

107TH CONGRESS  
1ST SESSION

# S. 235

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2001

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

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## AN ACT

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 **OMMENDATIONS.**

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, Admin-  
20 istrator, 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 and employee organization re-  
13 sponses to those actions and 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. The assessment pe-  
22                 riod shall be no less than every 5 years unless  
23                 the Department of Transportation Inspector  
24                 General, after consultation with the Secretary  
25                 determines there is not a sufficient capability or

1 it is deemed unnecessary because of more tech-  
2 nically appropriate monitoring or creates undue  
3 interruption of necessary supply to fulfill the re-  
4 quirements under this paragraph;

5 “(B) clearly defined criteria for evaluating  
6 the results of the periodic assessment methods  
7 carried out under subparagraph (A) and proce-  
8 dures to ensure identified problems are cor-  
9 rected in a timely manner; and

10 “(C) measures, as appropriate, that pre-  
11 vent and mitigate unintended releases, such as  
12 leak detection, integrity evaluation, restrictive  
13 flow devices, or other measures.

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

1           “(4) STATE ROLE.—A State authority that has  
2           an agreement in effect with the Secretary under sec-  
3           tion 60106 is authorized to review and assess an op-  
4           erator’s risk analyses and integrity management  
5           plans required under this section for interstate pipe-  
6           lines located in that State. The reviewing State au-  
7           thority shall provide the Secretary with a written as-  
8           sessment of the plans, make recommendations, as  
9           appropriate, to address safety concerns not ade-  
10          quately addressed in the operator’s plans, and sub-  
11          mit documentation explaining the State-proposed  
12          plan revisions. The Secretary shall carefully consider  
13          the State’s proposals and work in consultation with  
14          the States and operators to address safety concerns.

15          “(5) MONITORING IMPLEMENTATION.—The  
16          Secretary of Transportation shall review the risk  
17          analysis and program for integrity management re-  
18          quired under this section and provide for continued  
19          monitoring of such plans. Not later than 2 years  
20          after the implementation of integrity management  
21          plans under this section, the Secretary shall com-  
22          plete an assessment and evaluation of the effects on  
23          safety and the environment of extending all of the  
24          requirements mandated by the regulations described  
25          in paragraph (1) to additional areas. The Secretary



1 shall submit the assessment and evaluation to Con-  
2 gress along with any recommendations to improve  
3 and expand the utilization of integrity management  
4 plans.

5 “(6) OPPORTUNITY FOR LOCAL INPUT ON IN-  
6 TEGRITY MANAGEMENT.—Within 18 months after  
7 the date of enactment of the Pipeline Safety Im-  
8 provement Act of 2001, the Secretary shall, by regu-  
9 lation, establish a process for raising and addressing  
10 local safety concerns about pipeline integrity and the  
11 operator’s pipeline integrity plan. The process shall  
12 include—

13 “(A) a requirement that an operator of a  
14 hazardous liquid or natural gas transmission  
15 pipeline facility provide information about the  
16 risk analysis and integrity management plan re-  
17 quired under this section to local officials in a  
18 State in which the facility is located;

19 “(B) a description of the local officials re-  
20 quired to be informed, the information that is  
21 to be provided to them and the manner, which  
22 may include traditional or electronic means, in  
23 which it is provided;

24 “(C) the means for receiving input from  
25 the local officials that may include a public

1 forum sponsored by the Secretary or by the  
 2 State, or the submission of written comments  
 3 through traditional or electronic means;

4 “(D) the extent to which an operator of a  
 5 pipeline facility must participate in a public  
 6 forum sponsored by the Secretary or in another  
 7 means for receiving input from the local offi-  
 8 cials or in the evaluation of that input; and

9 “(E) the manner in which the Secretary  
 10 will notify the local officials about how their  
 11 concerns are being addressed.”.

12 **SEC. 6. ENFORCEMENT.**

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

14 (1) by striking subsection (a) and inserting the  
 15 following:

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

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

22 “(2) the facility is, or would be, constructed or  
 23 operated, or a component of the facility is, or would  
 24 be, constructed or operated with equipment, mate-  
 25 rial, or a technique that the Secretary decides is

1 hazardous to life, property, or the environment.”;  
2 and

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

5 **SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS,**  
6 **AND COMMUNITY RIGHT TO KNOW.**

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

8 **“§ 60116. Public education, emergency preparedness,**  
9 **and community right to know**

10 **“(a) PUBLIC EDUCATION PROGRAMS.—**

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

21 “(2) Within 12 months after the date of enact-  
22 ment of the Pipeline Safety Improvement Act of  
23 2001, each owner or operator of a gas or hazardous  
24 liquid pipeline facility shall review its existing public  
25 education program for effectiveness and modify the

1 program as necessary. The completed program shall  
2 include activities to advise affected municipalities,  
3 school districts, businesses, and residents of pipeline  
4 facility locations. The completed program shall be  
5 submitted to the Secretary or, in the case of an  
6 intrastate pipeline facility operator, the appropriate  
7 State agency and shall be periodically reviewed by  
8 the Secretary or, in the case of an intrastate pipeline  
9 facility operator, the appropriate State agency.

