORANDUM OF UNDER-**
18 **STANDING.—Based upon the evaluation re-**
19 **quired under paragraph (3) and not later**
20 **than 1 year after the date of enactment of**
21 **this section, the members of the Inter-**
22 **agency Committee shall enter into a**
23 **memorandum of understanding to pro-**
24 **vide for a coordinated and expedited**
25 **pipeline repair permit review process in**

1 **order to enable pipeline operators to**
2 **commence and complete all activities**
3 **necessary to carry out pipeline repairs**
4 **within any time periods specified by rule**
5 **by the Secretary.**

6 **“(5) STATE AND LOCAL CONSULTATION.—**
7 **In carrying out this subsection, the Inter-**
8 **agency Committee shall consult with ap-**
9 **propriate State and local environmental,**
10 **pipeline safety, and emergency response**
11 **officials, and such other officials as the**
12 **Interagency Committee considers appro-**
13 **priate.**

14 **“(b) IMPLEMENTATION.—Not later than 180**
15 **days after the completion of the memorandum**
16 **of understanding required under subsection**
17 **(a)(4), each agency represented on the Inter-**
18 **agency Committee shall revise its regulations**
19 **as necessary to implement the provisions of**
20 **the memorandum of understanding.**

21 **“(c) SAVINGS PROVISIONS; NO PREEMP-**
22 **TION.—Nothing in this section shall be**
23 **construed—**

24 **“(1) to require a pipeline operator to**
25 **obtain a Federal permit, if no Federal**

1 permit would otherwise have been re-
2 quired under Federal law; or

3 “(2) to preempt applicable Federal,
4 State, or local environmental law.

5 “(d) INTERIM OPERATIONAL ALTERNATIVES.—

6 “(1) IN GENERAL.—Not later than 30
7 days after the date of enactment of this
8 section, and subject to the limitations in
9 paragraph (2), the Secretary of Transpor-
10 tation shall revise the regulations of the
11 Department, to the extent necessary, to
12 permit a pipeline operator subject to
13 time periods for repair specified by rule
14 by the Secretary to implement alter-
15 native mitigation measures until all ap-
16 plicable permits have been granted.

17 “(2) LIMITATIONS.—The regulations
18 issued by the Secretary pursuant to this
19 subsection shall not allow an operator to
20 implement alternative mitigation meas-
21 ures pursuant to paragraph (1) unless—

22 “(A) allowing the operator to im-
23 plement such measures would be con-
24 sistent with the protection of human

1 health, public safety, and the environ-
2 ment;

3 “(B) the operator, with respect to
4 a particular repair project, has ap-
5 plied for and is pursuing diligently
6 and in good faith all required Fed-
7 eral, State, and local permits to carry
8 out the project; and

9 “(C) the proposed alternative
10 mitigation measures are not incom-
11 patible with pipeline safety.

12 “(e) OMBUDSMAN.—The Secretary shall des-
13 ignate an ombudsman to assist in expediting
14 pipeline repairs and resolving disagreements
15 between Federal, State, and local permitting
16 agencies and the pipeline operator during
17 agency review of any pipeline repair activity,
18 consistent with protection of human health,
19 public safety, and the environment.

20 “(f) STATE AND LOCAL PERMITTING PROC-
21 ESSES.—The Secretary shall encourage States
22 and local governments to consolidate their re-
23 spective permitting processes for pipeline re-
24 pair projects subject to any time periods for
25 repair specified by rule by the Secretary. The

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

5 **(b) CONFORMING AMENDMENT.—The anal-**
6 **ysis for chapter 601 is amended by adding at**
7 **the end the following:**

“60133. Coordination of environmental reviews.”.

8 **SEC. 15. NATIONWIDE TOLL-FREE NUMBER SYSTEM.**

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

18 **SEC. 16. RECOMMENDATIONS AND RESPONSES.**

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

21 **“§ 60134. Recommendations and responses**

22 **“(a) RESPONSE REQUIREMENT.—Whenever**
23 **the Office of Pipeline Safety has received rec-**
24 **ommendations from the National Transpor-**
25 **tation Safety Board regarding pipeline safety,**

1 it shall submit a formal written response to
2 each such recommendation within 90 days
3 after receiving the recommendation. The re-
4 sponse shall indicate whether the Office
5 intends—

6 “(1) to carry out procedures to adopt
7 the complete recommendations;

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

10 “(3) to refuse to carry out procedures
11 to adopt the recommendations.

