

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			3,994.00		165.00				4,159.00
William Duhnke			3,016.00		165.00				3,181.00
Kathy Casey			3,644.00		2,355.00				5,999.00
Andrea Andrews			3,994.00						3,994.00
Total			14,648.00		2,685.00				17,333.00

RICHARD SHELBY,
Chairman, Committee on Intelligence, July 24, 2000.

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			2,933.00		4,557.90				7,490.90
Peter Dorn			2,930.00		5,352.00				8,282.00
Senator Richard Shelby			3,419.00						3,419.00
Senator Richard Bryan			2,928.00						2,928.00
Alfred Cumming			2,619.00						2,619.00
Senator Frank Lautenberg			504.00		2,073.80				2,577.80
Vicki Divoll			485.00		1,827.80				2,312.80
Anne Caldwell			2,919.00						2,919.00
William Duhnke			2,582.00						2,582.00
Total			21,319.00		13,811.50				35,130.50

RICHARD SHELBY,
Chairman, Committee on Intelligence, July 24, 2000.

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jay Kimmitt:									
Bosnia	Dollar		351.00						351.00
Croatia	Dollar		274.00						274.00
Macedonia	Dollar		225.00						225.00
Turkey	Dollar		1,138.00						1,138.00
Italy	Dollar		945.00						945.00
John Young:									
Russia	Dollar		1,350.00						1,350.00
Ukraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Senator Kay Bailey Hutchison:									
Croatia	Dollar		207.00			557.00			764.00
Dave Davis:									
Croatia	Dollar		207.00			557.00			764.00
Larry DiRita:									
Croatia	Dollar		207.00			557.00			764.00
Senator Daniel K. Inouye:									
Israel	Dollar		578.00						578.00
Tim Riese:									
United States	Dollar				2,505.23				2,505.23
Singapore	Dollar		168.00						168.00
Cambodia	Dollar		710.40						710.40
Hong Kong	Dollar		180.00						180.00
Kevin Linskey:									
Turkey	Lire		634.00		3,774.80				4,408.80
Lila Helms:									
Turkey	Lire		634.00		3,774.80				4,408.80
John Young:									
Russia	Dollar		1,350.00						1,350.00
Ukraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Total			13,296.40		10,054.83	1,671.00			24,896.23

TED STEVENS,
Chairman, Committee on Appropriations, July 25, 2000.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 763, S. 2438.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read, as follows:

A bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

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

(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) internal inspection or pressure testing, or another equally protective method, where these techniques are not feasible, that periodically assesses the integrity of the pipeline;

“(B) clearly defined criteria for evaluating the results of the inspection or testing done under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner;

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

“(D) a description of the operators' consultation with State and local officials during development of the integrity management plan and actions taken by the operator to address safety concerns raised by such officials.

“(3) *CRITERIA FOR PROGRAM STANDARDS.*—In deciding how frequently the integrity inspections or testing 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 intrastate 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.”

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, of 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.”

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

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

“(f) *SHUTDOWN AUTHORITY.*—

“(1) *IN GENERAL.*—If the Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, determines that allowing the continued operation of a hazardous liquid or natural gas pipeline creates an imminent hazard (as defined in section 5102(5)), the Secretary or the agency shall take such action as may be necessary to prevent or restrict the operation of that system for 30 days.

“(2) *SUBSEQUENT EXTENSION AFTER NOTICE AND HEARING.*—After taking action under paragraph (1), the Secretary or the agency may extend the period that action is in effect if the Secretary or the agency determines, after notice and an opportunity for a hearing, that allowing the operation of the pipeline to resume would create an imminent hazard (as defined in section 5102).”

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), any 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) 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 author-

ity to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties.

“(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.—Except as provided in subsection (e), an agreement between the Secretary and a State authority that is in effect on the date of enactment of the Pipeline Safety Improvement Act of 2000 shall remain in effect until the Secretary determines that the State meets the requirements for a determination under paragraph (2).”.

(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 is not promoting 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.”.

(c) CONTINUATION OF INTERSTATE AGENT AGREEMENT AUTHORITY.—

(1) IN GENERAL.—If an agreement was in effect in 1999 between the Secretary of Transportation or one of its agencies and a State to permit that State to oversee interstate pipeline transportation, the Secretary shall continue to permit that State to carry out activities under the agreement, including inspection responsibilities and other actions to ensure compliance with Federal pipeline safety regulations.

(2) TERMINATION.—Notwithstanding paragraph (1), the Secretary may terminate an agreement described in that paragraph if—

(A) the State wishes to withdraw from the agreement;

(B) implementation of the agreement has resulted in gaps in the oversight responsibilities of intrastate pipeline transportation by the State; or

(C) the State's oversight actions under the agreement have had an adverse impact on pipeline safety or impeded interstate commerce.

(3) **PROCEDURAL REQUIREMENTS FOR TERMINATION.**—Before terminating an agreement described in paragraph (1), the Secretary shall give notice and an opportunity for a hearing to the State, and provide an opportunity for the State to correct any deficiencies. The Secretary shall publish the decision to terminate such an agreement and the reasons therefor in the Federal Register not less than 15 days before the termination is effective, 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. INNOVATIVE TECHNOLOGY DEVELOPMENT.

(a) **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—

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

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

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

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

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

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

SEC. 12. 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."

SEC. 13. 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) **HAZARDOUS FACILITY DESIGNATION.**—A facility operated by an operator that fails to take prompt action to relieve, reassign, or place on leave (with or without compensation) any employee whose duties affect public safety and whose performance of those duties is a subject of such an accident investigation until the conclusion of the investigation is deemed to be hazardous under section 60112. The Secretary shall take action under section 60112(d) against that facility.

