are here: George Fishman, Lora Reis, Kelly Dixon, Leon Buck, and Nolan Rappaport.

Mr. DIAZ-BALART. Mr. Speaker, I rise today in strong support for the critically-needed legislation introduced by my colleague, Ms. ROS-LEHTINEN (H.R. 4838).

This legislation would remove an onerous obstacle for those persons with disabilities who are legal permanent residents, but because of their disabilities, are foreclosed from obtaining citizenship because they cannot recite the naturalization oath.

This legislation gives the Attorney General the authority to waive the oath of renunciation and allegiance for naturalization for individuals with cognitive disabilities, or children who are unable to understand the meaning of the oath. Accordingly, this legislation will enable thousands of families in our nation who have loved ones with autism, down syndrome, Alzheimer's and other neurological disorders to realize American citizenship for their loved ones. It will also give them peace of mind in that their loved ones will be able to attain citizenship and thereby secure the benefits and security accorded to United States citizens. This legislation will also enable disabled people the opportunity, as citizens, to develop their abilities so that they can be the most productive citizens they possibly can be.

Mr. Speaker, I am proud to be a cosponsor of this worthwhile legislation and I applaud my colleagues ILEANA ROS-LEHTINEN and Subcommittee Chairman LAMAR SMITH for advancing it to the House suspension calendar for a vote today.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 4838, which would permit the Attorney General to waive the oath of renunciation and allegiance in instances when the applicant for naturalization is an individual with a severe disability who is unable to understand or communicate an understanding of the meaning of the oath. This legislation is important to families in Connecticut and across this country.

I want to thank Congresswoman ILEANA ROS-LEHTINEN for introducing this legislation and Chairman LAMAR SMITH for working with our offices to bring it to the floor. I also want to thank Connecticut's senior senator, CHRISTOPHER DODD, for his work on this legislation in the Senate.

Under current law, the Attorney General has the authority to waive for disabled applicants the English and civics tests required for naturalization. It makes little sense that the Attorney General has the discretion to waive these tests but is prohibited from waiving the oath of renunciation and allegiance required of these same disabled applicants.

The result is that despite the fulfillment of all other requirements for naturalization, certain disabled individuals are unable to ever become citizens. These instances are rare, but they have terrible implications for the affected families. For example, it is possible under current law for an entire family to be naturalized with the exception of one disabled family member—who then could face possible deportation.

The main purpose of the oath requirement is to prevent the naturalization of people who are hostile to the United States Government or the principles of the Constitution. Waiving this requirement for people with severe disabilities does nothing to defeat this purpose or threaten our national security because these individuals lack the capacity to understand the oath and, therefore, cannot form the intent to act against our government.

Furthermore, individuals with disabilities who receive a waiver would still have to fulfill other requirements of naturalization, including good moral character and residency.

The legislation we are considering today poses no danger and manifests our nation's compassion—a characteristic too often missing from our immigration policy. I urge my colleagues to support its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4838, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 2812) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. SMITH) for an explanation.

Mr. SMITH of Texas. Mr. Speaker, let me explain that the purpose of the request is to amend the companion Senate bill and send it back to the Senate with the text of H.R. 4838 which the House has just passed.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank the gentleman for his response.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: ''The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who applied for naturalization before, on, or after the date of enactment of this Act.

MOTION OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion.

The Clerk read, as follows:

Mr. SMITH of Texas moves to strike out all after the enacting clause of S. 2812 and in lieu thereof insert the text of H.R. 4838 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4838) was laid on the table.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

The Clerk read as follows:

S. 2438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety Improvement Act of 2000''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a 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. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT–2000–069).

(b) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the Committees referred to in

subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

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

(b) REQUIREMENTS.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) REPORT TO CONGRESS.—

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

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry responses to those actions and recommendations.

(2) CRITERIA.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) DUE DATE.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

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

''(c) INTEGRITY MANAGEMENT.—

''(1) GENERAL REQUIREMENT.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2001, whichever is sooner.

''(2) STANDARDS FOR PROGRAM.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

''(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;

''(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

''(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

''(3) CRITERIA FOR PROGRAM STANDARDS.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

''(4) STATE ROLE.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

''(5) MONITORING IMPLEMENTATION.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

''(6) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

''(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

''(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

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

''(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

''(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.''.

SEC. 6. ENFORCEMENT.

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

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

''(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

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

''(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.''; and

(2) by striking ''is hazardous,'' in subsection (d) and inserting ''is, or would be, hazardous,''.

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

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

''§ 60116. Public education, emergency preparedness, and community right to know

''(a) PUBLIC EDUCATION PROGRAMS.—

''(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

''(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate

pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

''(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

''(b) EMERGENCY PREPAREDNESS.—

''(1) OPERATOR LIAISON.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

''(2) INFORMATION.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

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

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

''(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

''(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

''(E) a point of contact to respond to questions from emergency response representative.

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

''(4) PUBLIC ACCESS.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

''(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

''(d) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall—

''(1) make available to the public—

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

''(B) a report of a pipeline incident filed by an operator;

''(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

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

''(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.''.

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking ''authorities.'' and inserting ''officials, including the local emergency responders.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

''60116. Public education, emergency preparedness, community right to know.''.

SEC. 8. PENALTIES.

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

(1) by striking ''$25,000'' in subsection (a)(1) and inserting ''$500,000'';

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

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

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

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

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

''(B) other matters that justice requires.''.

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

(1) by striking ''knowingly and willfully'';

(2) by inserting ''knowingly and willfully'' before ''engages'' in paragraph (1); and

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

''(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

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

''(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.''.

SEC. 9. STATE OVERSIGHT ROLE.

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

(1) by striking ''GENERAL AUTHORITY.—'' in subsection (a) and inserting ''AGREEMENTS WITHOUT CERTIFICATION.—'';

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

(3) by inserting after subsection (a) the following:

''(b) AGREEMENTS WITH CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

''(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

''(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

''(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

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

''(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

''(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

''(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

''(A) the State Authority fails to comply with the terms of the agreement;

''(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

''(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.''.

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

''(e) ENDING AGREEMENTS.—

''(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

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

''(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

''(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

''(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.''.

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting ''(1)'' before ''To'';

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

(3) inserting before the last sentence the following:

''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

''(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request.''; and

(4) indenting the first word of the last sentence and inserting ''(4)'' before ''The Secretary'' in that sentence.

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

(2) Section 60123(a) is amended by striking ''60114(c),'' and inserting ''60117(b)(3),''.

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

''(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.''.

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

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

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

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

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

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

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

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

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

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

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

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

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

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

(I) minimize the environmental impact of pipelines;

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

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

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

(J) assessing the remaining strength of existing pipes;

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

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety

advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

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

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

''(1) $26,000,000 for fiscal year 2001, of which $20,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $30,000,000 for each of the fiscal years 2002 and 2003 of which $23,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

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

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

''(1) $17,000,000 for fiscal year 2001, of which $15,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $20,000,000 for the fiscal years 2002 and 2003 of which $18,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

(c) OIL SPILLS.—Sections 60525 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

''(d) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to carry out programs authorized in this Act for fiscal year 2001, fiscal year 2002, and fiscal year 2003.''.

(d) PIPELINE INTEGRITY PROGRAM.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) IN GENERAL.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

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

(1) by inserting ''(1)'' after ''CORRECTIVE ACTION ORDERS.—''; and

(2) by adding at the end the following:

''(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

''(A) the Secretary determines that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

''(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

''(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.''.

SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

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

''§ 60129. Protection of employees providing pipeline safety information

''(a) DISCRIMINATION AGAINST PIPELINE EMPLOYEES.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the

complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.''.

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

''(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.''.

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

''60129. Protection of employees providing pipeline safety information.''.

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 17. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

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

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering a bill to save lives. This legislation is tough new pipeline safety legislation that is going to significantly strengthen our Nation's pipeline safety laws. In the past year and a half, the Nation has suffered two tragic pipeline accidents.