10 “(3) The Secretary may issue standards pre-  
11 scribing the elements of an effective public education  
12 program. The Secretary may also develop material  
13 for use in the program.

14 “(b) EMERGENCY PREPAREDNESS.—

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

1           “(2) INFORMATION.—An operator shall, upon  
2           request, make available to the State emergency re-  
3           sponse commissions and local emergency planning  
4           committees, and shall make available to the Office of  
5           Pipeline Safety in a standardized form for the pur-  
6           pose of providing the information to the public, the  
7           information described in section 60102(d), the oper-  
8           ator’s program for integrity management, and infor-  
9           mation about implementation of that program. The  
10          information about the facility shall also include, at  
11          a minimum—

12                   “(A) the business name, address, telephone  
13                   number of the operator, including a 24-hour  
14                   emergency contact number;

15                   “(B) a description of the facility, including  
16                   pipe diameter, the product or products carried,  
17                   and the operating pressure;

18                   “(C) with respect to transmission pipeline  
19                   facilities, maps showing the location of the facil-  
20                   ity and, when available, any high consequence  
21                   areas which the pipeline facility traverses or ad-  
22                   joins and abuts;

23                   “(D) a summary description of the integ-  
24                   rity measures the operator uses to assure safety  
25                   and protection for the environment; and

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

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

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

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

1 and local officials in applying practices developed in these  
 2 programs to their activities to promote pipeline safety.

3 “(d) PUBLIC AVAILABILITY OF REPORTS.—The Sec-  
 4 retary shall—

5 “(1) make available to the public—

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

8 “(B) a report of a pipeline incident filed by  
 9 an operator;

10 “(C) the results of any inspection by the  
 11 Office of Pipeline Safety or a State regulatory  
 12 official; and

13 “(D) a description of any corrective action  
 14 taken in response to a safety-related condition  
 15 reported under subparagraph (A), (B), or (C);  
 16 and

17 “(2) prescribe requirements for public access,  
 18 as appropriate, to integrity management program in-  
 19 formation prepared under this chapter, including re-  
 20 quirements that will ensure data accessibility to the  
 21 greatest extent feasible.”.

22 (b) SAFETY CONDITION REPORTS.—Section  
 23 60102(h)(2) is amended by striking “authorities.” and in-  
 24 serting “officials, including the local emergency respond-  
 25 ers.”.

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

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

4 **SEC. 8. PENALTIES.**

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

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

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

10 (3) by adding at the end of subsection (a)(1)  
 11 the following: “The preceding sentence does not  
 12 apply to judicial enforcement action under section  
 13 60120 or 60121.”; and

14 (4) by striking subsection (b) and inserting the  
 15 following:

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

18 “(1) the Secretary shall consider—

19 “(A) the nature, circumstances, and grav-  
 20 ity of the violation, including adverse impact on  
 21 the environment;

22 “(B) with respect to the violator, the de-  
 23 gree of culpability, any history of prior viola-  
 24 tions, the ability to pay, any effect on ability to  
 25 continue doing business; and



1 “(C) good faith in attempting to comply;

2 and

3 “(2) the Secretary may consider—

4 “(A) the economic benefit gained from the  
5 violation without any discount because of subse-  
6 quent damages; and

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

8 (b) EXCAVATOR DAMAGE.—Section 60123(d) is  
9 amended—

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

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

13 (3) striking paragraph (2)(B) and inserting the  
14 following:

15 “(B) a pipeline facility, is aware of dam-  
16 age, and does not report the damage promptly  
17 to the operator of the pipeline facility and to  
18 other appropriate authorities; or”.

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

21 “(1) On the request of the Secretary of Transpor-  
22 tation, the Attorney General may bring a civil action in  
23 an appropriate district court of the United States to en-  
24 force this chapter, including section 60112 of this chapter,  
25 or a regulation prescribed or order issued under this chap-

1 ter. The court may award appropriate relief, including a  
 2 temporary or permanent injunction, punitive damages,  
 3 and assessment of civil penalties considering the same fac-  
 4 tors as prescribed for the Secretary in an administrative  
 5 case under section 60122.”.