SEC. 14. 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. 15. PIPELINE SAFETY ADVISORY COUNCIL PILOT PROGRAM.

(a) **PILOT PROGRAM.**—Within 120 days after the date of enactment of this Act, the Secretary of Transportation shall create a Pipeline Safety Advisory Council pilot program. Under the pilot program, the Secretary shall establish one or more Pipeline Safety Advisory Councils to provide advice and recommendations to the Secretary on a range of hazardous liquid or natural gas transmission pipeline safety issues affecting pipelines operated in the State in which the Council is established.

(b) **ESTABLISHMENT AND COMPOSITION.**—A Council shall be comprised of 11 members, appointed by the Secretary as follows:

(1) All members shall be residents of the State in which the pipelines are located the safety of which that Council is to review and monitor.

(2) The membership shall include representatives of—

(A) the general public (who are not representatives of any other category under this paragraph);

(B) pipeline right-of-way property owners (who are not representatives of any other category under this paragraph);

(C) local governments;

(D) emergency responders;

(E) environmental organizations; and

(F) State officials with jurisdiction over pipeline safety.

(c) **FUNCTIONS.**—Each Advisory Council shall provide advice to the Secretary on pipeline safety regulations and other matters relating to activities and functions of the Department of Transportation's Office of Pipeline Safety. Each meeting shall be open to the public and the Council shall maintain minutes of each meeting. Any recommendations made by a Council shall be available upon request to other interested parties. In carrying out its advisory duties, each Council shall—

(1) provide advice and recommendations on policies, permits, and regulations relating to the operation and maintenance of pipeline facilities which affect the State to the Secretary and the Governor of the State;

(2) review and comment on proposals for new pipeline facilities in the State, including issues of public safety and environmental impact;

(3) submit advice to the Secretary on permits and standards that would affect the environment and safety of a pipeline operating in that State;

(4) submit recommendations to the Secretary and appropriate authorities of the State on standards to improve pipeline safety, accidental release responses, emergency preparedness, and efforts to help the public live safely with pipelines; and

(5) provide an annual report to the Secretary on its activities and the steps taken in the State to address its advice and safety recommendations.

(d) **FUNDING.**—

(1) **FUNDING REQUEST BY COUNCIL.**—Each Council shall submit an application for a funding request to the Secretary, at such time, in such form, and containing such information as the Secretary may require, outlining the Council's budget.

(2) **SECRETARY TO APPROVE BUDGET AND PROVIDE FUNDS.**—After receiving a request under paragraph (1) from a Council, the Secretary shall determine the level of Council funding and may—

(A) utilize funds obtained from fines and penalties to finance the Council; or

(B) make appropriated funds available to the Council.

(e) **PILOT PROGRAM ASSESSMENT.**—A Council established under this section shall submit an annual report to the Secretary. The annual report shall list all activities undertaken by the Council to improve the safety of pipelines located within its State and what action taken was by the State and Department of Transportation to address pipeline operation safety as a result of the Council's activities. Based on the submitted annual reports, and any other material a Council may submit, the Secretary shall determine the need for continuing and, if appropriate, expanding the pilot program. The Secretary shall report that determination, together with any recommendations concerning the program, to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation by December 31, 2004.

SEC. 16. 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. 17. 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.

Mr. MCCAIN. Mr. President, today the Senate is considering S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation is the product of many months of work by the members of the Senate Committee on Commerce, Science, and Transportation, as well as other members of the Senate. Sadly, this legislation is in large part in response to two devastating pipeline accidents that have occurred in the States of Washington and New Mexico during the past 15 months.

A total of 15 lives have been lost in these most recent accidents. Three young men endured fatal injuries last June 1999 in Bellingham, Washington, when 227,000 gallons of gasoline leaked from an underground pipeline and were accidentally ignited. Last month, twelve members of two families camping in Carlsbad, New Mexico, lost their lives when a natural gas transmission line ruptured. We simply must act now to remedy identified safety problems and improve pipeline safety. To do less is a risk to public safety and will perhaps result in more needless deaths. I ask unanimous consent a recent editorial from the Washington Post calling for Congressional action be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See Exhibit 1.)

Mr. MCCAIN. Mr. President, it is my hope that passage of comprehensive pipeline safety legislation can give the family members associated with these tragedies at least a small bit of comfort that their losses have spurred Congressional action to strengthen pipeline safety laws and help prevent future tragic accidents. I am aware this bill may not go as far as some would like, and also know it goes further than others can support. However, this legislation is a fair and balanced compromise and is a pro-safety measure that will result in pipeline safety improvements. Its enactment is critical to public safety and must be a top priority during the remainder of this Congress.

I extend my sincere appreciation to Senator GORTON for his help in developing the bill before us. His tireless efforts to ensuring that the Senate consider and pass comprehensive pipeline safety legislation is commendable. I also want to thank Senators HOLLINGS, LOTT, HUTCHISON, BREAUX, and BROWNBACK of the Committee for their strong interest in this legislation. Further, I want to recognize the dedication and hard work of Senator MURRAY throughout this process. She has been a tena-

cious advocate for pipeline safety improvements. I also want to recognize Senator BINGAMAN for his contributions to strengthening the research and development provisions of this legislation, and also Senator DOMENICI for his work. Finally, the input we received from citizens, State pipeline inspectors, the National Transportation Safety Board, the Department of Transportation and its Inspector General, industry and others interested in promoting pipeline safety has been essential to our efforts to craft comprehensive pipeline safety improvement legislation.

