

**Calendar No. 8**107TH CONGRESS  
1ST SESSION**S. 235**

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2001

Mr. MCCAIN (for himself, Mrs. MURRAY, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. DOMENICI, Mr. BREAU, Mr. BROWNBACK, Mr. SMITH of Oregon, and Ms. LANDRIEU) introduced the following bill; which was read the first time

FEBRUARY 6, 2001

Read the second time and placed on the calendar

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**A BILL**

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

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.**

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

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

8 **SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL REC-**  
9 **COMMENDATIONS.**

10 (a) IN GENERAL.—Except as otherwise required by  
11 this Act, the Secretary shall implement the safety improve-  
12 ment recommendations provided for in the Department of  
13 Transportation Inspector General’s Report (RT–2000–  
14 069).

15 (b) REPORTS BY THE SECRETARY.—Not later than  
16 90 days after the date of enactment of this Act, and every  
17 90 days thereafter until each of the recommendations re-  
18 ferred to in subsection (a) has been implemented, the Sec-  
19 retary shall transmit to the Committee on Commerce,  
20 Science, and Transportation of the Senate and the Com-  
21 mittee on Transportation and Infrastructure of the House  
22 of Representatives a report on the specific actions taken  
23 to implement such recommendations.

24 (c) REPORTS BY THE INSPECTOR GENERAL.—The  
25 Inspector General shall periodically transmit to the Com-

1 mittees referred to in subsection (b) a report assessing the  
2 Secretary's progress in implementing the recommenda-  
3 tions referred to in subsection (a) and identifying options  
4 for the Secretary to consider in accelerating recommenda-  
5 tion implementation.

6 **SEC. 3. NTSB SAFETY RECOMMENDATIONS.**

7 (a) IN GENERAL.—The Secretary of Transportation,  
8 the Administrator of Research and Special Program Ad-  
9 ministration, and the Director of the Office of Pipeline  
10 Safety shall fully comply with section 1135 of title 49,  
11 United States Code, to ensure timely responsiveness to  
12 National Transportation Safety Board recommendations  
13 about pipeline safety.

14 (b) PUBLIC AVAILABILITY.—The Secretary, Adminis-  
15 trator, or Director, respectively, shall make a copy of each  
16 recommendation on pipeline safety and response, as de-  
17 scribed in sections 1135 (a) and (b) of title 49, United  
18 States Code, available to the public at reasonable cost.

19 (c) REPORTS TO CONGRESS.—The Secretary, Adminis-  
20 trator, or Director, respectively, shall submit to the Con-  
21 gress by January 1 of each year a report containing each  
22 recommendation on pipeline safety made by the Board  
23 during the prior year and a copy of the response to each  
24 such recommendation.

1 **SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.**

2 (a) **QUALIFICATION PLAN.**—Each pipeline operator  
3 shall make available to the Secretary of Transportation,  
4 or, in the case of an intrastate pipeline facility operator,  
5 the appropriate State regulatory agency, a plan that is de-  
6 signed to enhance the qualifications of pipeline personnel  
7 and to reduce the likelihood of accidents and injuries. The  
8 plan shall be made available not more than 6 months after  
9 the date of enactment of this Act, and the operator shall  
10 revise or update the plan as appropriate.

11 (b) **REQUIREMENTS.**—The enhanced qualification  
12 plan shall include, at a minimum, criteria to demonstrate  
13 the ability of an individual to safely and properly perform  
14 tasks identified under section 60102 of title 49, United  
15 States Code. The plan shall also provide for training and  
16 periodic reexamination of pipeline personnel qualifications  
17 and provide for requalification as appropriate. The Sec-  
18 retary, or, in the case of an intrastate pipeline facility op-  
19 erator, the appropriate State regulatory agency, may re-  
20 view and certify the plans to determine if they are suffi-  
21 cient to provide a safe operating environment and shall  
22 periodically review the plans to ensure the continuation of  
23 a safe operation. The Secretary may establish minimum  
24 standards for pipeline personnel training and evaluation,  
25 which may include written examination, oral examination,  
26 work performance history review, observation during per-

1 formance on the job, on the job training, simulations, or  
2 other forms of assessment.

3 (c) REPORT TO CONGRESS.—

4 (1) IN GENERAL.—The Secretary shall submit  
5 a report to the Congress evaluating the effectiveness  
6 of operator qualification and training efforts,  
7 including—

8 (A) actions taken by inspectors;

9 (B) recommendations made by inspectors  
10 for changes to operator qualification and train-  
11 ing programs; and

12 (C) industry responses to those actions and  
13 recommendations.

14 (2) CRITERIA.—The Secretary may establish  
15 criteria for use in evaluating and reporting on oper-  
16 ator qualification and training for purposes of this  
17 subsection.

18 (3) DUE DATE.—The Secretary shall submit  
19 the report required by paragraph (1) to the Con-  
20 gress 3 years after the date of enactment of this  
21 Act.

22 **SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.**

23 Section 60109 is amended by adding at the end the  
24 following:

25 “(c) INTEGRITY MANAGEMENT.—

1           “(1) GENERAL REQUIREMENT.—The Secretary  
2 shall promulgate regulations requiring operators of  
3 hazardous liquid pipelines and natural gas trans-  
4 mission pipelines to evaluate the risks to the opera-  
5 tor’s pipeline facilities in areas identified pursuant  
6 to subsection (a)(1), and to adopt and implement a  
7 program for integrity management that reduces the  
8 risk of an incident in those areas. The regulations  
9 shall be issued no later than one year after the Sec-  
10 retary has issued standards pursuant to subsections  
11 (a) and (b) of this section or by December 31, 2002,  
12 whichever is sooner.