6 **SEC. 9. STATE OVERSIGHT ROLE.**

7 (a) STATE AGREEMENTS WITH CERTIFICATION.—  
 8 Section 60106 is amended—

9 (1) by striking “GENERAL AUTHORITY.—” in  
 10 subsection (a) and inserting “AGREEMENTS WITH-  
 11 OUT CERTIFICATION.—”;

12 (2) by redesignating subsections (b), (c), and  
 13 (d) as subsections (c), (d), and (e); and

14 (3) by inserting after subsection (a) the fol-  
 15 lowing:

16 “(b) AGREEMENTS WITH CERTIFICATION.—

17 “(1) IN GENERAL.—If the Secretary accepts a  
 18 certification under section 60105 of this title and  
 19 makes the determination required under this sub-  
 20 section, the Secretary may make an agreement with  
 21 a State authority authorizing it to participate in the  
 22 oversight of interstate pipeline transportation. Each  
 23 such agreement shall include a plan for the State  
 24 authority to participate in special investigations in-  
 25 volving incidents or new construction and allow the

1 State authority to participate in other activities  
2 overseeing interstate pipeline transportation or to  
3 assume additional inspection or investigatory duties.  
4 Nothing in this section modifies section 60104(c) or  
5 authorizes the Secretary to delegate the enforcement  
6 of safety standards prescribed under this chapter to  
7 a State authority.

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

11 “(A) the agreement allowing participation  
12 of the State authority is consistent with the  
13 Secretary’s program for inspection and con-  
14 sistent with the safety policies and provisions  
15 provided under this chapter;

16 “(B) the interstate participation agreement  
17 would not adversely affect the oversight respon-  
18 sibilities of intrastate pipeline transportation by  
19 the State authority;

20 “(C) the State is carrying out a program  
21 demonstrated to promote preparedness and risk  
22 prevention activities that enable communities to  
23 live safely with pipelines;

1           “(D) the State meets the minimum stand-  
2           ards for State one-call notification set forth in  
3           chapter 61; and

4           “(E) the actions planned under the agree-  
5           ment would not impede interstate commerce or  
6           jeopardize public safety.

7           “(3) EXISTING AGREEMENTS.—If requested by  
8           the State Authority, the Secretary shall authorize a  
9           State Authority which had an interstate agreement  
10          in effect after January, 1999, to oversee interstate  
11          pipeline transportation pursuant to the terms of that  
12          agreement until the Secretary determines that the  
13          State meets the requirements of paragraph (2) and  
14          executes a new agreement, or until December 31,  
15          2002, whichever is sooner. Nothing in this para-  
16          graph shall prevent the Secretary, after affording  
17          the State notice, hearing, and an opportunity to cor-  
18          rect any alleged deficiencies, from terminating an  
19          agreement that was in effect before enactment of the  
20          Pipeline Safety Improvement Act of 2001 if—

21                 “(A) the State Authority fails to comply  
22                 with the terms of the agreement;

23                 “(B) implementation of the agreement has  
24                 resulted in a gap in the oversight responsibil-

1           ities of intrastate pipeline transportation by the  
2           State Authority; or

3           “(C) continued participation by the State  
4           Authority in the oversight of interstate pipeline  
5           transportation has had an adverse impact on  
6           pipeline safety.”.

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

10          “(e) ENDING AGREEMENTS.—

11           “(1) PERMISSIVE TERMINATION.—The Sec-  
12           retary may end an agreement under this section  
13           when the Secretary finds that the State authority  
14           has not complied with any provision of the agree-  
15           ment.

16           “(2) MANDATORY TERMINATION OF AGREE-  
17           MENT.—The Secretary shall end an agreement for  
18           the oversight of interstate pipeline transportation if  
19           the Secretary finds that—

20           “(A) implementation of such agreement  
21           has resulted in a gap in the oversight respon-  
22           sibilities of intrastate pipeline transportation by  
23           the State authority;

1           “(B) the State actions under the agree-  
2           ment have failed to meet the requirements  
3           under subsection (b); or

4           “(C) continued participation by the State  
5           authority in the oversight of interstate pipeline  
6           transportation would not promote pipeline safe-  
7           ty.

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

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

20          (a) IN GENERAL.—Within 12 months after the date  
21          of enactment of this Act, the Secretary shall develop and  
22          implement a comprehensive plan for the collection and use  
23          of gas and hazardous liquid pipeline data to revise the  
24          causal categories on the incident report forms to eliminate  
25          overlapping and confusing categories and include subcat-

1 egories. The plan shall include components to provide the  
 2 capability to perform sound incident trend analysis and  
 3 evaluations of pipeline operator performance using nor-  
 4 malized accident data.

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

7 (1) by inserting “(1)” before “To”;

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

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

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

22 “(3) During the course of an incident investigation,  
 23 a person owning or operating a pipeline facility shall make  
 24 records, reports, and information required under sub-  
 25 section (a) of this section or other reasonably described

1 records, reports, and information relevant to the incident  
2 investigation, available to the Secretary within the time  
3 limits prescribed in a written request.”; and

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

7 (c) PENALTY AUTHORITIES.—(1) Section 60122(a)  
8 is amended by striking “60114(c)” and inserting  
9 “60117(b)(3)”.