Significant attention has been directed toward pipeline safety issues by the Senate during this past year. In March, the Senate Commerce Committee held a field hearing, chaired by Senator GORTON, in Bellingham, Washington, during which 18 witnesses provided information and expressed views on the Bellingham accident. In May, the full committee held a hearing on a broad range of pipeline safety issues, including the three pipeline safety bills that have been introduced in the Senate. We reported out a comprehensive bill in June and since then have developed a manager's amendment to provide further clarification of the bill as well as additional provisions to advance pipeline safety.

I will highlight some of the major provisions of the legislation before us. The bill would require the implementation of pipeline safety recommendations recently issued by the DOT-IG to the Research and Special Programs Administration, RSPA. The legislation would statutorily require the Secretary of Transportation, the RSPA Administrator and the Director of the Office of Pipeline Safety to respond to NTSB pipeline safety recommendations within 90 days of receipt. The bill would require pipeline operators to submit to the Secretary of Transportation a plan designed to improve the qualifications for pipeline personnel. At a minimum, the qualification plan would have to demonstrate that pipeline employees have the necessary knowledge to safely and properly perform their assigned duties and would require testing and periodic reexamination of the employees' qualifications.

The legislation would require DOT to issue regulations mandating pipeline operators to periodically determine the adequacy of their pipelines to safely operate and to adopt and implement integrity management programs to reduce those identified risks. The regulations would, at a minimum, require operators to: base their integrity management plans on risk assessments that they conduct; periodically assess the integrity of their pipelines; and, take steps to prevent and mitigate unintended releases, such as improving leak detection capabilities or installing restrictive flow devices.

S. 2438 also would require an operator of a gas transmission or hazardous liquid pipeline facility to carry out a con-

tinuing public education program that would include activities to advise municipalities, school districts, businesses, and residents of pipeline facility locations on a variety of pipeline safety-related matters. It would also direct pipeline operators to initiate and maintain communication with State emergency response commissions and local emergency planning committees and to share with these entities information critical to addressing pipeline safety issues, including information on the types of product transported and efforts by the operator to mitigate safety risks. The Secretary would be directed to prescribe regulations to make certain emergency information publicly available as well as direct operators to provide mapping information to municipalities in which the pipeline facility is located.

The bill would increase the level of maximum civil penalties for violations as requested in the Administration's submission. It would also provide for an enhanced state oversight role in pipeline safety whereby States that have authority over intrastate lines could enter into agreements with the Secretary to participate in the oversight of interstate lines. The manager's amendment clarifies that the state oversight be consistent with the Secretary's federal safety and inspection policies. The legislation further includes language to ensure that the enhanced agreements will not adversely affect the State's responsibilities over intrastate safety and, in the event there is a negative impact, the Secretary is authorized to cancel the enhanced state agreements.

The legislation directs the Secretary to develop and implement a comprehensive plan for the collection and use of pipeline data in a manner that would enable incident trend analysis and evaluations of operator performance. Operators would be required to report incident releases greater than five gallons, compared to the current reporting requirement of 42 gallons. In addition, the Secretary is directed to establish a national depository of data to be administered by the Bureau of Transportation Statistics in cooperation with RSPA.

Given the critical importance of technology applications in promoting transportation safety across all modes of transportation, the legislation directs the Secretary to include as part of the Department's research and development (R&D) efforts a focus on technologies to improve pipeline safety, such as through internal inspection devices and leak detection. Further, the accompanying amendment includes provisions from S. 3002, the Pipeline Integrity, Safety and Reliability Research and Development Act of 2000, introduced by Senator BINGAMAN, myself, and others earlier this week. This provision provides for a collaborative R&D effort directed by the Department of Transportation with the assistance of the Department of Energy and the National Academy of Sciences.

In regard to funding for pipeline safety, the bill provides for a three year authorization, authorizing \$26 million for FY2001, \$30 million for FY2002; and \$30 million in FY2003 for federal pipeline safety activities. It would further authorize the pipeline state grant program at the following levels: \$17 million for FY2001; \$20 million for FY2002; and \$20 million for FY2003. Efforts to provide further increases in funding are under discussion and will be given careful consideration as the legislation moves through the legislative process and on to a conference with the House.

In an effort to enhance the ability of the NTSB and DOT to complete pipeline accident investigations in a timely and comprehensive manner, the substitute amendment includes a provision requiring operators to make available to the DOT or NTSB all records and information pertaining to the accident, including integrity management plans and test results, and to assist in the investigation to the extent reasonable.

Further, the legislation attempts to address the situation when pipeline personnel involved in accidents continue to carry out the same functions as they did prior to an accident even though their job performance may be at question during an investigation. Under the manager's amendment, if the Secretary determines that the actions of an employee may have contributed substantially to the cause of an accident, the Secretary must direct the operator to relieve or reassign the employee, or place the employee on leave until the Secretary determines that the employee's performance did not contribute to the cause of the accident or until the Secretary determines the employee can safely perform his or her duties.

To ensure pipeline employees are afforded the same whistle-blower protections as are provided to employees in other modes, the legislation includes whistle-blower protections for pipeline personnel. The provisions are identical to those recently enacted in the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century, P.L. 106-181, with the exception of changing the words air carrier to pipeline.

Mr. President, the time has come for the full Senate to take action and pass legislation to strengthen and improve pipeline safety. We simple cannot risk the loss of any more lives by lack of needed attention on our part. I urge my colleagues to support passage of this important safety legislation.

