

court against what thinking people are trying to do to provide at least some degree of safe haven for our kids in school, highlights the point that the Senator from North Dakota is making and this Senator from Nebraska is making about the way things are happening today. The three equal branches of Government—the executive, the judiciary, and the legislative—had better be looked on.

I say as a legislator to the courts, "Do your job but don't trample on us as a second-class part of the equal three-part series of our Government that has served this Nation and this country so well for so very long."

ORDER OF PROCEDURE

Mr. EXON. Mr. President, before I yield the floor, I will simply advise the Senate that we were ready to take up a bill that came out of the Justice Department, and I think through misunderstanding it was temporarily delayed. I simply say that the previous matter before the Senate that was temporarily set aside has now been cleared for action—the pipeline safety bill, with amendments. As the manager on this side on that bill, I am prepared to move ahead, if that is the will of the majority.

I thank the Chair.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Missouri suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

Mr. EXON. May I inquire of the Chair, what is currently the procedure in the Senate and what matter are we on?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1505) to reduce risks to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquid, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accountable Pipeline Safety and Partnership Act of 1996".

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is ex-

pressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

"(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;" and

(3) by adding at the end the following:

"(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

"(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

"(25) 'Secretary' means the Secretary of Transportation."

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting "if appropriate," after "Secretary" the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking "transporters of gas and hazardous liquid and to" in paragraph (1)(A);

(2) by striking paragraph (1)(C) and inserting the following:

"(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities;" and

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

"(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities."

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

"(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

"(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

"(A) practicable; and

"(B) designed to meet the need for—

"(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

"(ii) protecting the environment.

"(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

"(A) relevant available—

"(i) gas pipeline safety information;

"(ii) hazardous liquid pipeline safety information; and

"(iii) environmental information;

"(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

"(C) the reasonableness of the standard;

"(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

"(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

"(F) comments and information received from the public; and

"(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

"(3) RISK ASSESSMENT.—In prescribing a standard referred to in paragraph (2), the Secretary shall—

"(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

"(B) identify the costs and benefits associated with the proposed standard;

"(C) include—

"(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

"(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

"(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

"(4) REVIEW.—

"(A) IN GENERAL.—The Secretary shall—

"(i) submit risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

"(ii) make that risk assessment information available to the general public.

"(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

"(i) an evaluation of the merit of the data and methods used; and

"(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

"(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

"(i) shall review the report;

"(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

"(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

"(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

"(6) EXCEPTIONS FROM APPLICATION.—The requirements of this subsection do not apply when—

"(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;