13           “(2) STANDARDS FOR PROGRAM.—In promul-  
14 gating regulations under this section, the Secretary  
15 shall require an operator’s integrity management  
16 plan to be based on risk analysis and each plan shall  
17 include, at a minimum—

18           “(A) periodic assessment of the integrity of  
19 the pipeline through methods including internal  
20 inspection, pressure testing, direct assessment,  
21 or other effective methods;

22           “(B) clearly defined criteria for evaluating  
23 the results of the periodic assessment methods  
24 carried out under subparagraph (A) and proce-

1           dures to ensure identified problems are cor-  
2           rected in a timely manner; and

3                   “(C) measures, as appropriate, that pre-  
4           vent and mitigate unintended releases, such as  
5           leak detection, integrity evaluation, restrictive  
6           flow devices, or other measures.

7           “(3) CRITERIA FOR PROGRAM STANDARDS.—In  
8           deciding how frequently the integrity assessment  
9           methods carried out under paragraph (2)(A) must  
10          be conducted, an operator shall take into account  
11          the potential for new defects developing or previously  
12          identified structural defects caused by construction  
13          or installation, the operational characteristics of the  
14          pipeline, and leak history. In addition, the Secretary  
15          may establish a minimum testing requirement for  
16          operators of pipelines to conduct internal inspec-  
17          tions.

18                   “(4) STATE ROLE.—A State authority that has  
19          an agreement in effect with the Secretary under sec-  
20          tion 60106 is authorized to review and assess an op-  
21          erator’s risk analyses and integrity management  
22          plans required under this section for interstate pipe-  
23          lines located in that State. The reviewing State au-  
24          thority shall provide the Secretary with a written as-  
25          sessment of the plans, make recommendations, as

1 appropriate, to address safety concerns not ade-  
2 quately addressed in the operator's plans, and sub-  
3 mit documentation explaining the State-proposed  
4 plan revisions. The Secretary shall carefully consider  
5 the State's proposals and work in consultation with  
6 the States and operators to address safety concerns.

7       “(5) MONITORING IMPLEMENTATION.—The  
8 Secretary of Transportation shall review the risk  
9 analysis and program for integrity management re-  
10 quired under this section and provide for continued  
11 monitoring of such plans. Not later than 2 years  
12 after the implementation of integrity management  
13 plans under this section, the Secretary shall com-  
14 plete an assessment and evaluation of the effects on  
15 safety and the environment of extending all of the  
16 requirements mandated by the regulations described  
17 in paragraph (1) to additional areas. The Secretary  
18 shall submit the assessment and evaluation to Con-  
19 gress along with any recommendations to improve  
20 and expand the utilization of integrity management  
21 plans.

22       “(6) OPPORTUNITY FOR LOCAL INPUT ON IN-  
23 TEGRITY MANAGEMENT.—Within 18 months after  
24 the date of enactment of the Pipeline Safety Im-  
25 provement Act of 2001, the Secretary shall, by regu-



1 lation, establish a process for raising and addressing  
2 local safety concerns about pipeline integrity and the  
3 operator’s pipeline integrity plan. The process shall  
4 include—

5 “(A) a requirement that an operator of a  
6 hazardous liquid or natural gas transmission  
7 pipeline facility provide information about the  
8 risk analysis and integrity management plan re-  
9 quired under this section to local officials in a  
10 State in which the facility is located;

11 “(B) a description of the local officials re-  
12 quired to be informed, the information that is  
13 to be provided to them and the manner, which  
14 may include traditional or electronic means, in  
15 which it is provided;

16 “(C) the means for receiving input from  
17 the local officials that may include a public  
18 forum sponsored by the Secretary or by the  
19 State, or the submission of written comments  
20 through traditional or electronic means;

21 “(D) the extent to which an operator of a  
22 pipeline facility must participate in a public  
23 forum sponsored by the Secretary or in another  
24 means for receiving input from the local offi-  
25 cials or in the evaluation of that input; and

1           “(E) the manner in which the Secretary  
2           will notify the local officials about how their  
3           concerns are being addressed.”.

4 **SEC. 6. ENFORCEMENT.**

5           (a) IN GENERAL.—Section 60112 is amended—

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

8           “(a) GENERAL AUTHORITY.—After notice and an op-  
9           portunity for a hearing, the Secretary of Transportation  
10          may decide a pipeline facility is hazardous if the Secretary  
11          decides that—

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

14           “(2) the facility is, or would be, constructed or  
15          operated, or a component of the facility is, or would  
16          be, constructed or operated with equipment, mate-  
17          rial, or a technique that the Secretary decides is  
18          hazardous to life, property, or the environment.”;

19          and

20           (2) by striking “is hazardous,” in subsection  
21          (d) and inserting “is, or would be, hazardous,”.

22 **SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS,**  
23 **AND COMMUNITY RIGHT TO KNOW.**

24          (a) Section 60116 is amended to read as follows:

1 **“§ 60116. Public education, emergency preparedness,**  
2 **and community right to know**

3 “(a) PUBLIC EDUCATION PROGRAMS.—

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

14 “(2) Within 12 months after the date of enact-  
15 ment of the Pipeline Safety Improvement Act of  
16 2001, each owner or operator of a gas or hazardous  
17 liquid pipeline facility shall review its existing public  
18 education program for effectiveness and modify the  
19 program as necessary. The completed program shall  
20 include activities to advise affected municipalities,  
21 school districts, businesses, and residents of pipeline  
22 facility locations. The completed program shall be  
23 submitted to the Secretary or, in the case of an  
24 intrastate pipeline facility operator, the appropriate  
25 State agency and shall be periodically reviewed by

1 the Secretary or, in the case of an intrastate pipeline  
2 facility operator, the appropriate State agency.

3 “(3) The Secretary may issue standards pre-  
4 scribing the elements of an effective public education  
5 program. The Secretary may also develop material  
6 for use in the program.

7 “(b) EMERGENCY PREPAREDNESS.—

8 “(1) OPERATOR LIAISON.—Within 12 months  
9 after the date of enactment of the Pipeline Safety  
10 Improvement Act of 2001, an operator of a gas  
11 transmission or hazardous liquid pipeline facility  
12 shall initiate and maintain liaison with the State  
13 emergency response commissions, and local emer-  
14 gency planning committees in the areas of pipeline  
15 right-of-way, established under section 301 of the  
16 Emergency Planning and Community Right-To-  
17 Know Act of 1986 (42 U.S.C. 11001) in each State  
18 in which it operates.