EXHIBIT 1

[From the Washington Post, Sept. 4, 2000]

A BLAST IN THE NIGHT

Residents of Carlsbad, N.M., are mourning the 11 family members killed when a natural gas pipeline exploded near their campsite in New Mexico. Investigators still are trying to determine exactly what caused the blast. While they work, there is a job to be done here as well: Put more muscle into federal regulation of pipeline safety.

Nearly all the nation's natural gas and about 65 percent of crude and refined oil

travel through a network of nearly 2.2 million miles of pipes. Although pipelines remain statistically safer—in some cases much safer—than other means of transporting freight, the number of accidents reported has been gradually growing during the past decade, according to a General Accounting Office report prepared this spring. In many places the infrastructure is aging; sprawling development now encroaches on many of the remote rural areas where pipes were installed decades ago. The federal agency charged with policing the pipelines is tiny, underfunded and possessed of a record that is not reassuring. The GAO found that the Office of Pipeline Safety is years behind in implementing some congressional mandates and safety recommendations from the National Transportation Safety Board. Things have improved in the last year but the NTSB, the GAO report says, still is watching to see whether promised actions will be carried out.

Bills are now pending in Congress that would address at least some safety issues. Most important, legislation would require periodic pipeline inspections. The NTSB has been asking for that since 1987, and it hasn't happened yet. The bills also would provide more information for the public, would give state inspectors a bigger role in helping monitor interstate pipelines and would require more rigorous reporting of pipeline spills, which could help identify possible trouble spots and help mitigate environmental damage. Congress should pass a strong pipeline-safety bill before this session ends. Along with it should come adequate funding to carry out its mandates. And then members should keep the heat on until it is clear the safety measures have been carried out. There's no need to wait for another blast in the night.

Mr. HOLLINGS. Mr. President, I rise today in support of S. 2438, the Pipeline Safety Improvement Act of 2000, and to support the amendment to the bill. I urge my fellow Senators to adopt the amendment and to support passage of this bill. It, indeed, will make our Nation's pipeline system safer.

The purpose of the bill is to ensure the safety of natural gas and hazardous liquid pipelines. I appreciate the considerable number of hours that went into creating this bill by all of the parties. I also am satisfied by the spirit of compromise that infused the parties' diligent efforts. As a result of their admirable and cooperative work we have a bill that reaffirms our efforts to regulate gas and hazardous liquid pipelines safely and effectively without interfering with the pipeline operators and owners ability to provide service to our Nation.

With respect to concerns regarding the existing pipeline safety program, I want to share my concerns about the delays in issuing Congressional mandates. Some may find it hard to believe that the Office of Pipeline Safety, OPS, has failed to issue final rules on measures that required rulemakings under its 1992 and 1996 reauthorizations. Unquestionably, the rules on environmentally sensitive and high density areas should have been completed by now. I have been advised that a final rule is expected this year. But even if this is the case, the fact remains that the final promulgation is still significantly behind schedule. The rules on

operator qualification and periodic inspections are not final either. One of the goals of this legislation is to stimulate the finalization of these rules.

Over the past few years, we have experienced two major pipeline accidents, one in Bellingham, WA, and the other near Carlsbad, NM. While accidents happen, we need to take all necessary steps to ensure that accidents are not waiting to happen. I think that this legislation will increase the arsenal of tools available to OPS to ensure that our pipeline system is as safe as possible. I ask that OPS use the tools that we provide to ensure the aggressive oversight of pipeline safety practices.

While there were many who worked arduously to ensure passage of legislation in this area, I would like to recognize, in particular, the efforts of Senators MURRAY and BINGAMAN. Senator MURRAY doggedly pursued changes to increase the level of safety and public participation in pipeline safety, and she worked closely with other Commerce Committee members to ensure a reasonable and fair compromise. Senator BINGAMAN was instrumental in helping bolster the bills provisions on research and development. We also were able to add provisions he authored to focus our research on progressive areas that will help us develop better systems of early detection, and to ensure that we can avoid accidents such as those that occurred in Bellingham, WA, and near Carlsbad, NM.

This bill is good legislation. It will require our regulators to finalize a number of overdue regulations. The bill also allows for a greater degree of public participation in the process of pipeline safety, updates the penalties that would be levied for misconduct and provides whistle blower protection for employees who reveal misconduct. The bill also helps us focus on long-term needs so as to make our future pipeline system even safer. I urge my colleagues to support this measure.

AMENDMENT NO. 4130

(Purpose: To incorporate additional provisions in, and make minor modifications to, the bill as reported by the committee)

Mr. GORTON. Mr. President, there is an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. DOMENICI, proposes an amendment numbered 4130.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOMENICI. Mr. President, I am pleased to support the managers' amendment to S. 2438, the bill before

the Senate, to modernize our Nation's pipeline safety programs. The issue of our country's pipeline safety regime came to the forefront again last year after the death of three teenagers in a pipeline explosion near Bellingham, WA.

Since that accident in 1999, the Senators from Washington State have worked tirelessly to bring this bill to the Senate floor for a vote. I want to commend Senator GORTON, Senator MURRAY, and the chairman of the Commerce Committee, Senator MCCAIN, for their efforts on this legislation. Without their work, patience and persistence, this bill would not be ready for passage in the Senate.