10 (2) Section 60123(a) is amended by striking  
11 “60114(c),” and inserting “60117(b)(3),”.

12 (d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—  
13 Section 60117 is amended by adding at the end the fol-  
14 lowing:

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



1 **SEC. 11. RESEARCH AND DEVELOPMENT.**

2 (a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

3 (1) IN GENERAL.—As part of the Department  
4 of Transportation’s research and development pro-  
5 gram, the Secretary of Transportation shall direct  
6 research attention to the development of alternative  
7 technologies—

8 (A) to expand the capabilities of internal  
9 inspection devices to identify and accurately  
10 measure defects and anomalies;

11 (B) to inspect pipelines that cannot accom-  
12 modate internal inspection devices available on  
13 the date of enactment;

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

16 (D) to improve the capability, reliability,  
17 and practicality of external leak detection de-  
18 vices; and

19 (E) to develop and improve alternative  
20 technologies to identify and monitor outside  
21 force damage to pipelines.

22 (2) COOPERATIVE.—The Secretary may partici-  
23 pate in additional technological development through  
24 cooperative agreements with trade associations, aca-  
25 demic institutions, or other qualified organizations.

1 (b) PIPELINE SAFETY AND RELIABILITY RESEARCH  
2 AND DEVELOPMENT.—

3 (1) IN GENERAL.—The Secretary of Transpor-  
4 tation, in coordination with the Secretary of Energy,  
5 shall develop and implement an accelerated coopera-  
6 tive program of research and development to ensure  
7 the integrity of natural gas and hazardous liquid  
8 pipelines. This research and development program—

9 (A) shall include materials inspection tech-  
10 niques, risk assessment methodology, and infor-  
11 mation systems surety; and

12 (B) shall complement, and not replace, the  
13 research program of the Department of Energy  
14 addressing natural gas pipeline issues existing  
15 on the date of enactment of this Act.

16 (2) PURPOSE.—The purpose of the cooperative  
17 research program shall be to promote pipeline safety  
18 research and development to—

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

21 (B) expand capabilities of internal inspec-  
22 tion devices to identify and accurately measure  
23 defects and anomalies;

24 (C) develop inspection techniques for pipe-  
25 lines that cannot accommodate the internal in-

1           specification devices available on the date of enact-  
2           ment;

3           (D) develop innovative techniques to meas-  
4           ure the structural integrity of pipelines to pre-  
5           vent pipeline failures;

6           (E) develop improved materials and coat-  
7           ings for use in pipelines;

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

10          (G) identify underground environments  
11          that might lead to shortened service life;

12          (H) enhance safety in pipeline siting and  
13          land use;

14          (I) minimize the environmental impact of  
15          pipelines;

16          (J) demonstrate technologies that improve  
17          pipeline safety, reliability, and integrity;

18          (K) provide risk assessment tools for opti-  
19          mizing risk mitigation strategies; and

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

22          (3) AREAS.—In carrying out this subsection,  
23          the Secretary of Transportation, in coordination  
24          with the Secretary of Energy, shall consider research

1 and development on natural gas, crude oil and petro-  
2 leum product pipelines for—

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

5 (B) automated internal pipeline inspection  
6 sensor systems;

7 (C) land use guidance and set back man-  
8 agement along pipeline rights-of-way for com-  
9 munities;

10 (D) internal corrosion control;

11 (E) corrosion-resistant coatings;

12 (F) improved cathodic protection;

13 (G) inspection techniques where internal  
14 inspection is not feasible, including measure-  
15 ment of structural integrity;

16 (H) external leak detection, including port-  
17 able real-time video imaging technology, and  
18 the advancement of computerized control center  
19 leak detection systems utilizing real-time remote  
20 field data input;

21 (I) longer life, high strength, non-corrosive  
22 pipeline materials;

23 (J) assessing the remaining strength of ex-  
24 isting pipes;

1 (K) risk and reliability analysis models, to  
 2 be used to identify safety improvements that  
 3 could be realized in the near term resulting  
 4 from analysis of data obtained from a pipeline  
 5 performance tracking initiative;

6 (L) identification, monitoring, and preven-  
 7 tion of outside force damage, including satellite  
 8 surveillance; and

9 (M) any other areas necessary to ensuring  
 10 the public safety and protecting the environ-  
 11 ment.

12 (4) POINTS OF CONTACT.—

13 (A) IN GENERAL.—To coordinate and im-  
 14 plement the research and development pro-  
 15 grams and activities authorized under this  
 16 subsection—

17 (i) the Secretary of Transportation  
 18 shall designate, as the point of contact for  
 19 the Department of Transportation, an offi-  
 20 cer of the Department of Transportation  
 21 who has been appointed by the President  
 22 and confirmed by the Senate; and

23 (ii) the Secretary of Energy shall des-  
 24 ignate, as the point of contact for the De-  
 25 partment of Energy, an officer of the De-

1           partment of Energy who has been ap-  
 2           pointed by the President and confirmed by  
 3           the Senate.

