Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

ORDER OF PROCEDURE

Mr. GORTON. I ask unanimous consent that I be permitted to speak in morning business for not to exceed 10 minutes.

Mr. BRYAN. Reserving my right to object, and I assure my colleague I will not, I wonder if my colleague would be amenable to a unanimous consent request that following the 10 minutes the Senator is requesting, I be permitted 10 minutes as well. I make that request because unless I do so, at 11:30 I might be precluded.

Mr. GORTON. I am delighted to. I amend my unanimous consent request to include the request of the Senator from Nevada.

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

Mr. GORTON. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2004, the Pipeline Safety Act of 2000 introduced earlier this year by my colleague from Washington State, Senator MURRAY.

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

PIPELINE SAFETY

Mr. GORTON. I am here to address the issue of pipeline safety, an issue that people in most communities, cities, and towns do not concern themselves with unless, regretfully, a tragedy occurs, such as the one that took place in Bellingham, WA, last June.

The devastating liquid pipeline explosion that rocked the city of Bellingham and took the lives of three young boys rightfully served as a wakeup call and focused our attention on the need for pipeline safety reform. While pipelines continue to be the safest means of transporting liquid fuels and gas, and though accidents may be infrequent on the more than 2 million miles of mostly invisible pipelines in the United States, Bellingham has shown us that pipelines do pose potential dangers that we ignore at our peril.

In testifying on the Bellingham incident before a House committee last fall, I commented that while Congress had an obligation substantively to revise the Pipeline Safety Act in response to the clarion call for Bellingham, proposals for specific changes to the law seemed premature at that time. State and local officials in Washington State, as well as citizens groups, environmentalists, and various Federal oversight bodies, were just beginning to examine the accident and its causes.

The Commerce Committee, of which I am a member, has primary jurisdiction over this bill in the Senate, and last year I implored the chairman, Senator MCCAIN, and other committee members to make the reauthorization a top priority. Last week, at my request, the Commerce Committee scheduled the first Senate hearing on the topic of pipelines.

The field hearing to address the Bellingham incident and the State's response to it will be held in Bellingham, WA, next Monday, March 13.

I encourage my colleagues from the Senate Commerce Committee to come to Bellingham next Monday to hear firsthand testimony from the families of the victims and from local officials whose lives have been transformed by this tragedy. Theirs is a story which compels us to action. The families and the community will never forget what happened last June 10, nor should we in Congress. It is our duty to take the lessons learned in Bellingham and adopt tougher safety measures that will allow us to prevent future tragedies.

This hearing will, I hope, serve as guide as we debate the reauthorization of the Pipeline Safety Act. And while a number of the studies and operational reviews commissioned after the accident are still incomplete, including those of the National Transportation Safety Board, on the cause of the accident in Bellingham and the report of the General Accounting Office as to the performance of the Office of Pipeline Safety, other reviews are complete.

Primary among these is the report of the Fuel Accident Prevention and Response Team, a task force convened by Governor Gary Locke and charged with reviewing Federal, State and local laws and practices affecting pipeline accident prevention and response. A significant contributor to this report was Mayor Mark Asmundson of Bellingham, whose efforts to learn from, educate others about, and rationally apply the lessons of that tragedy have been commendable.

The Fuel Accident Team recommended changes in law and practice at the Federal, State, and local levels. It revealed that there is a lot that can be done by State and local officials that is not being done, particularly in the area of emergency preparedness, public education, and adoption of appropriate set-back requirements to keep development away from lines. The Fuel Accident Team also found, however, that at least with respect to interstate pipelines, State and local officials are limited by Federal law from regulating many of the safety aspects of these lines, and that only the Federal Government can adopt or enforce requirements for inspection, emergency flow restriction devices, operator training, leak detection, corrosion prevention, maximum pressure, and other safety measures relevant to the safe construction, maintenance, and operation of pipelines.

While there may be good arguments that pipelines should be managed systemically and why inconsistent State standards could erode rather than promote safety, these arguments are fatally undermined by the absence of meaningful Federal standards. To tell State and local governments, as the Pipeline Safety Act effectively does, that they cannot require internal inspections of pipelines passing through their communities, under their schools and homes and senior centers, when a Federal requirement for internal inspections is years overdue, strikes me as the worst kind of Federal conceit.