As my colleagues know, in August of this year, New Mexico experienced its own tragic pipeline explosion. Just after midnight on August 19, an El Paso Natural Gas pipeline exploded on the Pecos River near Carlsbad, NM. Twelve members of an extended family were camping near the explosion, which sent a 350-foot high ball of flame into the air. Six of the campers were killed instantly, and the remaining six have since died from their injuries. The horrific accident is the largest pipeline disaster in the State's history and one of the worst in the United States. While the NTSB is still investigating the cause of the explosion, preliminary analyses indicate that the pipeline was highly corroded, and that half of the internal wall of the pipe had been eaten away in places, apparently causing a prolonged natural gas leak.

Sadly, this accident has again placed the spotlight on the need for Congress to update our pipeline safety standards. The bill before the Senate represents a marked improvement in our existing pipeline safety program. The bill requires companies to conduct periodic internal inspections of their lines; authorizes and provides resources to allow the States to exercise a greater role in pipeline inspections and oversight; increases civil penalties against companies who violate pipeline safety laws; and provides resources for greater research and development into pipeline safety technologies, including new internal inspection mechanisms, as well as enhanced leak detection technologies.

There are over 1.8 million miles of liquid and natural gas pipelines in the United States, including 7,000 miles in New Mexico. The Federal Office of Pipeline Safety is responsible for 5,000 miles of pipeline in New Mexico and the State must inspect the remaining 1,800 miles. Yet, the New Mexico State budget for pipeline safety allows for only four inspectors, who can cover only a few miles of pipeline per day. Because of this resource shortage, hundreds of miles of underground oil and gas pipelines go uninspected each year in my state.

The bill before the Senate authorizes more funding for State inspection activities, and provides the States with greater oversight authority to inspect

both intra- and interstate pipelines. States are an important partner in the regulation of oil and gas pipelines. With this bill, Congress is stepping up to the plate to help reimburse states for undertaking a greater responsibility for pipeline safety.

As my colleagues know, the bulk of the responsibility for pipeline inspection falls on the oil and gas companies themselves. In fact, the liquid and natural gas industries spend nearly \$4 billion annually on pipeline safety activities. Pipeline transportation is perhaps the safest way available to move liquid and natural gas across the country. Among all the methods of transport, including pipeline, highway, rail, aviation, and marine, pipeline accident fatalities represent less than 1/33rd of one percent of the total number of annual deaths related to the industry.

Yet despite this safety record, tragic accidents do occur. I think the industry, in partnership with federal and State regulators, can do more to better protect our citizens from these kinds of accidents. This bill represents an extension of that partnership, and I believe that industry should be commended for coming to the table and helping us reach this agreement.

This bill requires companies to file "Integrity Management Plans" with the United States Department of Transportation. These plans will outline how the company will periodically assess the safety of their pipelines, including the use of internal inspections, pressure tests, direct assessments and any other available methods of identifying weaknesses in the pipeline and detecting leaks. In short, this provision means that for the first time, companies will be required to conduct regular pipeline inspections, and to provide information on those inspections to federal and State regulators.

Finally, Mr. President, this bill authorizes additional resources for research and development of new pipeline safety technologies through the Department of Transportation and Department of Energy. It is clear that we need to develop some new technologies to better assess the integrity of pipelines and detect leaks before they cause disaster. One of the problems with the line which exploded in Carlsbad was that conventional "pig" devices, which detect corrosion and leaks, could not be used to inspect that particular pipeline. We have tremendous scientific capabilities in our universities, national laboratories and in the private sector which could be tapped to help develop new and better technologies.

While everyone recognizes that Sandia and Los Alamos National Laboratories in New Mexico have great scientific capabilities which could be brought to bear on this problem, a private sector resource also exists in my home state. La-Sen Corporation in Las Cruces, NM has developed an airborne laser mapping system which can inspect hundreds of miles of oil and gas

pipeline per day. I know that some of the major oil and gas companies, including El Paso Natural Gas, have seen the technology and have indicated that they would use it if it were commercially available.

I plan to work in the next several weeks to help this company find federal resources to complete development of this technology and make it commercially available as soon as possible. This is the kind of research and development that the federal government ought to encourage.

I am pleased to support passage of this bill. Even though the bill imposes new requirements on industry and provides for tougher penalties for violating the law, there are some who will say that it does not do enough to get tough on pipeline companies. In my view, the Chairman of the Commerce Committee, the Senators from Washington and other members who have worked on this bill have done an excellent job crafting a bill which will receive the unanimous support of this Senate. I hope the House will take this bill up at the earliest possible date and pass it quickly so that we can send pipeline safety legislation to the President for his signature prior to the end of the session. I yield the floor.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4130) was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. GORTON. Impelled by an explosion last year in Bellingham, WA, that took three young lives and shook that community to its core, and given force by another recent tragedy in New Mexico, the Senate today is adopting the Pipeline Safety Improvement Act of 2000. The bill brings much-needed reforms to the regulation and oversight of the pipelines that wind invisibly beneath our homes, parks, and schools, most notably by providing more information to local governments and to the public about the location and condition of pipelines and pipeline accidents; by requiring more accountability from the Federal Office of Pipeline Safety and by authorizing more funding for that Office and for States willing to assume additional oversight responsibility; by requiring operators to assess the risks to their lines and develop plans to address threats to their integrity; by giving willing States a clearer and larger role in the oversight of interstate pipelines; by directing additional attention and resources to research and development programs to improve pipeline integrity; by increasing civil penalties for violations of pipeline safety standards;

and by requiring Federal attention to recommendations for improvements to pipeline safety by state citizen advisory committees.