This legislation reauthorizes our Nation's pipeline safety program for 3 years and makes a number of very important, substantive changes to the pipeline safety statute.

It reflects a year of intensive efforts by the Congress to bring a balanced measure to the floor. The legislation we have before us passed the United States Senate unanimously just a week or so ago by a vote of 99–0.

It was supported by the White House, the Secretary of Transportation, the National Governors Association, even the Mayor of Bellingham, Washington, the site of one of the tragic accidents.

Indeed, I would note this is very bipartisan. The Mayor of Bellingham happens to be a Democrat; many of the members of the Washington delegation are Republicans. This is not, and should not be, a political issue. It is a bipartisan issue attempting to deal with safety and save lives. It is a good bill, but it is not a perfect bill. It balances many competing concerns.

I know we are going to hear from my colleagues on the other side of the aisle, some of them at least, who feel that it does not go far enough. I happen to agree with them.

If I had my druthers, I would like to have worked out a House bill that we could bring to the floor, then pass it, then go to conference with the Senate, then negotiate a compromise, bring it back and bring back what I believe could be an even better bill.

The problem, however, is we are running out of time; that simply is not going to happen. The legislation that

we have before us today does indeed address all of the major issues debated during the reauthorization effort on both sides of the Capitol. This legislation that we have before us today provides for mandatory inspections. It requires qualifications of pipeline personnel.

It requires certification so we know that people are competent in looking out for pipeline safety. It expands public access to information on pipeline operations, and it provides, very importantly, a greater role for the States in oversight of interstate pipelines.

It also provides for the ability to reassign employees involved in incidents during the investigation of those incidents. It significantly increases penalties and removes the penalty cap. It provides whistle-blower protection, and it significantly increases funding for the pipeline safety program.

It is a strong step in the direction of reducing risks and, indeed, reducing the awful possibility of losing lives. It improves the current pipeline safety program by several different movements, one of which is addressing criticisms which have been leveled by the NTSB, the IG and GAO, and not only by addressing those criticisms, but providing funding levels to effectively implement those tougher changes.

There are going to be those who say the bill does not go far enough. I happen to agree with that. I know the gentleman from Minnesota (Mr. OBERSTAR), my dear friend, would like the House to act. I agree with him. I would like the House to act also. The problem is we simply are running out of time. And if we do not move this good legislation, this safety legislation to save lives, there is not going to be any legislation, because we are not going to have the time to pass a House bill and go to conference and work out our differences.

1645

There will not be any safety legislation, and I think that would be regrettable.

I think it is very important to note that Senator MURRAY from Washington strongly supports the bill, Senator BREAUX supports the bill, Senator MCCAIN supports the bill. This really should have been an easy matter for this body. The bill passed the Senate unanimously. It addresses a very serious pressing problem.

Unfortunately, some of my colleagues on the other side of the aisle apparently thought to politicize this issue and kill this legislation. I think that would be regrettable because if we kill the legislation, then we will not have improved pipeline safety. We will not have provided the opportunity to save lives.

So I say let us not let the perfect, which is unattainable, become the enemy of the good. This is a good bill. It is going to save lives. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, on Tuesday, July 8, 1986, a quiet neighborhood in Mounds View, Minnesota, at 4 a.m. was wrenched from its slumber by a shattering explosion. A wall of fire roared through the street, turning the night into an inextinguishable nightmare.

The explosion of a pipeline carrying unleaded gasoline killed a mother and her 7-year-old daughter, incinerated them, and severely injured another woman who emerged from her home.

Lawns were scorched, mailboxes melted, power lines were down, cars set afire, the road buckled, and trees wilted. A quarter of a million dollars of property damage was caused. The origin of it all: a ruptured hazardous liquid pipeline carrying gasoline between St. Paul and Duluth.

It focused the attention of the Congress and of the country and the review of the National Transportation Safety Board and the General Accounting Office on the need to improve the safety of the Nation's pipelines.

I was then chair of the Subcommittee on Investigations and Oversight and had been preparing for a hearing on pipeline safety when this tragedy occurred. We held those hearings.

Following the hearings, my then partner on that subcommittee, Mr. Clinger from Pennsylvania, and I made recommendations for safety improvements, including a substantial increase in pipeline inspections to detect problems before they lead to tragedy, better information on pipelines for persons who live near them, improvement in the data submitted by the Office of Pipeline Safety, improvements in cathodic protection, automatic shut-off valves to detect problems and prevent them from getting worse in suburbanized areas.

The NTSB agreed and issued recommendations that the Office of Pipeline Safety require operators to conduct periodic internal inspection of their lines. But nothing happened because the administration at the time did not want those recommendations to go into effect.

My two Senate Republican colleagues from Minnesota introduced legislation that required 3-year inspections, every 3 years. Tough inspections. Mandatory inspections. Established in legislation. That was reflected in our hearings. So in 1992, Congress passed legislation requiring OPS to set requirements for operators to conduct internal inspections by 1995.

Today, 14 years after Mounds View, little progress has been made. The accident rate has not improved. In fact, it is increasing by 4 percent a year rate of accidents in pipelines. Twenty-four percent of the gas pipelines in this country are now more than 50 years old. The Office of Pipeline Safety has failed to step up to the plate and deal with the problem.

The Office of Pipeline Safety has failed to comply with 22 directives from Congress to adopt regulations and undertake the necessary studies and regulatory action. That office has the lowest rate of any in the Department of Transportation of accepting NTSB recommendations.

The bill before us is not as they, the industry, claim, a ''tough'' bill that will promote pipeline safety. The Senate bill mandates nothing beyond the current inadequate program of OPS. It leaves it to the discretion of OPS whether to adopt stronger programs. That approach has not worked.

This bill will be requirement 23 on the Office of Pipeline Safety to adopt regulations. They have not done it 22 other times, what makes anyone think they are going to do it now?

OPS has not issued a single final regulation requiring inspections. Just a short time ago, in the absence of inspection requirements, we had another tragedy. In Carlsbad, New Mexico, a 50-year-old pipeline exploded, killing 12 people, 5 children. Inspections showed that the pipeline had significant internal corrosion. It had never been properly inspected in 50 years. We cannot wait for OPS to do some more foot dragging in the face of this industry opposition to mandatory actions.

There is a whole group of people that do not want this legislation and want this legislation strengthened. We have been told right from the very outset, we were in the process, I say to the gentleman from Pennsylvania (Chairman SHUSTER), we had reached a staff agreement, we had moved forward with a bill, and then, the Senate, on September 7, passed their bill.

All of a sudden, we heard from the other body, you know the process over here in the Senate. There is not enough time left. That was a month ago. We could have had a bill on the floor. We could have been in conference with the Senate. We could even have some discussions with the Senate and do better, do better.

I resent the implication and the statements made on the floor of the other body down the hall from here that people in this body, with indirect reference to this Member, are objecting to this bill on political grounds. Bologna. Anyone who knows me knows I stand for principle and for safety, and that is what this debate is all about.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say that I agree with so very much of what the gentleman from Minnesota (Mr. OBERSTAR) has said about the serious problems that have existed. If I could, I would wave a magic wand and get a bill through the House here that we could go to the Senate with and negotiate a compromise, and I think we could have a better product. Time is not on our side.

So I believe we are faced with the reality of we take this bill, which did, indeed, pass the Senate unanimously, 99 to 0, or we simply will not get any safety bill. I regret that, but I believe that is the reality of where we are.

Mr. Speaker, I am pleased to yield 2 minutes to a distinguished gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, the gentleman from Pennsylvania (Chairman SHUSTER) has said it best, of course we could do a better bill in the House. Of course, if we have the time, we could perhaps resolve all the problems in pipeline safety. But this Senate bill, passed by unanimous consent, is what we have.