19 “(2) INFORMATION.—An operator shall, upon  
20 request, make available to the State emergency re-  
21 sponse commissions and local emergency planning  
22 committees, and shall make available to the Office of  
23 Pipeline Safety in a standardized form for the pur-  
24 pose of providing the information to the public, the  
25 information described in section 60102(d), the oper-

1       ator’s program for integrity management, and infor-  
2       mation about implementation of that program. The  
3       information about the facility shall also include, at  
4       a minimum—

5               “(A) the business name, address, telephone  
6       number of the operator, including a 24-hour  
7       emergency contact number;

8               “(B) a description of the facility, including  
9       pipe diameter, the product or products carried,  
10      and the operating pressure;

11              “(C) with respect to transmission pipeline  
12      facilities, maps showing the location of the facil-  
13      ity and, when available, any high consequence  
14      areas which the pipeline facility traverses or ad-  
15      joins and abuts;

16              “(D) a summary description of the integ-  
17      rity measures the operator uses to assure safety  
18      and protection for the environment; and

19              “(E) a point of contact to respond to ques-  
20      tions from emergency response representative.

21              “(3) SMALLER COMMUNITIES.—In a community  
22      without a local emergency planning committee, the  
23      operator shall maintain liaison with the local fire,  
24      police, and other emergency response agencies.

1           “(4) PUBLIC ACCESS.—The Secretary shall pre-  
2       scribe requirements for public access, as appropriate,  
3       to this information, including a requirement that the  
4       information be made available to the public by wide-  
5       ly accessible computerized database.

6           “(c) COMMUNITY RIGHT TO KNOW.—Not later than  
7       12 months after the date of enactment of the Pipeline  
8       Safety Improvement Act of 2001, and annually thereafter,  
9       the owner or operator of each gas transmission or haz-  
10      ardous liquid pipeline facility shall provide to the gov-  
11      erning body of each municipality in which the pipeline fa-  
12      cility is located, a map identifying the location of such fa-  
13      cility. The map may be provided in electronic form. The  
14      Secretary may provide technical assistance to the pipeline  
15      industry on developing public safety and public education  
16      program content and best practices for program delivery,  
17      and on evaluating the effectiveness of the programs. The  
18      Secretary may also provide technical assistance to State  
19      and local officials in applying practices developed in these  
20      programs to their activities to promote pipeline safety.

21           “(d) PUBLIC AVAILABILITY OF REPORTS.—The Sec-  
22      retary shall—

23           “(1) make available to the public—

24           “(A) a safety-related condition report filed  
25           by an operator under section 60102(h);

1           “(B) a report of a pipeline incident filed by  
2           an operator;

3           “(C) the results of any inspection by the  
4           Office of Pipeline Safety or a State regulatory  
5           official; and

6           “(D) a description of any corrective action  
7           taken in response to a safety-related condition  
8           reported under subparagraph (A), (B), or (C);  
9           and

10          “(2) prescribe requirements for public access,  
11          as appropriate, to integrity management program in-  
12          formation prepared under this chapter, including re-  
13          quirements that will ensure data accessibility to the  
14          greatest extent feasible.”.

15          (b) SAFETY CONDITION REPORTS.—Section  
16          60102(h)(2) is amended by striking “authorities.” and in-  
17          serting “officials, including the local emergency respond-  
18          ers.”.

19          (c) CONFORMING AMENDMENT.—The chapter anal-  
20          ysis for chapter 601 is amended by striking the item relat-  
21          ing to section 60116 and inserting the following:

“60116. Public education, emergency preparedness, community right to know.”.

22          **SEC. 8. PENALTIES.**

23          (a) CIVIL PENALTIES.—Section 60122 is amended—

24                  (1) by striking “\$25,000” in subsection (a)(1)  
25                  and inserting “\$500,000”;

1           (2) by striking “\$500,000” in subsection (a)(1)  
2           and inserting “\$1,000,000”;

3           (3) by adding at the end of subsection (a)(1)  
4           the following: “The preceding sentence does not  
5           apply to judicial enforcement action under section  
6           60120 or 60121.”; and

7           (4) by striking subsection (b) and inserting the  
8           following:

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

11           “(1) the Secretary shall consider—

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

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

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

21           “(2) the Secretary may consider—

22                   “(A) the economic benefit gained from the  
23                   violation without any discount because of subse-  
24                   quent damages; and

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



1 (b) EXCAVATOR DAMAGE.—Section 60123(d) is  
2 amended—

3 (1) by striking “knowingly and willfully”;

4 (2) by inserting “knowingly and willfully” be-  
5 fore “engages” in paragraph (1); and

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

8 “(B) a pipeline facility, is aware of dam-  
9 age, and does not report the damage promptly  
10 to the operator of the pipeline facility and to  
11 other appropriate authorities; or”.

12 (c) CIVIL ACTIONS.—Section 60120(a)(1) is amended  
13 to read as follows:

14 “(1) On the request of the Secretary of Transpor-  
15 tation, the Attorney General may bring a civil action in  
16 an appropriate district court of the United States to en-  
17 force this chapter, including section 60112 of this chapter,  
18 or a regulation prescribed or order issued under this chap-  
19 ter. The court may award appropriate relief, including a  
20 temporary or permanent injunction, punitive damages,  
21 and assessment of civil penalties considering the same fac-  
22 tors as prescribed for the Secretary in an administrative  
23 case under section 60122.”.