The issue of citizens advisory committees has, to my surprise, been one of the most contentious. The idea of creating an independent oversight body that is not controlled by industry, and that can objectively assess the state of pipeline safety and make recommendations for improvements to Federal and State regulators, is to me perfectly sensible. The passion with which industry has opposed even a pilot program for Federal citizen advisory committees has, I confess, disturbed me and strengthened my determination to see that citizen advisory committees are established and adequately funded.

While it has become clear to me that a Federal advisory committee will not be part of any legislation that can be enacted this year—and I am absolutely determined to see that legislation is enacted—I am committed to seeing that Washington State receives adequate funding for its own Citizens Committee on Pipeline Safety, whose members were recently appointed, but which I understand has been allocated only enough funds to pay for a meeting room four times a year, hardly the resources needed to meet the responsibility this committee has been assigned.

I will work through the appropriations process this year to see that not only is funding increased for all Federal and State pipeline safety activities, but that in addition to the \$800,000 I am trying to direct for Washington State's new responsibilities in overseeing pipeline safety, Washington obtains sufficient funding to staff and pay for the activities of the Citizens Committee on Pipeline Safety.

The issue of citizen advisory committees has not been the only contentious issue in this bill. Getting here has not been easy, and were it not for the efforts and dogged perseverance of Members of both sides of the aisle, most notably Senator MCCAIN, and my colleague from Washington, Senator MURRAY, we would not be here today. I am deeply grateful for their work.

Another person who has made this happen, and for whom I have developed a true respect, is Mark Asmundson, the Mayor of Bellingham, WA. Following the explosion on June 10, 1999, and with a commitment born, I believe, of justifiable anger, Mark has devoted himself to improving pipeline safety at the local, State, and Federal levels. It is people like Mark, who is committed to public welfare, passionate, practical, and resolutely good humored, and the many others who responded to the tragedy in Bellingham by taking action not only to improve their own safety, but the safety of people throughout this country, who constantly remind me how privileged I am to represent the people of Washington State.

Since the Commerce Committee passed S. 2438 in June of this year, fol-

lowing a factfinding hearing in Bellingham in March, I have been working to secure passage of this bill by unanimous consent as an extended debate this late in the year is impossible. The manager's amendment that was adopted today resolves concerns raised by some of my colleagues in a way that I think is fair, and, unlike some of the amendments offered and defeated in committee in a way that does not undermine the benefits of this bill.

S. 2438, as amended, is a marked improvement to the status quo. It requires the Office of Pipeline Safety to implement the recommendations of the Inspector General of the Department of Transportation by completing rulemakings that are long overdue, collecting better information to determine the causes of pipeline accidents, and providing better training to OPS inspectors. S. 2438 accelerates the deadline for operators to prepare plans for training and qualifying their employees.

The bill imposes on operators of pipelines of any length, not just longer pipelines as suggested by the administration, an obligation to conduct risk analyses and adopt integrity management plans for high consequence areas—plans that provide for periodic inspections of pipelines. It requires that information about pipeline incidents and safety-related conditions be made available to the public and lowers the threshold for reporting spills from the current 2100 gallons, to 5 gallons.

To give local officials a greater role in protecting their communities, the bill requires operators to work with local communities to educate them about the location and risks of pipelines and what to do in case of an accident. The bill increases fines for violations and protection for whistleblowers who report unsafe conditions. S. 2438 explicitly provides a role for States in the oversight of interstate pipelines and gives the Federal Office of Pipeline Safety the authority it needs to carry out the recent agreement with Washington State which will enable Washington to hire more investigators and take an active role in the oversight of interstate pipelines.

The bill provides not only more funding for the Office of Pipeline Safety and direction on areas of research and development to focus on improved safety, but also incorporates the recommendation of Senators BINGAMAN and DOMENICI to create a new cooperative research and development program for pipeline integrity that combines the resources of the Departments of Transportation and Energy under the auspices of the National Science Foundation.

The bill, in sum, while not all that I would have wished, is a vast improvement over the status quo. I am grateful to my colleagues for passing this very critical piece of legislation. And I am determined to see that it is enacted into law before the end of this Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I commend my colleagues this evening for passing the much-needed pipeline safety bill.

For too long, communities across the country—in tragedy after tragedy—have felt the impact of our Nation's inadequate pipeline safety standards.

Today, the Senate has responded with a strong bill that will help make our pipelines safer.

As pleased as I am today, I am reminded of another much darker day—June 10, 1999.

On that day, a gasoline pipeline exploded in Bellingham, WA, killing three young people, shattering a community's faith, and setting us on the road of safety reform.

I know that we can't undo what happened in Bellingham. We can't restore the loss of those families. But with this bill, we are putting the lessons we learned in Bellingham into law—and taking a first step toward ensuring America's pipelines are safe.

Unfortunately, it has taken another fatal pipeline explosion to reach this day. But it is clear that the tragedy in New Mexico raised public awareness and increased the pressure on Congress to pass this bill.

This bill will go a long way toward improving pipeline safety. Back in January—when I introduced my own pipeline safety bill—I outlined the areas that needed reform. I am proud that this bill embodies the principles I have been working for.

First, this bill will improve the qualifications and training of pipeline personnel. It requires employees to demonstrate an ability to do their job. And it requires periodic reexamination of pipeline personnel. Second, this bill improves pipeline inspections and prevention practices. It requires operators to submit pipeline integrity management plans, which State and local officials can evaluate and recommend changes to.

These plans will include: internal inspections, evaluation criteria, measures to prevent and mitigate unintended releases, and other safety activities.