It is a strong and effective bill. It makes some very important steps in favor of pipeline safety. It improves and expands the public's right to know about pipeline hazards. It requires pipeline operators to test and inspect. It requires the operators to qualify and test their personnel. It requires spills as small as 5 gallons to be reported. It significantly raises the penalties for safety violations. It invests in new technologies to improve pipeline safety. It provides protections for whistle blowers, an important part of this process. It increases State oversight and local government input. Finally, it increases funding for safety efforts.

Mr. Speaker, if one looked at a map of my State, and my district in particular, the third district in Louisiana, a map of pipelines across my district and the State, it looks like spaghetti. We are just absolutely covered with pipelines that carry all sorts of hazardous and very important products for America, oil, gas, liquids of all kinds.

Pipeline safety is incredibly important to the people of my State. I will say again what the gentleman from Pennsylvania (Chairman SHUSTER) has said, I think if we had the occasion to sit down in this Chamber and write a better bill than this one, I think we could because this bill is not perfect and could be improved.

But what has been agreed upon by the Senate, it dramatically advances pipeline safety. It is an incredibly important step in the right direction. For us not to take this step this session would be a shame. It would be, I think, a disregard of our duty. This is the opportunity for us to improve pipeline safety across this country. We need to take that important step. We need to pass this bill.

We will be back here next year. We can provide the oversight over the DOT and the other agencies to make sure they carry out the intent of both this act and other acts. I urge my colleagues to pass this bill.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in opposition to this embarrassment that is called a piece of legislation, S. 2438. It does nothing to add to the safety of the American people or to ensure the safety of pipelines. There is little in this bill that cannot be done under existing law, and there is little in this bill that cannot be done by regulation at the Office of Pipeline Safety. It does little to correct the weakening that was done in the agreement which produced a bill which slipped through this House and through the Senate not long back and which resulted in significant weakening of the law with regard to pipeline safety.

It is time that we did something meaningful in the area of pipeline safety. The results of inaction by the Office of Pipeline Safety, a very weak agency, and by this Congress, are that there are more than 15 people dead in the last 18 months, including seven children under the age of 10.

The environment has suffered, too. In the first 9 months of this year, property and environmental damages from hazardous liquid pipeline accidents has already surpassed that of any other full year. Consumers have suffered from pipeline accidents on the Explorer pipeline in Texas and the Wolverine pipeline in my own State of Michigan. Those events helped drive the gasoline price to as high as $2.50 a gallon in parts of the Midwest this summer.

Inaction has hurt people. It has killed people. It has hurt the economy. It has raised gas and oil prices. There is no friend outside of this Chamber to the legislation except the pipeline industry. They are the only people that want this bill. They are the only people that do not know it is a sham, because they know there is something in it for them.

There is more inaction by OPS, there is more inaction by the Congress, and there is a weak law under which little, if anything, is going to be done to take care of the safety of the American people.

This legislation is opposed by organized labor. The AFL-CIO, the Teamsters, PACE, the transportation trades, the building and construction trades, the plumbers and the pipefitters all have sent letters urging Members to oppose this bill.

The bill is also opposed by environment and public safety groups, including the League of Conservation Voters, the Environmental Defense Fund, the Natural Resources Defense Council, Physicians for Social Responsibility, Clean Water Action, U.S. PIRG, and the National Pipeline Reform Coalition.

Finally, and most importantly, the families of the Bellingham, Washington pipeline disaster oppose this legislation. They sent a letter to the House of Representatives urging us to vote against this sham safety legislation. The bill, as initiated in the Senate, was named after the two 5-year-old boys in Bellingham who were killed last year. Those names were removed from the bill at the request of the parents of Wade King and Stephen Tsiorvas because, in their view, the legislation is so weak that it is unworthy of being named after their sons.

Who does support the bill? Pipeline companies and their trade organizations. They are the only ones supporting the bill. Why? Because it is a sweetheart deal, because it is not going to do anything.

My counsel to this House is based on years of experience with OPS and with pipeline safety and with the pipeline companies, and that is reject the bill. Nothing is going to happen other than the fact that we will save this House a little bit of time, and we will enable us to approach this bill in a more sensible way next year without the kind of, quite frankly, disgrace that we confront at this particular time.

1700

I would simply observe, no one is going to be hurt by rejecting a bill like this, which does so little. Everyone will be helped by passing a decent piece of legislation. We can do that next year. There is no need to make haste to pass this kind of an abomination.

Mr. Speaker, I urge my colleagues, let us pass good legislation, let us strengthen pipeline safety, let us see to it that people are no longer killed by indifference and by poor legislation and by sweetheart deals cut which result in bad legislation coming to this House, and by weak organizations like the Office of Pipeline Safety, which does not do the job it should do in protecting the American people.

I urge the legislation be rejected. We can do a better job next year. Certainly we cannot do a worse job next year.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when my good friend from Michigan, with whom I have stood shoulder to shoulder in fighting so many battles together, says that this legislation, if I heard him correctly, is only supported by the pipeline industry, I have to refer to numerous other important people, I think, and organizations which indeed have expressed their strong support for this legislation.

Senator PATTY MURRAY, Democrat of Washington, who is intimately familiar with the terrible problems, has come out strongly for this legislation; Senator SLADE GORTON, a Republican of Washington. So we have both the Republican and the Democratic Senators representing the whole State, a State which has been so badly hurt in the past, supporting the legislation. The Secretary of Transportation, Rodney Slater, who says this legislation is critical to much-needed improvements in pipeline safety program; Vice President AL GORE, and I might get in trouble with some of my colleagues over here for emphasizing this, but facts are facts. Vice President GORE said, ''I commend the Senate for taking action today on this important issue of pipeline safety and I urge the House to take up this legislation soon.''

The National Association of Regulatory Utility Commissioners. The National Governors' Association, which

says, ''On behalf of the national governors, we are writing to urge you to support this legislation adopted by the Senate to improve oil and gas pipeline safety and to support prompt passage of such legislation.'' The newspaper in Bellingham, where the terrible tragedy occurred, says ''Given where we are now, the reforms provided by the Senate legislation are significant. We cannot wait. The time is now for pipeline safety legislation.''

And indeed, Senator PATTY MURRAY, who has been in the forefront of supporting this on the floor of the Senate said, ''Well, some critics say we'll start again next year; we'll do better next year. That means it will be at least a year. And how can we have so much faith that we will get anything stronger or anything at all under a new Congress and a new President?'' And she says, ''Let me ask a simple question. Will you take that bet, if your family's safety depended upon it? I wouldn't, and I don't think we can shirk our responsibility to protect the public this year.''

I find myself in a bit of an incongruous position in defending, in the midst of this heated political campaign, the Clinton administration, defending a Democratic administration who says we should pass this because it is so critical. And again, I emphasize we could have done a better job here in the House if we had had the time. But that simply is not the reality that we face, and so we should settle for a good piece of legislation, one which we indeed could have made better, but given the time, it is either this or nothing. And, indeed, if we want to bring up something next year to improve it further, we can certainly do that; but let us not continue to jeopardize the lives of American people, and in many cases young children, by doing nothing this year.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time. He is noted for his generosity, and once again that is being exemplified here by his activities on the floor.

This is really a sad day when we are listening to Members of the House of Representatives tell every other Member that we should not have any judgment on a piece of legislation; we should just listen to the Senate.

Now, the gentleman from Pennsylvania would never, under any circumstances, have the Senate make every decision about every highway, every dam, every railroad in the United States. But he is out here today telling us that for pipeline safety, these pipes that go past homes and playgrounds all over the United States, that we should listen to the Senate. Since when did they become so wise?

The bill before us fails to repeal the cost-benefit provision put into the 1996 reauthorization bill. I opposed these provisions then and support their repeal now. Keeping that section on the book's allows for paralysis by analysis. The pipeline companies just squeeze these smaller communities and individual neighborhood groups to death because they cannot get over this huge procedural obstacle which is built into the existing piece of legislation.