4           (B) DUTIES.—

5           (i) The point of contact for the De-  
 6           partment of Transportation shall have the  
 7           primary responsibility for coordinating and  
 8           overseeing the implementation of the re-  
 9           search, development, and demonstration  
 10          program plan under paragraphs (5) and  
 11          (6).

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

18          (5) RESEARCH AND DEVELOPMENT PROGRAM  
 19          PLAN.—Within 240 days after the date of enactment  
 20          of this Act, the Secretary of Transportation, in co-  
 21          ordination with the Secretary of Energy and the  
 22          Pipeline Integrity Technical Advisory Committee,  
 23          shall prepare and submit to the Congress a 5-year  
 24          program plan to guide activities under this sub-  
 25          section. In preparing the program plan, the Sec-

1       retary shall consult with appropriate representatives  
2       of the natural gas, crude oil, and petroleum product  
3       pipeline industries to select and prioritize appro-  
4       priate project proposals. The Secretary may also  
5       seek the advice of utilities, manufacturers, institu-  
6       tions of higher learning, Federal agencies, the pipe-  
7       line research institutions, national laboratories,  
8       State pipeline safety officials, environmental organi-  
9       zations, pipeline safety advocates, and professional  
10      and technical societies.

11           (6) IMPLEMENTATION.—The Secretary of  
12      Transportation shall have primary responsibility for  
13      ensuring the 5-year plan provided for in paragraph  
14      (5) is implemented as intended. In carrying out the  
15      research, development, and demonstration activities  
16      under this paragraph, the Secretary of Transpor-  
17      tation and the Secretary of Energy may use, to the  
18      extent authorized under applicable provisions of law,  
19      contracts, cooperative agreements, cooperative re-  
20      search and development agreements under the Ste-  
21      venson-Wydler Technology Innovation Act of 1980  
22      (15 U.S.C. 3701 et seq.), grants, joint ventures,  
23      other transactions, and any other form of agreement  
24      available to the Secretary consistent with the rec-  
25      ommendations of the Advisory Committee.

1           (7) REPORTS TO CONGRESS.—The Secretary of  
 2           Transportation shall report to the Congress annually  
 3           as to the status and results to date of the implemen-  
 4           tation of the research and development program  
 5           plan. The report shall include the activities of the  
 6           Departments of Transportation and Energy, the na-  
 7           tional laboratories, universities, and any other re-  
 8           search organizations, including industry research or-  
 9           ganizations.

10 **SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COM-**  
 11 **MITTEE.**

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

23           (b) MEMBERSHIP.—The National Academy of  
 24           Sciences shall appoint the members of the Pipeline Integ-  
 25           rity Technical Advisory Committee after consultation with



1 the Secretary of Transportation and the Secretary of En-  
 2 ergy. Members appointed to the Advisory Committee  
 3 should have the necessary qualifications to provide tech-  
 4 nical contributions to the purposes of the Advisory Com-  
 5 mittee.

6 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) GAS AND HAZARDOUS LIQUIDS.—Section  
 8 60125(a) is amended to read as follows:

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

14 “(1) \$26,000,000 for fiscal year 2002, of which  
 15 \$20,000,000 is to be derived from user fees for fis-  
 16 cal year 2002 collected under section 60301 of this  
 17 title; and

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

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

1       “(c) STATE GRANTS.—Not more than the following  
2 amounts may be appropriated to the Secretary to carry  
3 out section 60107—

4               “(1) \$17,000,000 for fiscal year 2002, of which  
5 \$15,000,000 is to be derived from user fees for fis-  
6 cal year 2002 collected under section 60301 of this  
7 title; and

8               “(2) \$20,000,000 for the fiscal years 2003 and  
9 2004 of which \$18,000,000 is to be derived from  
10 user fees for fiscal year 2003 and fiscal year 2004  
11 collected under section 60301 of this title.”.

12       (c) OIL SPILLS.—Section 60125 is amended by re-  
13 designating subsections (d), (e), and (f) as subsections (e),  
14 (f), (g) and inserting after subsection (c) the following:

15       “(d) OIL SPILL LIABILITY TRUST FUND.—Of the  
16 amounts available in the Oil Spill Liability Trust Fund,  
17 \$8,000,000 shall be transferred to the Secretary of Trans-  
18 portation, as provided in appropriation Acts, to carry out  
19 programs authorized in this Act for each of fiscal years  
20 2002, 2003, and 2004.”.

21       (d) PIPELINE INTEGRITY PROGRAM.—(1) There are  
22 authorized to be appropriated to the Secretary of Trans-  
23 portation for carrying out sections 11(b) and 12 of this  
24 Act \$3,000,000, to be derived from user fees under section

1 60301 of title 49, United States Code, for each of the fis-  
2 cal years 2002 through 2006.