Third, and importantly, this bill expands the public's right-to-know about problems with pipelines. It requires operators to make information about the pipelines and their safety practices available to local officials, emergency responders, and the public—including posting information on the Internet. It also requires more pipeline accidents to be reported to the Office of Pipeline Safety, by lowering the reporting threshold from 200 gallons to 5 gallons.

Fourth, this bill raises the penalties for safety violators. It doubles the current civil penalties for noncompliance, and it lifts the caps on maximum penalties.

Fifth, this bill enables States to expand their safety efforts. This bill allows the Secretary of Transportation

to enter into agreements that will allow States to: "participate in special investigations involving incidents or new construction" and to "assume additional inspection or investigatory duties."

Sixth, this bill invests in new technology to improve safety. It recognizes the need for R&D for new inspection devices and practices, and it authorizes a coordinated research program.

Seventh, this bill provides protections for those who blow the whistle on unsafe practices.

Eighth, this bill increases funding for safety efforts. It authorizes spending \$13 million more on pipeline safety than we spend today.

Finally, this bill recognizes State citizen advisory committees and allows for their funding. These State citizen advisory committees would make recommendations to the Secretary of Transportation. The Secretary will be required to respond—in writing—to those recommendations. And, the Secretary would have to detail what actions, if any, will be taken to implement those recommendations.

Further, the bill would allow appropriations for these State advisory committees.

This is a sound bill. Under this bill, pipelines will be inspected. Operators will be qualified. Whistleblowers will be protected, and violators will be penalized. Pipeline companies will have to develop comprehensive safety and inspection plans, and States will get new authority. Citizen groups will have a role, and the public will have a right to know about the pipelines in their own communities.

This bill does not only raise pipeline safety standards. It gives us the tools, the enforcements, and the funding to ensure that pipeline companies reach those standards.

I want my constituents and my colleagues to know that I plan on remaining vigilant on this issue and ensuring that future administrations carry out the congressional mandate.

I do want to recognize tonight a few people who have helped make this day possible. First are the families of the victims of the Bellingham explosion, Frank and Mary King, Katherine Dalen and Stephen Tsiorvas, Marlene Robinson and Bruce Brabec. They have testified and worked hard. They have been courageous, and they were constant reminders of what has been lost and what this legislation will help protect.

Second, I thank the people of Bellingham, especially Mayor Mark Asmundson, who has done more than anyone I know to raise awareness about pipeline hazards.

I recognize the work of our great Governor Gary Locke. And third, I thank those in the administration who have supported our efforts; in particular, Vice President GORE, who learned about this issue during a visit to my State and who got the administration's proposal to Congress.

I also thank Transportation Secretary Rodney Slater. At my request,

he promptly stationed a pipeline inspector in my State after the Bellingham explosion, and he has worked with us on this issue for more than a year. His leadership has been critical to our efforts. I thank him this evening.

I also thank DOT's Inspector General Kenneth Mead, Kelly Coyner, who is the administrator of DOT's Office of Research and Special Programs Administration, and the director of the Office of Pipeline Safety, Stacey Gerard, and her predecessor, Richard Felder.

I thank Jim Hall, Chairman of the National Transportation Safety Board.

Many groups played a role in moving this process forward. I thank the National Pipeline Reform Coalition, SAFE Bellingham, and the Cascade Columbia Alliance. I also thank everyone who testified at the numerous hearings, and the many Federal and State officials who have worked on this issue.

Finally, I thank my colleagues in the Senate, especially Commerce Committee Chairman JOHN MCCAIN, who has been stalwart in his support and has been working with us every step of the way. I thank my colleague Senator GORTON and his staff who have worked with us diligently on this issue; Senator HOLLINGS; Senator INOUE, all the members of the Commerce Committee and their staffs, and Dale Learn from my office.

Senator BINGAMAN should also be thanked for his leadership. He made the bill stronger by adding a needed research and development amendment, which I am pleased to cosponsor.

I thank the many reporters and editorial writers who helped raise public awareness about the need to improve pipeline safety.

While we have cleared a major hurdle, our work is not finished. This bill must now pass the House of Representatives and be signed by the President. We don't have much time. Let's use today's passage to energize the efforts of the House so we can improve pipeline safety in communities across America this year.

Mr. KERRY. Mr. President, I rise to make a short statement about the Pipeline Safety Improvement Act of 2000, which the Senate will pass tonight through unanimous consent.

Mr. President, to understand this legislation, you must understand the situation from which we started. The federal government, through the Department of Transportation, regulates more than 2,000 gas pipeline operators with more than 1.3 million miles of pipe and more than 200 hazardous liquid pipeline operators with more than 156,000 miles of pipe. To protect the public safety, the environment and maintain reliability in the energy system over that massive system is an enormous challenge. I don't doubt that. The responsibility for meeting that challenge, no matter how great it is, falls upon the industry and federal government, specifically, DOT's Office of Pipeline Safety. It is clear that both

OPS and the industry have failed to raise to that challenge, and we have paid a high price.

According to the OPS, since 1984, there have been approximately 5,700 natural gas and oil pipeline accidents nationwide, 54 of them in my home state of Massachusetts. In the 1990s, nearly 4,000 natural gas and oil pipeline ruptures—more than one each day—caused the deaths of 201 people, injuries to another 2,829 people, cost at least \$780 million in property damages, and resulted in enormous environmental contamination and ecological damages. Two accidents in particular show us the tragic consequences of pipeline accidents. On June 10, 1999, a leaking gasoline pipeline erupted into a fireball in Bellingham, Washington. The fire extended more than one and half miles, killing two 10-year-old boys and a young man. The second accident took place in August in Carlsbad, New Mexico. A leaking natural gas pipeline erupted killing 12 members of an extended family on a camping trip. My sympathies go out to all those involved in these incidents. They are truly tragic.