Secondly, the bill does not meaningfully address the Department of Transportation's failure to enact many of the proposed safety recommendations issued by the National Transportation Safety Board. Here is what the National Transportation Safety Board, Chairman Jim Hall, said in the Boston Globe on March 5, 1999. He said that he would give the Office of Pipeline Safety a big fat F, F, on everything that it has done regarding the safety of pipelines in our country.

We are reauthorizing a bill with that kind of a grade being attached to it by the chairman of the National Transportation Safety Board? And moreover, the bill itself rejects the amendment which I tried to make in committee which would have held the Department's feet to the fire so they had deadlines that they had to meet in order to ensure there was public safety.

Who opposes this bill? I will tell my colleagues who opposes it. The Environmental Defense Fund, the National Resources Defense Council, and the League of Conservation Voters. In fact, the League of Conservation Voters is going to make this one of the votes for the year to get our grade. That is how important it is to them.

So, please, reject this and do the House of Representatives the honor of being allowed to deal with the subject itself and not allowing the Senate to do our thinking for us.

Mr. Speaker, submitted, as follows, for the RECORD, is a letter from the League of Conservation Voters regarding this matter:

LEAGUE OF CONSERVATION VOTERS,
Washington, October 6, 2000.

Re Oppose S. 2438, The Pipeline Safety Improvement Act of 2000

U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) is the bipartisan, political voice of the national environmental community. Each year, LCV publishes the National Environmental Scoreboard, which details the voting records of Members of Congress on environmental legislation. The Scoreboard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose S. 2438, the ''Pipeline Safety Improvement Act of 2000.'' S. 2438 does not contain any of the elements that are needed to significantly improve the safety of natural gas and oil pipelines.

According to the General Accounting Office, approximately four major pipeline accidents occur each week. The GAO also found that major accidents are increasing by approximately 4% annually at the same time that DOT's Office of Pipeline Safety's fines against the industry are declining: currently, only one in 25 violators receives a proposed fine. Oil pipelines spill over 6 million gallons annually, an amount equal to more than half of the Exxon Valdez release, and average spill size has been increasing since 1993 to over 44,000 gallons in 1999.

LCV believes that legislation to address pipeline safety issues must include the following three elements:

1. Strong regulatory standards (including pipeline testing type and frequency, leak detection requirements, etc.), and effective enforcement of those standards;
2. Expanded liability for releases; and,
3. Public accountability through right-to-know reporting and establishment and funding of regional advisory councils (similar to the councils in Alaska created by the Oil Pollution Act of 1990).

Several bills introduced in the House (H.R. 3558, 4792, and 5361) contain some or all of these critical pipeline safety provisions. In addition, LCV believes it is essential to remove the cost-benefit provisions put into section 60102(b) of the pipeline statute during its 1996 reauthorization, which are designed to prevent enactment of new safety and environmental protection regulations by requiring those regulations to meet economic and judicial tests that no other federal agency's standards must meet.

We urge you to vote no on S. 2438 and to pass a bill that is more protective of the environment and the public's health. LCV's Political Advisory Committee will consider including votes on these votes on these issues in compiling LCV's 2000 Scorecard: If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. SHUSTER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), the distinguished chairman of the Committee on Transportation and Infrastructure, for yielding me this time.

Mr. Speaker, I am a little bit puzzled at some of the opposition from the other side on this issue. My subcommittee held hearings on this legislation last year. My subcommittee passed the bill, I think, by unanimous consent out of the subcommittee. We passed a piece of legislation on this issue either by unanimous consent or with very few no votes out of the full Committee on Commerce, over a year ago. That legislation has languished as the Senate has worked its will on this same issue.

And now, as we are in the waning weeks of this Congress, the Senate has reported a bill that, quite frankly, is much stronger than the bill that came out of the Committee on Commerce. Our bill was a straight reauthorization of the existing pipeline safety law with some modifications. At the time of our hearings and the time of the debate in the committee, the Committee on Commerce, there were some concerns raised. The gentleman from Massachusetts (Mr. MARKEY), who just spoke, raised some concerns; but basically, at that point in time last year, it was felt that straight reauthorization with some modification was acceptable.

Now, what the other body has done is to actually present a much tougher bill in terms of safety. In fact, I think I could say with a straight face on the floor that this is the toughest pipeline safety bill to ever come before the House of Representatives. It increases fines in some cases by a factor of 20. It reduces the reporting requirements for liquid spills to 5 gallons. It increases dramatically the rights of local officials, safety agencies, and community residents to have access to important safety information from pipelines. It provides for a much expanded R&D program to improve pipeline safety technology. It provides, for the first time, whistle-blower protection for pipeline employees who wish to come forward and report possible safety or other types of violations.

Mr. Speaker, I could go on and on. I might add in the political context that the Clinton-Gore administration supported passage of this bill when it came out of the other body. The Democrat Senators from some of the States that have pipeline accidents in New Mexico and Washington State supported this bill when it was on the other body's floor.

So it comes over to us. Now, in a perfect world, we would like to have the Committee on Transportation and Infrastructure pass a bill, then go to the Committee on Rules and merge the Committee on Commerce bill and the Committee on Transportation and Infrastructure bill, then come to the floor and have a debate with some amendments. But we are late in the session, so we have put the Senate bill on the floor under suspension of the rules, which means it will take a two-thirds vote to pass this legislation later this evening.

I think we should be able to get a two-thirds vote. And if there are those that, for whatever reason, think that the Senate bill is imperfect, we can obviously come back to this legislation in the next Congress and, depending on which political party is in control, obviously reopen it and make further improvements, if that is necessary. But the decision today is do we pass the Senate bill. My judgment as subcommittee chairman that has jurisdiction on this issue is that the Senate bill is an improvement over current law, that it needs to be passed.

We should get the two-thirds vote. I have gone through the summary of the Senate legislation. I have looked at all of the analysis of the Senate legislation. I could quote some of the support groups that are supporting it. In addition to the Clinton-Gore administration, the National Governors' Conference is supporting this legislation. So it is a good piece of legislation.

I would hope that our colleagues, when we come to the floor later this evening, do pass this by a two-thirds vote so that we can send it on its way. If for some reason that fails, I would recommend to the leadership that we go to the Committee on Rules, we get a rule, and we bring it out under regular order, have a debate and vote it where it only needs a majority. But we felt like this was a strong enough piece of legislation that it could be put on the suspension calendar.

And, quite frankly, I thought it was noncontroversial enough to be put on the suspension calendar. So I am a little bit surprised about some of the statements that have been made so far on this particular bill.

Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation greatly improves the safe operation of natural gas, oil, and hazardous liquid pipelines and goes far to prevent future accidents.

The bill requires higher safety standards, allows a greater role for State participation, provides for strict accountability by the Department of Transportation to Congress, and allows increased public education and participation. It provides long term solutions for public safety by appropriating funds for Research and Development for innovative technologies for improving the structural integrity of pipelines and preventing accidents. And, it backs up these higher safety standards by sharply raising penalties for safety violators.

The recent accidents in Bellingham, Washington and New Mexico have made us all aware that higher safety standards and additional oversight authority benefit all of us. This legislation answers the concerns raised by those accidents. It requires the Department of Transportation to issue rules and for pipeline operators to develop programs that provide for: increased inspection of pipelines; increased maintenance; public input into the development of these programs; strengthened training for pipeline employees; improved data collection about pipelines and about accidents; public education programs; availability of information to the public; greater emergency preparedness; an expanded State role in oversight, inspection, and investigation of interstate pipelines; and protection for employees that report safety violations. In addition, the legislation requires inspection reports, maps of pipeline facilities, and other data to be available to the public. It raises public awareness by requiring a public education program. Many of these programs have deadlines and require the Secretary of Transportation to report back to Congress on the progress of these programs within a certain period of time. And, as I stated earlier, penalties have been increased, in one instance from 25 thousand dollars to five hundred thousand dollars.