1 **SEC. 9. STATE OVERSIGHT ROLE.**

2 (a) STATE AGREEMENTS WITH CERTIFICATION.—

3 Section 60106 is amended—

4 (1) by striking “GENERAL AUTHORITY.—” in  
5 subsection (a) and inserting “AGREEMENTS WITH-  
6 OUT CERTIFICATION.—”;

7 (2) by redesignating subsections (b), (c), and  
8 (d) as subsections (e), (d), and (e); and

9 (3) by inserting after subsection (a) the fol-  
10 lowing:

11 “(b) AGREEMENTS WITH CERTIFICATION.—

12 “(1) IN GENERAL.—If the Secretary accepts a  
13 certification under section 60105 of this title and  
14 makes the determination required under this sub-  
15 section, the Secretary may make an agreement with  
16 a State authority authorizing it to participate in the  
17 oversight of interstate pipeline transportation. Each  
18 such agreement shall include a plan for the State  
19 authority to participate in special investigations in-  
20 volving incidents or new construction and allow the  
21 State authority to participate in other activities  
22 overseeing interstate pipeline transportation or to  
23 assume additional inspection or investigatory duties.  
24 Nothing in this section modifies section 60104(e) or  
25 authorizes the Secretary to delegate the enforcement

1 of safety standards prescribed under this chapter to  
2 a State authority.

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

6 “(A) the agreement allowing participation  
7 of the State authority is consistent with the  
8 Secretary’s program for inspection and con-  
9 sistent with the safety policies and provisions  
10 provided under this chapter;

11 “(B) the interstate participation agreement  
12 would not adversely affect the oversight respon-  
13 sibilities of intrastate pipeline transportation by  
14 the State authority;

15 “(C) the State is carrying out a program  
16 demonstrated to promote preparedness and risk  
17 prevention activities that enable communities to  
18 live safely with pipelines;

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

22 “(E) the actions planned under the agree-  
23 ment would not impede interstate commerce or  
24 jeopardize public safety.

1           “(3) EXISTING AGREEMENTS.—If requested by  
2           the State Authority, the Secretary shall authorize a  
3           State Authority which had an interstate agreement  
4           in effect after January, 1999, to oversee interstate  
5           pipeline transportation pursuant to the terms of that  
6           agreement until the Secretary determines that the  
7           State meets the requirements of paragraph (2) and  
8           executes a new agreement, or until December 31,  
9           2002, whichever is sooner. Nothing in this para-  
10          graph shall prevent the Secretary, after affording  
11          the State notice, hearing, and an opportunity to cor-  
12          rect any alleged deficiencies, from terminating an  
13          agreement that was in effect before enactment of the  
14          Pipeline Safety Improvement Act of 2001 if—

15                 “(A) the State Authority fails to comply  
16                 with the terms of the agreement;

17                 “(B) implementation of the agreement has  
18                 resulted in a gap in the oversight responsibil-  
19                 ities of intrastate pipeline transportation by the  
20                 State Authority; or

21                 “(C) continued participation by the State  
22                 Authority in the oversight of interstate pipeline  
23                 transportation has had an adverse impact on  
24                 pipeline safety.”.

1 (b) ENDING AGREEMENTS.—Subsection (e) of sec-  
2 tion 60106, as redesignated by subsection (a), is amended  
3 to read as follows:

4 “(e) ENDING AGREEMENTS.—

5 “(1) PERMISSIVE TERMINATION.—The Sec-  
6 retary may end an agreement under this section  
7 when the Secretary finds that the State authority  
8 has not complied with any provision of the agree-  
9 ment.

10 “(2) MANDATORY TERMINATION OF AGREE-  
11 MENT.—The Secretary shall end an agreement for  
12 the oversight of interstate pipeline transportation if  
13 the Secretary finds that—

14 “(A) implementation of such agreement  
15 has resulted in a gap in the oversight respon-  
16 sibilities of intrastate pipeline transportation by  
17 the State authority;

18 “(B) the State actions under the agree-  
19 ment have failed to meet the requirements  
20 under subsection (b); or

21 “(C) continued participation by the State  
22 authority in the oversight of interstate pipeline  
23 transportation would not promote pipeline safe-  
24 ty.

1           “(3) PROCEDURAL REQUIREMENTS.—The Sec-  
2           retary shall give the notice and an opportunity for  
3           a hearing to a State authority before ending an  
4           agreement under this section. The Secretary may  
5           provide a State an opportunity to correct any defi-  
6           ciencies before ending an agreement. The finding  
7           and decision to end the agreement shall be published  
8           in the Federal Register and may not become effec-  
9           tive for at least 15 days after the date of publication  
10          unless the Secretary finds that continuation of an  
11          agreement poses an imminent hazard.”.

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

13          (a) IN GENERAL.—Within 12 months after the date  
14          of enactment of this Act, the Secretary shall develop and  
15          implement a comprehensive plan for the collection and use  
16          of gas and hazardous liquid pipeline data to revise the  
17          causal categories on the incident report forms to eliminate  
18          overlapping and confusing categories and include subcat-  
19          egories. The plan shall include components to provide the  
20          capability to perform sound incident trend analysis and  
21          evaluations of pipeline operator performance using nor-  
22          malized accident data.

23          (b) REPORT OF RELEASES EXCEEDING 5 GAL-  
24          LONS.—Section 60117(b) is amended—

25                  (1) by inserting “(1)” before “To”;

1           (2) redesignating paragraphs (1) and (2) as  
2           subparagraphs (A) and (B);

3           (3) inserting before the last sentence the fol-  
4           lowing:

5           “(2) A person owning or operating a hazardous liquid  
6 pipeline facility shall report to the Secretary each release  
7 to the environment greater than five gallons of the haz-  
8 ardous liquid or carbon dioxide transported. This section  
9 applies to releases from pipeline facilities regulated under  
10 this chapter. A report must include the location of the re-  
11 lease, fatalities and personal injuries, type of product,  
12 amount of product release, cause or causes of the release,  
13 extent of damage to property and the environment, and  
14 the response undertaken to clean up the release.

15          “(3) During the course of an incident investigation,  
16 a person owning or operating a pipeline facility shall make  
17 records, reports, and information required under sub-  
18 section (a) of this section or other reasonably described  
19 records, reports, and information relevant to the incident  
20 investigation, available to the Secretary within the time  
21 limits prescribed in a written request.”; and

22           (4) indenting the first word of the last sentence  
23           and inserting “(4)” before “The Secretary” in that  
24           sentence.