3 (2) Of the amounts available in the Oil Spill Liability  
4 Trust Fund established by section 9509 of the Internal  
5 Revenue Code of 1986 (26 U.S.C. 9509), \$3,000,000 shall  
6 be transferred to the Secretary of Transportation, as pro-  
7 vided in appropriation Acts, to carry out programs for de-  
8 tection, prevention and mitigation of oil spills under sec-  
9 tions 11(b) and 12 of this Act for each of the fiscal years  
10 2002 through 2006.

11 (3) There are authorized to be appropriated to the  
12 Secretary of Energy for carrying out sections 11(b) and  
13 12 of this Act such sums as may be necessary for each  
14 of the fiscal years 2002 through 2006.

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

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

24 (b) CORRECTIVE ACTION ORDERS.—Section  
25 60112(d) is amended—

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

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

4       “(2) If, in the case of a corrective action order issued  
5 following an accident, the Secretary determines that the  
6 actions of an employee carrying out an activity regulated  
7 under this chapter, including duties under section  
8 60102(a), may have contributed substantially to the cause  
9 of the accident, the Secretary shall direct the operator to  
10 relieve the employee from performing those activities, reas-  
11 sign the employee, or place the employee on leave until  
12 the earlier of the date on which—

13           “(A) the Secretary determines, after notice and  
14 an opportunity for a hearing, that the employee’s  
15 performance of duty in carrying out the activity did  
16 not contribute substantially to the cause of the acci-  
17 dent; or

18           “(B) the Secretary determines the employee has  
19 been re-qualified or re-trained as provided for in sec-  
20 tion 4 of the Pipeline Safety Improvement Act of  
21 2001 and can safely perform those activities.

22       “(3) Action taken by an operator under paragraph  
23 (2) shall be in accordance with the terms and conditions  
24 of any applicable collective bargaining agreement to the

1 extent it is not inconsistent with the requirements of this  
 2 section.”.

3 **SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPE-**  
 4 **LINE SAFETY INFORMATION.**

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

7 **“§ 60129. Protection of employees providing pipeline**  
 8 **safety information**

9 “(a) DISCRIMINATION AGAINST PIPELINE EMPLOY-  
 10 EES.—No pipeline operator or contractor or subcontractor  
 11 of a pipeline may discharge an employee or otherwise dis-  
 12 criminate against an employee with respect to compensa-  
 13 tion, terms, conditions, or privileges of employment be-  
 14 cause the employee (or any person acting pursuant to a  
 15 request of the employee)—

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

1           “(2) has filed, caused to be filed, or is about to  
2           file (with any knowledge of the employer) or cause  
3           to be filed a proceeding relating to any violation or  
4           alleged violation of any order, regulation, or stand-  
5           ard of the Administration or any other provision of  
6           Federal law relating to pipeline safety under this  
7           chapter or any other law of the United States;

8           “(3) testified or is about to testify in such a  
9           proceeding; or

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

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

14           “(1) FILING AND NOTIFICATION.—A person  
15           who believes that he or she has been discharged or  
16           otherwise discriminated against by any person in  
17           violation of subsection (a) may, not later than 90  
18           days after the date on which such violation occurs,  
19           file (or have any person file on his or her behalf) a  
20           complaint with the Secretary of Labor alleging such  
21           discharge or discrimination. Upon receipt of such a  
22           complaint, the Secretary of Labor shall notify, in  
23           writing, the person named in the complaint and the  
24           Administrator of the Research and Special Programs  
25           Administration of the filing of the complaint, of the

1       allegations contained in the complaint, of the sub-  
2       stance of evidence supporting the complaint, and of  
3       the opportunities that will be afforded to such per-  
4       son under paragraph (2).

5           “(2) INVESTIGATION; PRELIMINARY ORDER.—

6           “(A) IN GENERAL.—Not later than 60  
7       days after the date of receipt of a complaint  
8       filed under paragraph (1) and after affording  
9       the person named in the complaint an oppor-  
10      tunity to submit to the Secretary of Labor a  
11      written response to the complaint and an oppor-  
12      tunity to meet with a representative of the Sec-  
13      retary to present statements from witnesses,  
14      the Secretary of Labor shall conduct an inves-  
15      tigation and determine whether there is reason-  
16      able cause to believe that the complaint has  
17      merit and notify in writing the complainant and  
18      the person alleged to have committed a violation  
19      of subsection (a) of the Secretary’s findings. If  
20      the Secretary of Labor concludes that there is  
21      reasonable cause to believe that a violation of  
22      subsection (a) has occurred, the Secretary shall  
23      accompany the Secretary’s findings with a pre-  
24      liminary order providing the relief prescribed by  
25      paragraph (3)(B). Not later than 30 days after

1 the date of notification of findings under this  
2 paragraph, either the person alleged to have  
3 committed the violation or the complainant may  
4 file objections to the findings or preliminary  
5 order, or both, and request a hearing on the  
6 record. The filing of such objections shall not  
7 operate to stay any reinstatement remedy con-  
8 tained in the preliminary order. Such hearings  
9 shall be conducted expeditiously. If a hearing is  
10 not requested in such 30-day period, the pre-  
11 liminary order shall be deemed a final order  
12 that is not subject to judicial review.