We know that it is essential to have public support for maintaining the safe operation of pipelines. That is why a "whistleblower" protection provision is included in this bill. Other bills do not have these protections for good citizens and employees. This legislation also brings in the experts—it provides for the National Academy of Sciences to advise the Secretary of Transportation on Research and Development for innovative technologies to improve the safety, reliability, and structural integrity of pipelines, and inspection and leak detection technology. Research and Development is also focused on minimizing the environmental impact of pipelines.

In sum, this legislation greatly advances the ultimate goal of preventing future accidents by requiring and enforcing stricter safety standards, and expanding the role of the States and the public to ensure the safe operation of pipelines. I strongly urge my colleagues to support S. 2438.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is an insult to our intelligence. Let us put our cards on the table; let us say it the way it is. This legislation that we have just received from the Senate requires no periodic inspections. It requires zilch.

Number two, the people who do the inspections do not even have to be trained. Now, who are we kidding? Who are we really kidding on this legislation? This is a disgrace.

There are 2.2 million miles of pipeline in this country. And if my colleagues think this is going to help us, other than helping the pipeline companies, they are dead wrong and others are dead in the past 10 years.

My colleagues have heard the statistics. This is an insult that my colleagues would think that this is pipeline safety. Who are my colleagues doing their bidding for?

I have always stood up here with congeniality, but if my colleagues think this is going to help pipeline safety when these pipelines go into people's houses and through dormitories, do my colleagues know what we are now leading to? We are leading to a moratorium on pipelines until we get our own act together, and I do not care who supports it. We should vote this down.

1715

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I rise to urge a no vote.

And that is not out of disrespect to the work done by Senators MCCAIN and MURRAY in the other Chamber in an attempt to advance this cause. But, Mr. Speaker, the majority leadership has not brought one single House bill on this issue to the floor of this House this session despite multiple tragedies in multiple States of this country, not one single bill.

And why is that important? It is important because, unless we have a strong mandate that pipelines be inspected, a stronger mandate than is in the Senate bill, we will be committing the very same blunder, the very same blunder that Congress has made for 20 years running. They have deferred to OPS to pass rules 22 times, and 22 times that has been ignored. The House bills that we want to vote on a simple chance to vote plug that gigantic hole.

Now, there is one thing I know. I am not a scientist. I am not a meteorologist. I am not a hydrologist. But there is one thing I know, and that is that nobody has ever gotten a different result by doing the same thing.

We must break this chain of failure and statutorily mandate inspections or commit the same blunder that every Congress has made late in the session saying, it is the best we can do. It is not the best we can do, and it is not up to American standards.

I am not alone in this opinion. The people with moral authority on this subject, the three families who sent their young men out on a nice day in Bellingham in June last year whose sons never came home, want us to defeat this bill and move on to a stronger bill.

Now, the oil and gas industry desperately wants this legislation. They have sent armies of lobbyists up here to try to get this bill through. But I am not voting for them. I am not voting with them. I am voting for the families. I am voting for Redmond and Kirkland. I am voting for the environmental community. I am voting for my conviction of conscience that we must enact a strong bill now or forever lose our chance until another string of tragedies occur.

I will say one more thing. The oil and gas pipeline industry understands pressure. Do not let them use this for a relief valve. Keep the pressure on and pass a strong bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to point out once again, the Clinton-Gore administration supports passage of this bill. It passed the Senate by unanimous consent, which, if I understand correctly, there are 45 Democrat Senators in the other body. So this should not be a partisan issue.

I want to briefly read from the report that the gentleman from Michigan (Mr. DINGELL) asked the GAO to do on pipeline safety. On page 5, in the summary section, it says, ''The office,'' meaning the office that is responsible for overseeing pipeline safety, ''has historically had the lowest rate of implementation for these recommendations of any Transportation agency and has not implemented 22 statutory requirements, 12 of which date from 1992 or earlier.''

Now, the law that is before us is stronger than the current law. And the Clinton-Gore administration has not implemented the current law.

For my friends on the other side of the aisle that have concerns, legitimate concerns, direct those to the present administration. Help us pass this bill and then get it implemented.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, on October 3 the White House issued this statement: It is imperative that the House bring legislation to the floor as soon as possible so a new pipeline safety law that can be enacted before the end of the year.

The Secretary of Transportation said, referring to the bill Mr. DINGELL and I introduced, ''I urge the House leadership and its members to act quickly to pass comprehensive pipeline safety legislation and move to a conference with the Senate.''

There is no statement of administration support for this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF.)

(Mr. METCALF asked and was given permission to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, I rise to oppose this bill because it is far, far too weak.

Pipeline safety has been one of my top priorities in this, my last term in the House. In a way, it is gratifying to see a bill debated on the floor today which addresses some of the most important safety issues facing our communities. The two Senators from my state, SLADE GORTON and PATTY MURRAY, fought tirelessly for pipeline safety in the other body and moved legislation forward which markedly improves current law in several key areas, including expanded right-to-know provisions, increased civil penalties for bad actors, and whistleblower protections. I am extremely grateful to them both for their sincere efforts.

Unfortunately, I cannot support the bill we will vote on today. At the end of the day, it still leaves far too much discretion in the hands of the Office of Pipeline Safety (OPS), an agency which has habitually ignored Congressional directives and National Transportation Safety Board recommendations. For example: as part of this bill, pipeline operators are required to submit Integrity Management Plans to OPS which include periodic testing of their pipelines. There is no maximum period for frequency of inspections. Similar vagueness exists in the section dealing with employee training. In 1996, I voted against the last pipeline reauthorization bill because it removed the requirement that pipeline operators be certified as qualified to do their jobs. This bill does not reinstate that requirement.

Further, the language allows the states to take a more active role in pipeline safety regulation is weak, and in no way resembles my legislation, which is based on the model of the Clean Water Act. I fear that much of this bill could end up meaning nothing at all. We need to enact a law that leaves very little wiggle room to Federal regulators who have proven that they cannot be trusted to protect the public.

Proponents of this legislation admit that it is far from perfect. In fact, the strongest argument they make for its passage is that time is too short to pass something better. It may well be true that defeat of this bill means the death of pipeline legislation in this Congress. I am retiring at the end of this year, and would love to see a strong bill passed before I leave office. However, I would rather see Congress go back to the drawing board next year than pass this watered-down bill. I will vote against it, and would urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, pipelines are certainly important in supplying our Nation's energy needs. But in Travis County, Texas, when gasoline is to be pumped through a 50-year-old line not designed for gasoline located within a few feet of 11 public schools and across a major source of drinking water, the term ''pipeline safety'' is a conflict. It is an oxymoron.

Despite over thousands of Central Texans asking that they place the pipeline somewhere else, the Office of Pipeline Safety has been totally useless.

Frank King, for whose son this bill has been named, came all the way from Washington State to Austin, Texas, to meet with us to describe the horror that can develop when pipeline safety is neglected and pipelines are mislocated. This bill does his family absolutely no justice. It has been so weakened that it has even been blessed by the giant oil companies that are trying to impose the Longhorn pipeline on Central Texas neighborhoods.

We need a real pipeline safety bill, not a legislative illusion that does more to appease special interests than protect America's families. Reject this illusion tonight.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the ranking member for yielding me the time.

This Senate bill that is being proposed here today under the suspension rules falls very far short of the necessary protections that we need. And while some have said that this is a step in the right direction and some have even told us that we should not let the perfect be the enemy of the good, when is it that this House started letting only the passably good be the enemy of the best that we can do?

I agree with the gentleman from Texas (Mr. BARTON), we can do better and we should do better. And if we need to bring it to committee and allow it to come out under a regular rule so that we can put amendments to it, let us do it. But this bill as it came out of the Senate is too inadequate. It needs to be amended. We need to have inspections. We need to have training for workers so that they can do the right job on that for their own good and for the good of the public.