1 (c) PENALTY AUTHORITIES.—(1) Section 60122(a)  
2 is amended by striking “60114(c)” and inserting  
3 “60117(b)(3)”.

4 (2) Section 60123(a) is amended by striking  
5 “60114(c),” and inserting “60117(b)(3),”.

6 (d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—  
7 Section 60117 is amended by adding at the end the fol-  
8 lowing:

9 “(l) NATIONAL DEPOSITORY.—The Secretary shall  
10 establish a national depository of data on events and con-  
11 ditions, including spill histories and corrective actions for  
12 specific incidents, that can be used to evaluate the risk  
13 of, and to prevent, pipeline failures and releases. The Sec-  
14 retary shall administer the program through the Bureau  
15 of Transportation Statistics, in cooperation with the Re-  
16 search and Special Programs Administration, and shall  
17 make such information available for use by State and local  
18 planning and emergency response authorities and the pub-  
19 lic.”.

20 **SEC. 11. RESEARCH AND DEVELOPMENT.**

21 (a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

22 (1) IN GENERAL.—As part of the Department  
23 of Transportation’s research and development pro-  
24 gram, the Secretary of Transportation shall direct



1 research attention to the development of alternative  
2 technologies—

3 (A) to expand the capabilities of internal  
4 inspection devices to identify and accurately  
5 measure defects and anomalies;

6 (B) to inspect pipelines that cannot accom-  
7 modate internal inspection devices available on  
8 the date of enactment;

9 (C) to develop innovative techniques meas-  
10 uring the structural integrity of pipelines;

11 (D) to improve the capability, reliability,  
12 and practicality of external leak detection de-  
13 vices; and

14 (E) to develop and improve alternative  
15 technologies to identify and monitor outside  
16 force damage to pipelines.

17 (2) COOPERATIVE.—The Secretary may partici-  
18 pate in additional technological development through  
19 cooperative agreements with trade associations, aca-  
20 demic institutions, or other qualified organizations.

21 (b) PIPELINE SAFETY AND RELIABILITY RESEARCH  
22 AND DEVELOPMENT.—

23 (1) IN GENERAL.—The Secretary of Transpor-  
24 tation, in coordination with the Secretary of Energy,  
25 shall develop and implement an accelerated coopera-

1       tive program of research and development to ensure  
2       the integrity of natural gas and hazardous liquid  
3       pipelines. This research and development program—

4               (A) shall include materials inspection tech-  
5               niques, risk assessment methodology, and infor-  
6               mation systems surety; and

7               (B) shall complement, and not replace, the  
8               research program of the Department of Energy  
9               addressing natural gas pipeline issues existing  
10              on the date of enactment of this Act.

11       (2) PURPOSE.—The purpose of the cooperative  
12       research program shall be to promote pipeline safety  
13       research and development to—

14              (A) ensure long-term safety, reliability and  
15              service life for existing pipelines;

16              (B) expand capabilities of internal inspec-  
17              tion devices to identify and accurately measure  
18              defects and anomalies;

19              (C) develop inspection techniques for pipe-  
20              lines that cannot accommodate the internal in-  
21              spection devices available on the date of enact-  
22              ment;

23              (D) develop innovative techniques to meas-  
24              ure the structural integrity of pipelines to pre-  
25              vent pipeline failures;

1 (E) develop improved materials and coat-  
2 ings for use in pipelines;

3 (F) improve the capability, reliability, and  
4 practicality of external leak detection devices;

5 (G) identify underground environments  
6 that might lead to shortened service life;

7 (H) enhance safety in pipeline siting and  
8 land use;

9 (I) minimize the environmental impact of  
10 pipelines;

11 (J) demonstrate technologies that improve  
12 pipeline safety, reliability, and integrity;

13 (K) provide risk assessment tools for opti-  
14 mizing risk mitigation strategies; and

15 (L) provide highly secure information sys-  
16 tems for controlling the operation of pipelines.

17 (3) AREAS.—In carrying out this subsection,  
18 the Secretary of Transportation, in coordination  
19 with the Secretary of Energy, shall consider research  
20 and development on natural gas, crude oil and petro-  
21 leum product pipelines for—

22 (A) early crack, defect, and damage detec-  
23 tion, including real-time damage monitoring;

24 (B) automated internal pipeline inspection  
25 sensor systems;

- 1           (C) land use guidance and set back man-  
2           agement along pipeline rights-of-way for com-  
3           munities;
- 4           (D) internal corrosion control;
- 5           (E) corrosion-resistant coatings;
- 6           (F) improved cathodic protection;
- 7           (G) inspection techniques where internal  
8           inspection is not feasible, including measure-  
9           ment of structural integrity;
- 10          (H) external leak detection, including port-  
11          able real-time video imaging technology, and  
12          the advancement of computerized control center  
13          leak detection systems utilizing real-time remote  
14          field data input;
- 15          (I) longer life, high strength, non-corrosive  
16          pipeline materials;
- 17          (J) assessing the remaining strength of ex-  
18          isting pipes;
- 19          (K) risk and reliability analysis models, to  
20          be used to identify safety improvements that  
21          could be realized in the near term resulting  
22          from analysis of data obtained from a pipeline  
23          performance tracking initiative;

1           (L) identification, monitoring, and preven-  
2           tion of outside force damage, including satellite  
3           surveillance; and

4           (M) any other areas necessary to ensuring  
5           the public safety and protecting the environ-  
6           ment.

7           (4) POINTS OF CONTACT.—

8           (A) IN GENERAL.—To coordinate and im-  
9           plement the research and development pro-  
10          grams and activities authorized under this  
11          subsection—

12           (i) the Secretary of Transportation  
13           shall designate, as the point of contact for  
14           the Department of Transportation, an offi-  
15           cer of the Department of Transportation  
16           who has been appointed by the President  
17           and confirmed by the Senate; and

18           (ii) the Secretary of Energy shall des-  
19           ignate, as the point of contact for the De-  
20           partment of Energy, an officer of the De-  
21           partment of Energy who has been ap-  
22           pointed by the President and confirmed by  
23           the Senate.