13 “(B) REQUIREMENTS.—

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



1           “(ii) SHOWING BY EMPLOYER.—Not-  
2           withstanding a finding by the Secretary  
3           that the complainant has made the show-  
4           ing required under clause (i), no investiga-  
5           tion otherwise required under subpara-  
6           graph (A) shall be conducted if the em-  
7           ployer demonstrates, by clear and con-  
8           vincing evidence, that the employer would  
9           have taken the same unfavorable personnel  
10          action in the absence of that behavior.

11          “(iii) CRITERIA FOR DETERMINATION  
12          BY SECRETARY.—The Secretary may de-  
13          termine that a violation of subsection (a)  
14          has occurred only if the complainant dem-  
15          onstrates that any behavior described in  
16          paragraphs (1) through (4) of subsection  
17          (a) was a contributing factor in the unfa-  
18          vorable personnel action alleged in the  
19          complaint.

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

1 “(3) FINAL ORDER.—

2 “(A) DEADLINE FOR ISSUANCE; SETTLE-  
3 MENT AGREEMENTS.—Not later than 120 days  
4 after the date of conclusion of a hearing under  
5 paragraph (2), the Secretary of Labor shall  
6 issue a final order providing the relief pre-  
7 scribed by this paragraph or denying the com-  
8 plaint. At any time before issuance of a final  
9 order, a proceeding under this subsection may  
10 be terminated on the basis of a settlement  
11 agreement entered into by the Secretary of  
12 Labor, the complainant, and the person alleged  
13 to have committed the violation.

14 “(B) REMEDY.—If, in response to a com-  
15 plaint filed under paragraph (1), the Secretary  
16 of Labor determines that a violation of sub-  
17 section (a) has occurred, the Secretary of Labor  
18 shall order the person who committed such vio-  
19 lation to—

20 “(i) take affirmative action to abate  
21 the violation;

22 “(ii) reinstate the complainant to his  
23 or her former position together with the  
24 compensation (including back pay) and re-

1 store the terms, conditions, and privileges  
2 associated with his or her employment; and  
3 “(iii) provide compensatory damages  
4 to the complainant.

5 If such an order is issued under this paragraph,  
6 the Secretary of Labor, at the request of the  
7 complainant, shall assess against the person  
8 whom the order is issued a sum equal to the ag-  
9 gregate amount of all costs and expenses (in-  
10 cluding attorney’s and expert witness fees) rea-  
11 sonably incurred, as determined by the Sec-  
12 retary of Labor, by the complainant for, or in  
13 connection with, the bringing the complaint  
14 upon which the order was issued.

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

21 “(4) REVIEW.—

22 “(A) APPEAL TO COURT OF APPEALS.—  
23 Any person adversely affected or aggrieved by  
24 an order issued under paragraph (3) may ob-  
25 tain review of the order in the United States

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

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

19 “(5) ENFORCEMENT OF ORDER BY SECRETARY  
20 OF LABOR.—Whenever any person has failed to com-  
21 ply with an order issued under paragraph (3), the  
22 Secretary of Labor may file a civil action in the  
23 United States district court for the district in which  
24 the violation was found to occur to enforce such  
25 order. In actions brought under this paragraph, the

1 district courts shall have jurisdiction to grant all ap-  
2 propriate relief, including, but not to be limited to,  
3 injunctive relief and compensatory damages.

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

5 “(A) COMMENCEMENT OF ACTION.—A per-

6 son on whose behalf an order was issued under  
7 paragraph (3) may commence a civil action  
8 against the person to whom such order was  
9 issued to require compliance with such order.

10 The appropriate United States district court  
11 shall have jurisdiction, without regard to the  
12 amount in controversy or the citizenship of the  
13 parties, to enforce such order.

14 “(B) ATTORNEY FEES.—The court, in

15 issuing any final order under this paragraph,  
16 may award costs of litigation (including reason-  
17 able attorney and expert witness fees) to any  
18 party whenever the court determines such  
19 award costs is appropriate.

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

24 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-

25 TIONS.—Subsection (a) shall not apply with respect to an

1 employee of a pipeline, contractor or subcontractor who,  
 2 acting without direction from the pipeline contractor or  
 3 subcontractor (or such person’s agent), deliberately causes  
 4 a violation of any requirement relating to pipeline safety  
 5 under this chapter or any other law of the United States.