This is a bill that needs sorely to be corrected and to be improved. I ask that we do that in the right process, that we not settle here. There is nothing going to be accomplished by letting this pass in its present form. We can do much better. We can do much for many more people if we do the right thing and bring it back, let us amend it, let us make it a strong bill. Let us have safety in the pipelines.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to repeat the words of Marlene Robinson, mother of Liam Wood, whose life was lost in the Billingham pipeline tragedy.

He was 18 years old. He had just graduated from high school 5 days before. He did not go off on a party with his buddies. He went off fly fishing, the

thing she said that made him happiest, 5 minutes from downtown. What he did not know was that a gas pipeline went through that area. A wall of fumes roared down that canyon and snuffed his life out, and then it exploded and incinerated two other children further on down.

That is what this is all about. Do not tell me this is about the good and the perfect. Do not tell me this is about the other body that will not give us time to consider the bill.

They passed their bill a month ago. We had a month to do something whether in committee or on this floor. We had a month to do something good for life.

And what Marlene Robinson said was that this bill does not do the job. If the Office of Pipeline Safety will not protect the health and safety of our children in the community, she said, then our lawmakers must.

She referred to this bill and said it is fatally weakened by effects of intense pressure from the pipeline industry. It is lives at stake. It is not political careers. It is not who is in charge. It is not who is the majority this year, who may be the majority next year. It is what we can do now.

We will be judged on whether we have made the pile higher and better and left a better legacy. We can do better than this bill. We can do something that we have been waiting 13 years to do, at least this gentleman has since the last hearings that I chaired on the subject and found in a Republican administration failure of this Office of Pipeline Safety to do its job, in a Democratic administration failure of the same office to do its job.

It is up to the Congress, as Mrs. Robinson said, it is up to us to draw the line, to protect communities, and to pass a bill that ensures safety for all of our children.

This is the hour of truth.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would indeed point out that the complaints which my good friend has alluded to and which I agree with really are complaints about the Clinton-Gore administration for not enforcing the law and not being tough enough with their regulations. And indeed that is what we are trying to fix here.

In fact, I hear so much about the pipeline industry being for this, if we really wanted to help the pipeline industry, we would bottle up this legislation and not pass anything so there would be weaker than the weak current legislation on the books. Instead, we provide what is clearly stronger legislation.

Now, a year ago our good friends on the Committee on Commerce passed legislation on pipeline safety with virtually no substantive change in it and the very gentlemen, my good friends from the Committee on Commerce, who have taken the floor today to oppose this stronger legislation voted unanimously in favor of that weaker legislation which came out of their committee just a year ago.

So this indeed is stronger legislation, not as strong as I would like it to be. And if we had more time, my colleagues can bet we would be attempting to negotiate with the Senate an even better bill.

But the stark choice today is to live with the weak law we have or to accept the improvements passed by the Senate not overwhelmingly, that is not an adequate term, unanimously, 99–0, with 45 Democrats supporting the legislation.

So it clearly is bipartisan. It is a major step in the right direction. I would be happy to join with my friends next year if we are here to try to improve it further. But let us pass legislation which is going to save lives rather than defer that until another year.

And so, I strongly urge that this legislation be passed.

Mr. Speaker, I submit this Joint Explanatory Statement for the gentleman from Virginia (Chairman BLILEY) and myself.

S. 2438 requires the Secretary of Transportation to implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report. In addition, the legislation requires the Secretary of Transportation to submit reports on the implementation of those recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The Committee on Commerce of the House of Representatives also shares responsibility for pipeline safety legislation. Therefore, in addition to the abovementioned Committees, the Secretary of Transportation should also transmit such reports to the Committee on Commerce of the House of Representatives.

Mr. HOLT. Mr. Speaker, this nation has 157,000 miles of aging pipeline. The fact is that pipelines transport most of the natural gas and hazardous liquids in the United States.

In many places, pipelines go unnoticed. Sometimes people don't even know that there is a pipeline near their home.

However, in places like Lively, Texas; Mounds View, Minnesota; Bellingham, Washington; and Edison, New Jersey, just north of my district, pipelines are no longer taken for granted. Explosions have rocked these communities and taken innocent lives.

We need to ensure accidents like these will never happen again. We need stronger pipeline standards.

There must be statutorily required inspections at least once every five years.

There must be a national safety certification program for pipeline operators, like programs for railroad engineers or FAA mechanics.

And we need penalties for spills occurring on land to be made as stringent as existing penalties for spills occurring in water under the Clean Water Act.

S. 2438 does not ensure that these protections are provided.

I am proud to join my colleagues Representative INSLEE and Representative PASCRELL (PALLONE, BAIRD, SMITH, DICKS, MCDERMOTT are also sponsors) in sponsoring the ''Comprehensive Pipeline Safety Improvement Act of 2000'' (HR 4792) that will make these protections mandatory.

Time is running out in this Congress to provide these protections. We need to act now. For all these reasons, I will be opposing this bill today. I urge my colleagues to defeat S. 2438 so that we can bring up real, strong, pipeline safety legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in reluctant opposition to S. 2438, the Pipeline Safety Improvement Act of 2000.

All too often, Members of this body are faced with the unpleasant task of choosing between doing nothing at all or doing something that is inadequate. I will readily admit that S. 2438 is an improvement over the current pipeline safety regime. However, this Congress could have done so much more, and I believe that doing the inadequate would be a grave injustice to those who lost their lives in recent pipeline accidents and to the loved ones they left behind.

Proponents of S. 2438 tacitly admit that there bill does not do enough to improve pipeline safety standards and enforcement. They instead urge that we pass this bill because Congress simply does not have enough time to work on a stronger bill. The reality is that the House had plenty of time to consider how to improve on the Senate bill. Furthermore, even before we received the Senate bill, staff on the communities with jurisdiction over the bill were negotiating in good faith to reach a compromise to incorporate the key provisions of several bills introduced in the House. The failure of the House to act on true reform measures to improve pipeline safety merely epitomes this Congress' failure to enact a whole host of legislation to improve the health and safety of ordinary Americans.

It is still not too late to pass a strong pipeline safety bill before the 106th Congress adjourns. Representatives OBERSTAR and DINGELL recently introduced H.R. 5361, a bill that includes necessary provisions pertaining to accountability to the public, stronger safety standards, and more diligent enforcement. Now that the bill has failed to obtain the requisite two-thirds support to pass under suspension of the rules, I hope that S. 2438 will be reconsidered under regular order, thereby enabling the House to consider H.R. 5361 as an amendment in the nature of a substitute.

Mr. Speaker, it is still not too late to act on pipeline safety. I urge the House to pass H.R. 5361 or similar legislation.

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to S. 2438, the Senate pipeline bill in its current form. Pipeline safety is an issue of great importance, and one that hits very close to

home for those of us in the Pacific Northwest, a pipeline explosion in Bellingham, Washington on June 10, 1999 killed three children. This and other recent tragedies have highlighted the need for strengthening federal pipeline safety laws; that is why I cosponsored H.R. 5361. Unfortunately, the bill that provides the greatest protection for workers and their families did not make it to the floor of the House. Since the House Leadership has scheduled a vote on S. 2438 under suspension of the rules, and no amendments may be offered for its improvement, I must vote against it.

S. 2438 fails to adequately protect our communities because the federal Office of Pipeline Safety (OPS) would not be required to take action on such critical matters as pipeline inspection, leak detection, worker protection and training, and fines. This is in stark contrast to the mandatory requirements that are included in H.R. 5361. The pipeline industry has succeeded in circumventing meaningful regulation for decades because of weak legislation. Passing S. 2438 would send yet another message to OPS that the industry can continue to do so.

Critics of the stronger House legislation say it has no chance of passing during this Congress, therefore, we must support the weaker Senate version—something is better than nothing. I disagree, once pipeline safety legislation is passed, the urgency to revisit the issue will diminish. At least until another deadly explosion.

Mr. Speaker, I submit the following Seattle Times op-ed into the RECORD. It is written by the parents of the three children killed in the Bellingham, Washington pipeline explosion and calls for Congress to pass the stronger House legislation.