Amending the Pipeline Safety Act to relax Federal preemption and allow States to exceed minimum Federal safety standards was the first recommendation of Washington's Fuel Accident Team. Despite this recommendation, I understand that the administration's proposal for the reauthorization of the Pipeline Safety Act will move in exactly the opposite direction, that is, it will propose to eliminate even the vague authority under which the Office of Pipeline Safety has appointed four States as its agents for purposes of inspecting interstate liquid pipelines.

The purported reason for further disempowering States is, I understand, OPS's perception that a system of inconsistent standards is unsafe, OPS's perception that a system of inconsistent standards is unsafe, and that States already have their hands full with regulating intrastate pipelines, which are far more extensive than interstate lines. But what if the States disagree with this attitude, which, in the absence of meaningful Federal standards is tantamount to saying that ''no standards are better than anything States can come up with''?

Yes, the interstate nature of some pipelines gives the Federal Government the option of regulating them and preempting States from doing so. If the Federal Government is not going to do its job, however, why should we prevent States from assuming responsibility for something as important as pipeline safety?

To its credit, in response to the Bellingham incident the Office of Pipeline Safety has proposed to complete a rulemaking on ''pipeline integrity'' by the end of this year. This rulemaking, years overdue, is not only supposed to address requirements for internal inspection and the use of emergency flow restriction devices in highly populated and environmentally sensitive areas, but to adopt a systemic approach to pipeline safety that focuses not just on specific tests but on making sure that pipeline operators are accurately assessing risks, collecting and properly analyzing relevant data, and exercising sound judgment. Following the June 10 accident last year, the city of Bellingham conditioned the resumption of operations of a portion of the pipeline on the Olympic Pipe Line Company's adherence to certain process management standards borrowed from OSHA regulations applicable to oil refineries. This emphasis on a process management approach is, I believe, sound and should, I believe, be incorporated into any new Federal safety standards.

Once meaningful Federal standards for pipelines are in place, debate about

whether or not safety is advanced by allowing States to adopt and enforce stricter, but inconsistent standards, can begin. Even then, however, and certainly until then, I support the proposals in the legislation cosponsored in the House and Senate by all of the Washington delegation members to prescribe procedures for States to assume greater authority in the regulation of pipeline safety. Both H.R. 3558 and S. 2004 would permit States to apply for more regulatory authority from the Department of Transportation, which is charged with reviewing the proposals to ensure that states have the necessary resources and that the Balkanization of pipeline regulation will not degrade safety.

I look forward to working with my colleagues from Washington to ensure that the following principles, many of which are reflected in the current S. 2004, are contained in the reauthorization of the Pipeline Safety Act.

First, I support efforts to allow States greater authority to adopt and enforce safety standards for interstate pipelines, particularly is light of the absence of meaningful Federal standards. This increase in authority should be accompanied by an increase in grants to States to carry out pipeline safety activities.

Second, I agree with Senator MURRAY that we need to improve the collection and dissemination of information about pipelines to the public and to local and State officials responsible for preventing and responding to pipeline accidents. We also need to ensure that operators are collecting information necessary accurately to assess risks and to respond. The public should be informed about where pipelines are located, what condition they are in, when they fail—we need to lower the threshold for reporting failures—and why they fail. We should ensure that relevant information is gathered and made available over widely accessible means like the Internet.

Third, in addition to providing an explicit mechanism for States to seek additional regulatory authority over interstate pipelines, Federal legislation should adopt some mechanism for ensuring that meaningful standards for pipeline testing, monitoring, and operation are adopted at the national level. Congress has directed the DOT to do some of this in the past. But as the Inspector General noted, some of the rulemakings are years overdue. To the extent that lack of funding can account for some of the delay we should ensure sufficient appropriations to allow OPS to complete the necessary rulemakings and develop the technology needed to conduct reliable tests of pipelines.