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

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

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

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

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

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

20 Within 90 days after receiving recommendations for  
 21 improvements to pipeline safety from an advisory com-  
 22 mittee appointed by the Governor of any State, the Sec-  
 23 retary of Transportation shall respond in writing to the  
 24 committee setting forth what action, if any, the Secretary  
 25 will take on those recommendations and the Secretary’s

1 reasons for acting or not acting upon any of the rec-  
2 ommendations.

3 **SEC. 17. FINES AND PENALTIES.**

4       The Inspector General of the Department of Trans-  
5 portation shall conduct an analysis of the Department's  
6 assessment of fines and penalties on gas transmission and  
7 hazardous liquid pipelines, including the cost of corrective  
8 actions required by the Department in lieu of fines, and,  
9 no later than 6 months after the date of enactment of this  
10 Act, shall provide a report to the Senate Committee on  
11 Commerce, Science, and Transportation and the House  
12 Committee on Transportation and Infrastructure on any  
13 findings and recommendations for actions by the Sec-  
14 retary or Congress to ensure the fines assessed are an ef-  
15 fective deterrent for reducing safety risks.

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

17       The Secretary of Transportation is authorized to con-  
18 duct a study on how best to preserve environmental re-  
19 sources in conjunction with maintaining pipeline rights-  
20 of-way. The study shall recognize pipeline operators' regu-  
21 latory obligations to maintain rights-of-way and to protect  
22 public safety.

23 **SEC. 19. STUDY OF NATURAL GAS RESERVE.**

24       (a) FINDINGS.—Congress finds that:

1           (1) In the last few months, natural gas prices  
2 across the country have tripled.

3           (2) In California, natural gas prices have in-  
4 creased twenty-fold, from \$3 per million British  
5 thermal units to nearly \$60 per million British ther-  
6 mal units.

7           (3) One of the major causes of these price in-  
8 creases is a lack of supply, including a lack of nat-  
9 ural gas reserves.

10          (4) The lack of a reserve was compounded by  
11 the rupture of an El Paso Natural Gas Company  
12 pipeline in Carlsbad, New Mexico on August 1,  
13 2000.

14          (5) Improving pipeline safety will help prevent  
15 similar accidents that interrupt the supply of natural  
16 gas and will help save lives.

17          (6) It is also necessary to find solutions for the  
18 lack of natural gas reserves that could be used dur-  
19 ing emergencies.

20          (b) STUDY BY THE NATIONAL ACADEMY OF  
21 SCIENCES.—The Secretary of Energy shall request the  
22 National Academy of Sciences to—

23           (1) conduct a study to—

24           (A) determine the causes of recent in-  
25 creases in the price of natural gas, including



1           whether the increases have been caused by  
 2           problems with the supply of natural gas or by  
 3           problems with the natural gas transmission sys-  
 4           tem;

5                 (B) identify any Federal or State policies  
 6           that may have contributed to the price in-  
 7           creases; and

8                 (C) determine what Federal action would  
 9           be necessary to improve the reserve supply of  
 10          natural gas for use in situations of natural gas  
 11          shortages and price increases, including deter-  
 12          mining the feasibility and advisability of a Fed-  
 13          eral strategic natural gas reserve system; and

14          (2) not later than 60 days after the date of en-  
 15          actment of this Act, submit to Congress a report on  
 16          the results of the study.

17 **SEC. 20. STUDY AND REPORT ON NATURAL GAS PIPELINE**  
 18 **AND STORAGE FACILITIES IN NEW ENGLAND.**

19          (a) STUDY.—The Federal Energy Regulatory Com-  
 20          mission, in consultation with the Department of Energy,  
 21          shall conduct a study on the natural gas pipeline trans-  
 22          mission network in New England and natural gas storage  
 23          facilities associated with that network. In carrying out the  
 24          study, the Commission shall consider—

1           (1) the ability of natural gas pipeline and stor-  
2           age facilities in New England to meet current and  
3           projected demand by gas-fired power generation  
4           plants and other consumers;

5           (2) capacity constraints during unusual weather  
6           periods;

7           (3) potential constraint points in regional,  
8           interstate, and international pipeline capacity serv-  
9           ing New England; and

10          (4) the quality and efficiency of the Federal en-  
11          vironmental review and permitting process for nat-  
12          ural gas pipelines.

13          (b) REPORT.—Not later than 120 days after the date  
14          of the enactment of this Act, the Federal Energy Regu-  
15          latory Commission shall prepare and submit to the Senate  
16          Committee on Energy and Natural Resources and the ap-  
17          propriate committee of the House of Representatives a re-  
18          port containing the results of the study conducted under  
19          subsection (a), including recommendations for addressing  
20          potential natural gas transmission and storage capacity  
21          problems in New England.

Passed the Senate February 8, 2001.

Attest:

GARY SISCO,  
*Secretary.*