[From the Seattle Times, Editorials & Opinion, Fri., Oct. 06, 2000]

PIPELINE SAFETY: DON'T SACRIFICE THE GOOD FOR THE STATUS QUO

(By Marlene Robinson and Bruce Brabec, Frank and Mary King, Katherine Dalen and Edwin Williams Special to The Times)

We are the parents who lost children when the Olympic pipeline exploded on June 10, 1999. As we struggled with our own loss, we also have struggled to give meaning to that loss by trying to make pipelines safer in this country. To our sadness and despair, before we were able to see meaningful pipeline reform occur, tragedy struck again with a pipeline explosion that killed 12 family members in New Mexico.

The Washington state delegation to Congress, led by Reps. Jay Inslee and Jack Metcalf, and Sens. Slade Gorton and Patty Murray, have done a wonderful job of pushing pipeline safety into the consciousness of Washington, D.C. Without their efforts, there would not now be a debate regarding whether to pass the weak bill that the Senate approved, or to wait for a real, meaningful bill from the House. For their efforts, we thank them.

In her recent guest commentary, Sen. Murray said that our push for a meaningful pipeline safety bill from the House means that we are willing ''to sacrifice the good for the perfect.'' We wish our choice was between good and perfect but, unfortunately, the bill that passed the Senate was so watered down by those who pay homage to the powerful oil and gas lobbyists, that in reality it would change very little.

The Senate pipeline bill leaves almost all decisions on critical matters, such as pipeline testing, pipeline leak detection, employee training, public involvement and fines, up to the discretion of the federal Office of Pipeline Safety (OPS). According to the General Accounting Office, OPS has failed to implement 22 legislative mandates Congress has passed since 1988. If you tell an agency to do something 22 times and they ignore you, by what logic do you think they will pay attention the 23rd time?

After a terrible pipeline explosion killed a mother and her daughter in Mounds View, Minn., in 1986, the industry and the OPS said they would develop new standards to ensure safety. They did not. After a huge pipeline explosion destroyed part of Edison, N.J., in 1994, the industry and OPS said they would develop new standards to ensure safety. They did not!

After three dead here in Bellingham, and now 12 more dead in New Mexico, guess what the industry and OPS are saying. Why should we trust them this time? Ask yourself why pipeline-safety organizations across the country are opposed to the Senate pipeline bill, while the pipeline industry is now trying to push for its passage.

For a pipeline bill to have real meaning, it has to take the discretion away from the industry-controlled Office of Pipeline Safety. It has to spell out clearly how often pipelines need to be tested, and how that testing is to be accomplished. It has to set strict penalties for companies that do not pay enough attention to their pipelines. It has to include strong local oversight of pipeline safety so those who have the most to lose it something goes wrong have a say in making sure that pipelines are safe. And it needs to ensure that the public can review a wide range of information regarding the pipeline that runs through their communities.

These requirements all made common sense, practical sense, and represent what a good pipeline safety bill would do. The Senate bill does not accomplish any of these, and we call on the members of the House to do what it takes to pass a stronger ball that secures the public true safety improvements.

Those who are advocating our acceptance of the inadequate Senate bill urge us not to ''sacrifice the good for the perfect.'' But the reality is that the Senate bill is a long way from ''good'' and will result in business as usual in an industry that enjoyed a net profit of 40 percent in 1999, while communities across the nation will continue to experience horrific failures of aging pipelines.

How many more sons and daughters will be lost before meaningful pipeline-safety reform is passed? We do not want to wait until next year, but we will if we must.

Fortunately, good pipeline-safety bills have already been drafted and introduced in the House. The House needs to pass one promptly, and the Senate needs to follow the House's lead and not sacrifice the good for the status quo.

The authors are parents of the three young people killed in the Bellingham pipeline disaster.

Mr. SHOWS. Mr. Speaker, pipeline safety is of great importance to environmentally sensitive areas. Some of the most environmentally sensitive pipeline facilities are cable suspension bridges that convey pipelines above rivers and canyons.

As a former state highway commissioner, I strongly believe that it is critical to maintain the approximately 4,000 pipeline bridges in this country or we will face the prospect of having to bore underground to replace this essential part of our infrastructure. It is important to clarify that cable suspension pipeline bridges have unique qualifications in addition to other pipelines that must be addressed to ensure safety through regular maintenance and inspection.

Pipeline safety legislation under consideration today requires that the operators and inspectors be properly trained to inspect all pipeline facilities. It is imperative that the inspectors of these pipelines possess specialized knowledge to properly determine the structural integrity and soundness of the cable suspension bridge that supports the pipeline as well as the pipeline itself. Such knowledge should include an understanding of and training in: steel fabrication, structural engineering fundamentals, pipeline behavior under operating pressure, the characteristics of all cable types used in suspension bridges, and the characteristics of reinforced concrete foundation structures.

It will be required through this bill that the Office of Pipeline Safety's technical experts, in conjunction with the industry, develop specific plans to ensure the integrity and safety of all pipelines. These regulations will ensure that all pipelines, including cable suspension pipeline bridges, are properly maintained and inspected to ensure the highest safety standards possible.

Mr. GREEN of Texas. Mr. Speaker, I am pleased today to rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation will provide tough new financial penalties for safety violations and will lower the spill reporting threshold to five gallons as opposed to 50 barrels under existing law. In addition, the bill requires pipeline companies to implement stronger training and qualifications requirements for their personnel and strengthens the public ''right to know'' and ''whistle-blower'' protections for pipeline company employees.

Each of these changes is designed to rebuild confidence in what has been one of the safest industries in the country. Unfortunately, no industry is perfect and the need for this legislation was highlighted by two recent pipeline explosions in Washington State and New Mexico. These two events have galvanized my belief that S. 2438 will move towards improving the industry safety record.

Although I would still like to include other public safety protections, I understand the need for a pipeline safety bill this year is clear. I look forward to continuing working with my colleagues on the Committee on Commerce that I serve on but also in the Committee on Transportation and Infrastructure if necessary to move even stronger legislation next year. Pipelines have been shown to be a much safer way to transport products than trucks or other methods and the current bill increases that safety factor.

I also want to point out what I believe should be the model pipeline in terms of safety. I, along with several of my Texas colleagues, have been working to secure Federal approval of a project called the Longhorn Pipeline. The Longhorn Pipeline begins at Galena Park, Texas, in east Harris County in the district I represent and goes across Texas for approximately 700 miles to El Paso, Texas.

The Longhorn Mitigation Plan protects the environment and all the people along the pipeline route and is of a scope and rigor unprecedented in the pipeline industry. It includes measures designed to reduce the probability of a spill as well as measures designed to provide greater protection to the more sensitive areas, including areas where communities and drinking water supplies could be affected.

Longhorn was willing to take extraordinary steps to protect the people living in close proximity to their pipeline and I believe they have set the industry standard.

Mr. Speaker, transporting hazardous materials by pipeline is the safest and most economical way to deliver these products to market. S. 2438 will raise the bar of safety on our pipeline companies and punish those bad actors who operate on the margins of the safety envelope. Human lives and environmental quality are too important for us not to take action immediately.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of S. 2438, the Pipeline Safety Improvement Act, a bill introduced by Senator JOHN MCCAIN which had bipartisan support in the Senate. My home state of Texas has more pipeline mileage than any other state, so maintaining the safe operation of these systems is important. In 1996, two teenagers were killed in my Congressional district while they were trying to warn their neighborhood about a leak from a pipeline carrying flammable butane. More can be done to improve pipeline safety, and this legislation represents the best—and for this Congress, the only—opportunity to make constructive changes.