12 “(b) **TIMETABLE FOR COMPLETING PROCEDURE**
13 **S AND REASONS FOR REFUSALS.**—A re-
14 sponse under subsection (a)(1) or (2) shall in-
15 clude a copy of a proposed timetable for com-
16 pleting the procedures. A response under sub-
17 section (a)(2) shall detail the reasons for the
18 refusal to carry out procedures on the re-
19 mainder of the recommendations. A response
20 under subsection (a)(3) shall detail the rea-
21 sons for the refusal to carry out procedures
22 to adopt the recommendations.

23 “(c) **PUBLIC AVAILABILITY.**—The Office shall
24 make a copy of each recommendation and re-

1 **sponse available to the public, including in**
2 **electronic form.**

3 **“(d) REPORTS TO CONGRESS.—The Office**
4 **shall submit to Congress on January 1 of each**
5 **year a report describing each recommenda-**
6 **tion on pipeline safety made by the National**
7 **Transportation Safety Board to the Office**
8 **during the prior year and the Office’s re-**
9 **sponse to each recommendation.”.**

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

“60134. Recommendations and responses.”.

13 **SEC. 17. MISCELLANEOUS AMENDMENTS.**

14 **(a) PROTECTION OF PUBLIC HEALTH, WEL-**
15 **FARE, AND THE ENVIRONMENT.—Section**
16 **60102(a)(1) is amended by inserting “in order**
17 **to protect public health and welfare and the**
18 **environment from reasonably anticipated**
19 **threats that could be posed by such transpor-**
20 **tation and facilities” after “and for pipeline**
21 **facilities”.**

22 **(b) CONFLICTS OF INTEREST.—Section**
23 **60115(b)(4) is amended by adding at the end**
24 **the following new subparagraph:**

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

5 SEC. 18. TECHNICAL AMENDMENTS.

6 **Chapter 601 is amended—**

7 **(1) in section 60102(a)—**

8 **(A) by striking “(a)(1)” and all**
9 **that follows through “The Secretary**
10 **of Transportation” and inserting the**
11 **following:**

12 **“(a) MINIMUM SAFETY STANDARDS.—**

13 **“(1) IN GENERAL.—The Secretary of**
14 **Transportation”;**

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

20 **(C) in paragraph (2) by inserting**
21 **“QUALIFICATIONS OF PIPELINE OPERA-**
22 **TORS.—” before “The qualifications”;**

23 **(2) in section 60110(b) by striking**
24 **“circumstances” and all that follows**
25 **through “operator” and inserting the fol-**

1 **lowing: “circumstances, if any, under**
2 **which an operator”;**

3 **(3) in section 60114 by redesignating**
4 **subsection (d) as subsection (c);**

5 **(4) in section 60122(a)(1) by striking**
6 **“section 60114(c)” and inserting “section**
7 **60114(b)”;** and

8 **(5) in section 60123(a) by striking**
9 **“60114(c)” and inserting “60114(b)”.**

10 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

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

13 **“(a) GAS AND HAZARDOUS LIQUID.—To carry**
14 **out this chapter (except for section 60107) re-**
15 **lated to gas and hazardous liquid, the fol-**
16 **lowing amounts are authorized to be appro-**
17 **priated to the Department of Transportation:**

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

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

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

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

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

11 **(1) by striking subsections (b), (d),**
12 **and (f) and redesignating subsections (c)**
13 **and (e) as subsections (b) and (c), respec-**
14 **tively; and**

15 **(2) in subsection (b)(1) (as so redesign-**
16 **ated) by striking subparagraphs (A)**
17 **through (H) and inserting the following:**

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

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

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

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

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

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

14 **Section 60102, as amended by this Act, is**
15 **further amended by adding at the end the fol-**
16 **lowing new subsection:**

17 **“(m) INSPECTIONS BY DIRECT ASSESSMENT.—**
18 **Not later than 1 year after the date of the en-**
19 **actment of this subsection, the Secretary shall**
20 **issue regulations prescribing standards for**
21 **inspection of a pipeline facility by direct as-**
22 **essment.”.**

Union Calendar No. 367

107TH CONGRESS
2^D SESSION

H. R. 3609

[Report No. 107-605, Parts I and II]

A BILL

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

JULY 23, 2002

Reported from the Committee on Transportation and
Infrastructure with an amendment

JULY 23, 2002

Reported from the Committee on Energy and Commerce
with an amendment; committed to the Committee of
the Whole House on the State of the Union and or-
dered to be printed