While I am reluctant to have Congress, rather than experts, prescribe specific testing and monitoring requirements, and while I fully appreciate the need for flexible testing regimes that recognize the differences among pipelines facing variable risks as well as the need for dynamic standards that advance with knowledge and technology, I am sympathetic to the position that specific mandates may be necessary in the face of inaction on the part of OPS. Congress has repeatedly asked OPS to conduct rulemakings and been ignored. As a consequence I can understand those who have lost patience and are prepared to put specific testing and operational prescriptions into Federal statute.

In addition to ensuring that OPS complies with years-old statutory mandates, I support the Inspector General's recommendation that OPS act upon, either to reject or accept, the recommendations of the National Transportation Safety Board. I don't pretend to know whether NTSB's recommendations, that have been accumulating for years, will advance safety. It is unacceptable, however, that OPS should simply ignore them.

Fourth, I have heard from citizens' groups who support the creation of a model oversight oil spill advisory panel in Washington State. I see a real value in creating such a body, and empowering it with meaningful authority to comment on and influence State and Federal action or inaction. Such an advisory panel can continue to focus needed attention on the issue of pipeline safety when the painful memory of June 10 begins, for many, at the same time mercifully and regretfully, to fade.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Nevada.

IN SUPPORT OF FAA CONFERENCE REPORT

Mr. BRYAN Mr. President, I rise today in support of the FAA conference report which will be voted upon later on this afternoon and to discuss one particular feature of that report, the so-called perimeter rule. This is a rule that is both arcane and archaic. It is anticompetitive and unnecessary. The so-called perimeter rule is a rule, enacted by Congress in 1986, that precludes any flight originating at Washington National Airport, the region's most popular airline destination for the Nation's Capital, from flying nonstop more than 1,250 miles from the Nation's Capital. That also includes any inbound flights to Washington National from a point that originates more than 1,250 miles from the Nation's Capital.

This perimeter rule was enacted by Congress in 1986. It might have had some historical justification. The origin of the rule is based upon an attempt to force additional air traffic into Washington's Dulles Airport, which is some distance from the Nation's Capital and not as convenient. Whatever the historical rationale may have been, I think anyone who has used Washington's Dulles Airport in recent years, as I do frequently, would testify that it is a fully operational airport with a multibillion-dollar expansion and much traffic.

Today, the so-called perimeter rule is defended on the basis of noise control in Northern Virginia and the surrounding area. That was not its historical justification. Now, the effect of the so-called perimeter rule is to preclude direct flights, nonstop, into Washington's National Airport from most of the country and all of the West.

As a historical insight, the original perimeter rule was 750 miles. Then, when Russell Long became chairman of the Senate Finance Committee, his congressional district was in New Orleans, and the distinguished occupant of the chair will not be surprised to learn that the perimeter rule had some flexibility then, and the length was extended so one could fly nonstop to New Orleans. And later, when, I believe, Jim Wright became the Speaker, his congressional district was the Dallas-Fort Worth area, so it was extended to 1,250 miles, its current length.

My point is, there is nothing sacrosanct about this rule. It makes no sense in terms of safety. The Federal Aviation Administration has concluded there is no safety issue involved, and the GAO has repeatedly asserted that the effect of the rule is anticompetitive and it has the effect of driving prices up.

Now, the debate in this Chamber frequently echoes back and forth about Government interference in the marketplace, meddling, arbitrary rules that restrict entry, rules that make it difficult for the private sector to respond to the market. I can't think of a better example of that than this so-called perimeter rule.

For that reason, I am particularly pleased to support this conference report because one of the features in the conference report modifies the perimeter rule. It doesn't eliminate it in its entirety, but it does permit 12 slots that would be authorized to fly beyond the 1,250-mile perimeter, and that means cities such as Las Vegas and other major metropolitan areas in the West will be able to compete for those routes.

It also contains a provision that specifically recognizes new entrants into the market. Many will recall that the underlying premise of the deregulation of the airline industry assumed there would be a number of new entrants into the market. Unfortunately, by and large, that has not occurred. New entrants have had a particularly difficult time entering into this market. It is a very competitive market, and indeed the survivability of those new entrants has been very limited. So this particular provision repeals, in part, the perimeter rule to permit 12 flights to fly beyond the 1,250 miles and to originate from a distance beyond that, thereby making nonstop service to the West a possibility.

It is my hope that among the communities that would be considered would be Las Vegas, which is rapidly