Several of my colleagues have argued that we should kill this bill now, and work to pass another bill later, more along the lines of the bill introduced by my friends Mr. DINGELL and Mr. OBERSTAR. I respect the concerns of these gentlemen, but I would say to my friends that the bill before us today is a good bill. The question of which bill is tougher is relative—in some areas the McCain bill is tougher, and in other areas the Dingell/Oberstar bill is tougher. For example, the McCain bill has higher penalties for safety violations, protections for pipeline employee whistleblowers, more defined pipeline safety research and development goals, and temporary job assignment requirements for pipeline employees involved in an accident. But more importantly, it is worth noting that the McCain bill, and the bill introduced by Messrs. OBERSTAR and DINGELL, are much more alike than different. I think it's important that we not lose sight of this fact.

Mr. Speaker, the McCain bill has one other key advantage over any House legislation—it has already passed the Senate by a unanimous vote. Let's not drop the ball in the last few seconds of the game. Americans want safe pipelines. In this final week of the 106th Congress, we ought to join together to pass this laudable legislation, and work in the next Congress with Mr. DINGELL and Mr. OBERSTAR to ensure that the Act is implemented in a responsible manner.

Let's not let the perfect be the enemy of the good. I urge my colleagues to vote ''yes'' on S. 2438.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This is a good bill which will improve the safety of our natural gas and hazardous liquid pipelines.

There are 325,000 miles of natural gas pipelines and almost 156,000 miles of hazardous liquid pipelines in the United States. These pipelines transport over 20 trillion cubic feet of natural gas and 616.5 billion ton-miles of oil and oil products each year. These pipelines are critical in moving the fuels necessary to heat and light our homes and businesses and power our cars. As we discovered last winter, when heating oil was in short supply in the Northeast, and this past summer, when certain types of gasoline had difficulty reaching cities in the Midwest, these pipelines are also an important part of our economy. Therefore, it is important that these pipelines are operated as safely as possible, not only to protect individuals living or working near these lines and the environment, but to also assure that these fuels get to where they are needed.

The natural gas and hazardous liquid pipeline safety programs are essential to preserving the safety of our communities from the risk posed by pipelines. Since 1968, the Natural Gas and Hazardous Liquid Pipeline Safety Acts have been the primary authorities through which the Department of Transportation has instituted regulations safeguarding our national pipeline system. This statute must be periodically reauthorized and the current authorization expires at the end of Fiscal Year 2000. The Commerce Committee shares jurisdiction over pipeline safety and has worked towards reauthorization of this important Act since early last year. We are including in the record today, a joint explanation with Chairman Shuster, indicating that reports required by S. 2438 should be provided to the Committee on Commerce, as well as the Committee on Transportation and Infrastructure, so that both Committees can continue to monitor the implementation of this Act.

With the recent accidents in Bellingham, Washington and New Mexico, the Department of Transportation's pipeline safety program has been placed under scrutiny by Congress and others. Unfortunately, that scrutiny has revealed some real shortcomings in the program. As analysis of the pipeline safety program conducted by the Inspector General of the Department of Transportation recommended six things that could be done to improve the pipeline safety program. For the most part, these are simple things: complete the actions Congress mandated in 1992 and 1996, expand the focus of its research and development programs, develop a program to better train its inspectors on the latest technologies, revise its system of collecting and processing accident date to allow for more detailed trend analysis, require revised accident reports when necessary, and respond to open National Transportation Safety Board safety recommendations. These simple actions can have big impacts on improved pipeline safety.

S. 2438 requires the Office of Pipeline Safety to comply with these recommendations. It also contains provisions requiring periodic testing of pipelines, improved training for pipeline operators, improved public information, increased reporting of spills. In addition, the bill increases State and local oversight and input, provides for more targeted research and development to improve pipeline safety, and provides increased funding for the Office of Pipeline Safety. Finally, the bill provides important protection for whistleblowers.

I know there are some who would like to put in place even more mandates. I don't think that is the answer. Greater accountability is key. Unfortunately, as long as we have an Office of Pipeline Safety that fails to act on the Congressional mandates already in place both new and old mandates will not be worth the paper they are written on. And one thing Washington doesn't need more of is paper.

I believe this bill strikes the right balance between new mandates targeted at specific problems and accountability for implementing old mandates. I urge my colleagues to support this legislation.

Mr. ROTHMAN. Mr. Speaker, I rise today in strong opposition to S. 2438.

I oppose this bill because it is weak and does next to nothing to ensure the safety of my constituents who live or work near a natural gas pipeline.

Sadly, thirteen years after the National Transportation Safety Board first recommended that pipeline operators inspect their pipelines to identify corrosion or other mechanical damage—nothing has been done.

The Department of Transportation has not moved on the NTSB's 1987 recommendation and no regulations exist today to force pipeline operators to regularly inspect their pipelines.

I am deeply concerned over the issue of pipeline safety because in New Jersey, the most densely populated state in the nation, tens of thousands of residents live and work near areas cris-crossed by pipelines.

As my colleagues from New Jersey will remember, it was only six years ago that a massive natural gas pipeline explosion occurred in Edison, New Jersey.

That pipeline explosion destroyed eight apartment buildings and disrupted what was once a stable neighborhood.

Mr. Speaker, there are plans to today to expand a natural gas pipeline in Bergen County, New Jersey, a pipeline that would run very near a residential neighborhood and a playground in North Arlington, New Jersey.

How can this Congress, in good conscience, pass a bill that simply extends the status quo—and does not require the Department of Transportation to issue any meaningful regulations designed to address pipeline safety issues?

What will we say when and if a pipeline problem harms innocent individuals in North Arlington, New Jersey or elsewhere in America?

I urge my colleagues to oppose this weak bill that fails and honor our obligation to protect the public's safety.

Mr. SANDLIN. Mr. Speaker, I rise in strong support of S. 2438, the King and Tsiorvas Pipeline Safety Improvement Act. In order to know why this legislation is so important, one only has to remember that seventeen U.S. citizens have died in pipeline accidents during this Congress.

By passing this legislation, the House will be taking an important step in avoiding future pipeline tragedies. We all recognize that natural gas, oil, gasoline, diesel fuel, and other industrial liquids play key roles in the nation's economy. Over 3,000 natural gas operators and 52,000 master meter and liquefied natural gas operators and over 200 hazardous liquid operators bring these products to market. Transporting both gaseous and liquid materials safely through an intricate network of over 1,750,000 miles of pipeline is a complex undertaking. Today, we have the opportunity to better protect the public from the dangers of pipeline operations.

Among other things, S. 2438 will improve current law by investing in new technology to improve pipeline safety, increasing civil penalties for safety violations, and requiring pipeline operators to conduct periodic inspections of their systems. In addition, in response to accusations that the Office of Pipeline Safety (OPS) has not always done its job in the past S. 2438 provides a significant increase in funds for the OPS to enable it to hire more personnel to handle the mandates that Congress has already required.

Some of our colleagues will argue that this bill is not strong enough. In fact, S. 2438 is the strongest pipeline safety reform ever adopted by either body of Congress. This bill represents meaningful reform. It was crafted by a bipartisan group of legislators who worked through months of meetings and negotiations to develop the best bill possible. The resulting legislation is so strong that both the Vice President and the Secretary of Transportation supported passage of S. 2438.

Let's not put process over results. Our nation needs strong pipeline safety legislation this year. The safety of millions of Americans is at stake, and S. 2438 is a strong, workable bill that will result in vast improvements over the current safeguards for pipeline operations. I urge all Members to support S. 2438. It is a good bipartisan bill that will take an effective first step towards improving pipeline safety.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2438.

The question was taken.

Mr. OBERSTAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

1730

DISASTER MITIGATION ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Public safety officer benefits for certain Federal and State employees.
Sec. 306. Buy American.
Sec. 307. Treatment of certain real property.
Sec. 308. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 203. PREDISASTER HAZARD MITIGATION.

''(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

''(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

''(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

''(d) STATE RECOMMENDATIONS.—

''(1) IN GENERAL.—

''(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

''(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

''(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

''(2) USE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

''(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

''(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

''(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Technical and financial assistance provided under this section—