24          (B) DUTIES.—

1 (i) The point of contact for the De-  
2 partment of Transportation shall have the  
3 primary responsibility for coordinating and  
4 overseeing the implementation of the re-  
5 search, development, and demonstration  
6 program plan under paragraphs (5) and  
7 (6).

8 (ii) The points of contact shall jointly  
9 assist in arranging cooperative agreements  
10 for research, development and demonstra-  
11 tion involving their respective Depart-  
12 ments, national laboratories, universities,  
13 and industry research organizations.

14 (5) RESEARCH AND DEVELOPMENT PROGRAM  
15 PLAN.—Within 240 days after the date of enactment  
16 of this Act, the Secretary of Transportation, in co-  
17 ordination with the Secretary of Energy and the  
18 Pipeline Integrity Technical Advisory Committee,  
19 shall prepare and submit to the Congress a 5-year  
20 program plan to guide activities under this sub-  
21 section. In preparing the program plan, the Sec-  
22 retary shall consult with appropriate representatives  
23 of the natural gas, crude oil, and petroleum product  
24 pipeline industries to select and prioritize appro-  
25 priate project proposals. The Secretary may also

1 seek the advice of utilities, manufacturers, institu-  
2 tions of higher learning, Federal agencies, the pipe-  
3 line research institutions, national laboratories,  
4 State pipeline safety officials, environmental organi-  
5 zations, pipeline safety advocates, and professional  
6 and technical societies.

7 (6) IMPLEMENTATION.—The Secretary of  
8 Transportation shall have primary responsibility for  
9 ensuring the 5-year plan provided for in paragraph  
10 (5) is implemented as intended. In carrying out the  
11 research, development, and demonstration activities  
12 under this paragraph, the Secretary of Transpor-  
13 tation and the Secretary of Energy may use, to the  
14 extent authorized under applicable provisions of law,  
15 contracts, cooperative agreements, cooperative re-  
16 search and development agreements under the Ste-  
17 venson-Wydler Technology Innovation Act of 1980  
18 (15 U.S.C. 3701 et seq.), grants, joint ventures,  
19 other transactions, and any other form of agreement  
20 available to the Secretary consistent with the rec-  
21 ommendations of the Advisory Committee.

22 (7) REPORTS TO CONGRESS.—The Secretary of  
23 Transportation shall report to the Congress annually  
24 as to the status and results to date of the implemen-  
25 tation of the research and development program

1 plan. The report shall include the activities of the  
2 Departments of Transportation and Energy, the na-  
3 tional laboratories, universities, and any other re-  
4 search organizations, including industry research or-  
5 ganizations.

6 **SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COM-**  
7 **MITTEE.**

8 (a) **ESTABLISHMENT.**—The Secretary of Transpor-  
9 tation shall enter into appropriate arrangements with the  
10 National Academy of Sciences to establish and manage the  
11 Pipeline Integrity Technical Advisory Committee for the  
12 purpose of advising the Secretary of Transportation and  
13 the Secretary of Energy on the development and imple-  
14 mentation of the 5-year research, development, and dem-  
15 onstration program plan under section 11(b)(5). The Ad-  
16 visory Committee shall have an ongoing role in evaluating  
17 the progress and results of the research, development, and  
18 demonstration carried out under that section.

19 (b) **MEMBERSHIP.**—The National Academy of  
20 Sciences shall appoint the members of the Pipeline Integ-  
21 rity Technical Advisory Committee after consultation with  
22 the Secretary of Transportation and the Secretary of En-  
23 ergy. Members appointed to the Advisory Committee  
24 should have the necessary qualifications to provide tech-



1 nical contributions to the purposes of the Advisory Com-  
2 mittee.

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

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

6 “(a) GAS AND HAZARDOUS LIQUID.—To carry out  
7 this chapter and other pipeline-related damage prevention  
8 activities of this title (except for section 60107), there are  
9 authorized to be appropriated to the Department of  
10 Transportation—

11 “(1) \$26,000,000 for fiscal year 2002, of which  
12 \$20,000,000 is to be derived from user fees for fis-  
13 cal year 2002 collected under section 60301 of this  
14 title; and

15 “(2) \$30,000,000 for each of the fiscal years  
16 2003 and 2004 of which \$23,000,000 is to be de-  
17 rived from user fees for fiscal year 2003 and fiscal  
18 year 2004 collected under section 60301 of this  
19 title.”.

20 (b) GRANTS TO STATES.—Section 60125(c) is  
21 amended to read as follows:

22 “(c) STATE GRANTS.—Not more than the following  
23 amounts may be appropriated to the Secretary to carry  
24 out section 60107—

1           “(1) \$17,000,000 for fiscal year 2002, of which  
2           \$15,000,000 is to be derived from user fees for fis-  
3           cal year 2002 collected under section 60301 of this  
4           title; and

5           “(2) \$20,000,000 for the fiscal years 2003 and  
6           2004 of which \$18,000,000 is to be derived from  
7           user fees for fiscal year 2003 and fiscal year 2004  
8           collected under section 60301 of this title.”.

9           (c) OIL SPILLS.—Sections 60525 is amended by re-  
10          designating subsections (d), (e), and (f) as subsections (e),  
11          (f), (g) and inserting after subsection (c) the following:

12          “(d) OIL SPILL LIABILITY TRUST FUND.—Of the  
13          amounts available in the Oil Spill Liability Trust Fund,  
14          \$8,000,000 shall be transferred to carry out programs au-  
15          thorized in this Act for fiscal year 2002, fiscal year 2003,  
16          and fiscal year 2004.”.

17          (d) PIPELINE INTEGRITY PROGRAM.—(1) There are  
18          authorized to be appropriated to the Secretary of Trans-  
19          portation for carrying out sections 11(b) and 12 of this  
20          Act \$3,000,000, to be derived from user fees under section  
21          60125 of title 49, United States Code, for each of the fis-  
22          cal years 2002 through 2006.

23          (2) Of the amounts available in the Oil Spill Liability  
24          Trust Fund established by section 9509 of the Internal  
25          Revenue Code of 1986 (26 U.S.C. 9509), \$3,000,000 shall

1 be transferred to the Secretary of Transportation to carry  
2 out programs for detection, prevention and mitigation of  
3 oil spills under sections 11(b) and 12 of this Act for each  
4 of the fiscal years 2002 through 2006.

5 (3) There are authorized to be appropriated to the  
6 Secretary of Energy for carrying out sections 11(b) and  
7 12 of this Act such sums as may be necessary for each  
8 of the fiscal years 2002 through 2006.

9 **SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.**

10 (a) IN GENERAL.—If the Department of Transpor-  
11 tation or the National Transportation Safety Board inves-  
12 tigate an accident, the operator involved shall make avail-  
13 able to the representative of the Department or the Board  
14 all records and information that in any way pertain to the  
15 accident (including integrity management plans and test  
16 results), and shall afford all reasonable assistance in the  
17 investigation of the accident.

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

20 (1) by inserting “(1)” after “CORRECTIVE AC-  
21 TION ORDERS.—”; and

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

23 “(2) If, in the case of a corrective action order issued  
24 following an accident, the Secretary determines that the  
25 actions of an employee carrying out an activity regulated

1 under this chapter, including duties under section  
2 60102(a), may have contributed substantially to the cause  
3 of the accident, the Secretary shall direct the operator to  
4 relieve the employee from performing those activities, reas-  
5 sign the employee, or place the employee on leave until—

6           “(A) the Secretary determines that the employ-  
7           ee’s performance of duty in carrying out the activity  
8           did not contribute substantially to the cause of the  
9           accident; or

10           “(B) the Secretary determines the employee has  
11           been re-qualified or re-trained as provided for in sec-  
12           tion 4 of the Pipeline Safety Improvement Act of  
13           2001 and can safely perform those activities.

14           “(3) Disciplinary action taken by an operator under  
15           paragraph (2) shall be in accordance with the terms and  
16           conditions of any applicable collective bargaining agree-  
17           ment to the extent it is not inconsistent with the require-  
18           ments of this section.”.

19 **SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPE-**  
20 **LINE SAFETY INFORMATION.**

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

1 **“§ 60129. Protection of employees providing pipeline**  
2 **safety information**

3 “(a) DISCRIMINATION AGAINST PIPELINE EMPLOY-  
4 EES.—No pipeline operator or contractor or subcontractor  
5 of a pipeline may discharge an employee or otherwise dis-  
6 criminate against an employee with respect to compensa-  
7 tion, terms, conditions, or privileges of employment be-  
8 cause the employee (or any person acting pursuant to a  
9 request of the employee)—

10 “(1) provided, caused to be provided, or is  
11 about to provide (with any knowledge of the em-  
12 ployer) or cause to be provided to the employer or  
13 Federal Government information relating to any vio-  
14 lation or alleged violation of any order, regulation,  
15 or standard of the Research and Special Programs  
16 Administration or any other provision of Federal law  
17 relating to pipeline safety under this chapter or any  
18 other law of the United States;

19 “(2) has filed, caused to be filed, or is about to  
20 file (with any knowledge of the employer) or cause  
21 to be filed a proceeding relating to any violation or  
22 alleged violation of any order, regulation, or stand-  
23 ard of the Administration or any other provision of  
24 Federal law relating to pipeline safety under this  
25 chapter or any other law of the United States;

1           “(3) testified or is about to testify in such a  
2 proceeding; or

3           “(4) assisted or participated or is about to as-  
4 sist or participate in such a proceeding.

5           “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-  
6 DURE.—

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

23           “(2) INVESTIGATION; PRELIMINARY ORDER.—

24           “(A) IN GENERAL.—Not later than 60  
25 days after the date of receipt of a complaint

1 filed under paragraph (1) and after affording  
2 the person named in the complaint an oppor-  
3 tunity to submit to the Secretary of Labor a  
4 written response to the complaint and an oppor-  
5 tunity to meet with a representative of the Sec-  
6 retary to present statements from witnesses,  
7 the Secretary of Labor shall conduct an inves-  
8 tigation and determine whether there is reason-  
9 able cause to believe that the complaint has  
10 merit and notify in writing the complainant and  
11 the person alleged to have committed a violation  
12 of subsection (a) of the Secretary's findings. If  
13 the Secretary of Labor concludes that there is  
14 reasonable cause to believe that a violation of  
15 subsection (a) has occurred, the Secretary shall  
16 accompany the Secretary's findings with a pre-  
17 liminary order providing the relief prescribed by  
18 paragraph (3)(B). Not later than 30 days after  
19 the date of notification of findings under this  
20 paragraph, either the person alleged to have  
21 committed the violation or the complainant may  
22 file objections to the findings or preliminary  
23 order, or both, and request a hearing on the  
24 record. The filing of such objections shall not  
25 operate to stay any reinstatement remedy con-

1           tained in the preliminary order. Such hearings  
2           shall be conducted expeditiously. If a hearing  
3           is not requested in such 30-day period, the pre-  
4           liminary order shall be deemed a final order  
5           that is not subject to judicial review.

6           “(B) REQUIREMENTS.—

7                   “(i) REQUIRED SHOWING BY COM-  
8           PLAINANT.—The Secretary of Labor shall  
9           dismiss a complaint filed under this sub-  
10          section and shall not conduct an investiga-  
11          tion otherwise required under subpara-  
12          graph (A) unless the complainant makes a  
13          prima facie showing that any behavior de-  
14          scribed in paragraphs (1) through (4) of  
15          subsection (a) was a contributing factor in  
16          the unfavorable personnel action alleged in  
17          the complaint.

18                   “(ii) SHOWING BY EMPLOYER.—Not-  
19          withstanding a finding by the Secretary  
20          that the complainant has made the show-  
21          ing required under clause (i), no investiga-  
22          tion otherwise required under subpara-  
23          graph (A) shall be conducted if the em-  
24          ployer demonstrates, by clear and con-  
25          vincing evidence, that the employer would



1           have taken the same unfavorable personnel  
2           action in the absence of that behavior.

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

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

18          “(3) FINAL ORDER.—

19                 “(A) DEADLINE FOR ISSUANCE; SETTLE-  
20                 MENT AGREEMENTS.—Not later than 120 days  
21                 after the date of conclusion of a hearing under  
22                 paragraph (2), the Secretary of Labor shall  
23                 issue a final order providing the relief pre-  
24                 scribed by this paragraph or denying the com-  
25                 plaint. At any time before issuance of a final

1 order, a proceeding under this subsection may  
2 be terminated on the basis of a settlement  
3 agreement entered into by the Secretary of  
4 Labor, the complainant, and the person alleged  
5 to have committed the violation.

6 “(B) REMEDY.—If, in response to a com-  
7 plaint filed under paragraph (1), the Secretary  
8 of Labor determines that a violation of sub-  
9 section (a) has occurred, the Secretary of Labor  
10 shall order the person who committed such vio-  
11 lation to—

12 “(i) take affirmative action to abate  
13 the violation;

14 “(ii) reinstate the complainant to his  
15 or her former position together with the  
16 compensation (including back pay) and re-  
17 store the terms, conditions, and privileges  
18 associated with his or her employment; and

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

21 If such an order is issued under this paragraph,  
22 the Secretary of Labor, at the request of the  
23 complainant, shall assess against the person  
24 whom the order is issued a sum equal to the ag-  
25 gregate amount of all costs and expenses (in-

1 including attorney's and expert witness fees) rea-  
2 sonably incurred, as determined by the Sec-  
3 retary of Labor, by the complainant for, or in  
4 connection with, the bringing the complaint  
5 upon which the order was issued.

6 “(C) FRIVOLOUS COMPLAINTS.—If the  
7 Secretary of Labor finds that a complaint  
8 under paragraph (1) is frivolous or has been  
9 brought in bad faith, the Secretary of Labor  
10 may award to the prevailing employer a reason-  
11 able attorney's fee not exceeding \$1,000.

12 “(4) REVIEW.—

13 “(A) APPEAL TO COURT OF APPEALS.—  
14 Any person adversely affected or aggrieved by  
15 an order issued under paragraph (3) may ob-  
16 tain review of the order in the United States  
17 Court of Appeals for the circuit in which the  
18 violation, with respect to which the order was  
19 issued, allegedly occurred or the circuit in which  
20 the complainant resided on the date of such vio-  
21 lation. The petition for review must be filed not  
22 later than 60 days after the date of issuance of  
23 the final order of the Secretary of Labor. Re-  
24 view shall conform to chapter 7 of title 5,  
25 United States Code. The commencement of pro-

1           ceedings under this subparagraph shall not, un-  
2           less ordered by the court, operate as a stay of  
3           the order.

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

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

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

21          “(A) COMMENCEMENT OF ACTION.—A per-  
22          son on whose behalf an order was issued under  
23          paragraph (3) may commence a civil action  
24          against the person to whom such order was  
25          issued to require compliance with such order.

1           The appropriate United States district court  
2           shall have jurisdiction, without regard to the  
3           amount in controversy or the citizenship of the  
4           parties, to enforce such order.

5           “(B) ATTORNEY FEES.—The court, in  
6           issuing any final order under this paragraph,  
7           may award costs of litigation (including reason-  
8           able attorney and expert witness fees) to any  
9           party whenever the court determines such  
10          award costs is appropriate.

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

15          “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-  
16          TIONS.—Subsection (a) shall not apply with respect to an  
17          employee of a pipeline, contractor or subcontractor who,  
18          acting without direction from the pipeline contractor or  
19          subcontractor (or such person’s agent), deliberately causes  
20          a violation of any requirement relating to pipeline safety  
21          under this chapter or any other law of the United States.

22          “(e) CONTRACTOR DEFINED.—In this section, the  
23          term ‘contractor’ means a company that performs safety-  
24          sensitive functions by contract for a pipeline.”.

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

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

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

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

11 **SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.**

12 Within 90 days after receiving recommendations for  
13 improvements to pipeline safety from an advisory com-  
14 mittee appointed by the Governor of any State, the Sec-  
15 retary of Transportation shall respond in writing to the  
16 committee setting forth what action, if any, the Secretary  
17 will take on those recommendations and the Secretary’s  
18 reasons for acting or not acting upon any of the rec-  
19 ommendations.

20 **SEC. 17. FINES AND PENALTIES.**

21 The Inspector General of the Department of Trans-  
22 portation shall conduct an analysis of the Department’s  
23 assessment of fines and penalties on gas transmission and  
24 hazardous liquid pipelines, including the cost of corrective  
25 actions required by the Department in lieu of fines, and,

1 no later than 6 months after the date of enactment of this  
2 Act, shall provide a report to the Senate Committee on  
3 Commerce, Science, and Transportation and the House  
4 Committee on Transportation and Infrastructure on any  
5 findings and recommendations for actions by the Sec-  
6 retary or Congress to ensure the fines assessed are an ef-  
7 fective deterrent for reducing safety risks.

8 **SEC. 18. STUDY OF RIGHTS-OF-WAY.**

9       The Secretary of Transportation is authorized to con-  
10 duct a study on how best to preserve environmental re-  
11 sources in conjunction with maintaining pipeline rights-  
12 of-way. The study shall recognize pipeline operators' regu-  
13 latory obligations to maintain rights-of-way and to protect  
14 public safety.

**Calendar No. 8**

107TH CONGRESS  
1ST SESSION

**S. 235**

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**A BILL**

To provide for enhanced safety, public awareness,  
and environmental protection in pipeline trans-  
portation, and for other purposes.

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FEBRUARY 6, 2001

Read the second time and placed on the calendar