The Senate Commerce Committee and others have investigated the cause of this tragic record. What we found, sadly, is that OPS was simply failing to do its job. The head of the National Transportation Safety Board, Jim Hall, gave the OPS "a big fat F" for its work. And as we considered the legislation in the Commerce Committee, I found that OPS had fallen short in the area of enforcement, in particular. Enforcement is the backbone of any system of safeguards designed to protect the public and the environment. Without the threat of tough enforcement, companies, the unfortunate record shows, do not consistently comply with safeguards. The resulting harm to people and places is predictable. I will not outline all of the details here today, but I recommend to anyone interested that they read the General Accounting Office's investigation into OPS dated May 2000.

The Pipeline Safety Improvement Act of 2000 includes enforcement reforms and enhances the role of OPS and the Department of Justice in enforcement. These provisions, which I proposed in the Commerce Committee, will, I believe, put some teeth into our pipeline safety laws. They include raising the maximum fines that OPS can assess a company from \$500,000 to \$1,000,000; ensuring that companies cannot profit from noncompliance; clarifying the law regarding one-call services; and allowing DOJ, at the request of DOT, to seek civil penalties in court to ensure that serious violators can be punished to the fullest extent of the law.

The bill makes other significant improvements to existing law. My colleagues from Washington, Mr. GORTON and Mrs. MURRAY have outlined many of these improvements and how they will improve pipeline safety. However,

Mr. President, S. 2438, despite significant improvements, also falls short in some areas. This is, in part, a reflection of inadequacy of current protections. It is my hope that further improvements can be made in conference with House and in discussions with the Clinton Administration. These improvements include allowing OPS to delegate enforcement to states as we do with the Clean Air Act and other laws; establishing federal standards for testing, re-testing, and repairs, leak detection, emergency shut-off valves, and failsafe mechanisms to prevent over pressurization; establishing federal standards to improve corrosion prevention; and removing the cost-benefit provisions incorporated into the law during the 1996 reauthorization, which may limit development of pipeline safety standards by requiring any new standards to meet economic and judicial tests that no other federal agency's regulations must meet.

I do not mean to detract from the hard work of Mr. MCCAIN, Mr. HOLLINGS, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN and Mr. DOMENICI with my remarks. They have done great work crafting this bill and bringing it before the Senate for passage tonight. The public and the environment will be better protected thanks to their work.

SECTION 10(B)

Mr. HOLLINGS. Mr. President, I rise along with my colleagues Mr. BROWNBACK and Mr. KERRY to make clear the intent of certain provisions in the Pipeline Safety Improvement Act of 2000. It has come to my attention that there may be some ambiguities contained in the language of Section 10(b) of the proposed legislation (S. 2438). As you are aware, Section 10(b) of the bill adds a new provision—Section 60117(b)(3)—to the Revised Pipeline Safety Act. This provision requires that, during the course of an incident investigation, a pipeline owner or operator make records, reports, and information relevant to the incident investigation available to the Secretary upon request within the time limits prescribed in a written request. The bill incorporates by reference this new section into both the civil and criminal penalties sections of the Act, Sections 60122(a) and 60123(a), respectively. Under the current proposal, failure to comply with this reporting provision can result in civil penalties of up to \$500,000 for each violation and \$1,000,000 for a related series of violations. And, a separate violation occurs for each day the violation continues.

Civil penalties are capped at a maximum of \$500,000 per day and \$1,000,000 for a "related series of violations." The information required to be produced during an investigation pursuant to Section 60117(b)(3) is limited to information "relevant to [a particular] incident investigation." I am seeking clarification that all information requests issued by the Secretary pursuant to a single incident investigation are considered "related" for purposes of calcu-

lating the \$1,000,000 civil penalty cap for a "related series of violations" under Section 60122(a). In other words, the provision would not treat each written information request as a separate and unrelated event for purposes of applying the \$1,000,000 cap so long as all of the requests concern the same incident. Were that not the case, a pipeline owner or operator that receives numerous document requests relating to an incident, but is unable to assemble and provide all of the information in time to meet the Secretary's deadline, could face fines far exceeding the \$1,000,000 contemplated by this legislation.

Mr. KERRY. I thank my friend, Mr. HOLLINGS, for his question. It is the intention of this legislation to treat all information requests pursuant to a single incident investigation as "related" for purposes of applying the civil penalty cap under Section 60122(a). To increase the incentive for pipeline companies to cooperate during an agency investigation, the cap has been increased to \$1,000,000 for a related series of violations. That \$1,000,000 cap is not intended to separately apply to each and every information request—of which there could be many—but rather serves as a restriction on the total amount of civil penalties applicable to a particular incident for failure to comply with the reporting requirement of Section 60117(b)(3).

Mr. BROWNBACK. Mr. President, I would like to clarify an additional provision of the legislation. It is my understanding that Section 60117(b)(3) is aimed at penalizing pipeline companies that either refuse to turn over records, reports, or information concerning an incident that is identified in a written request from the Secretary or refuse to produce the records, reports or information in a timely fashion. While it is critically important to ensure that companies actively aid the agency's investigative process by promptly providing information related to an incident, there may be situations where a company goes to great lengths to cooperate with an investigation, but for a variety of reasons falls short of fully satisfying the requirements of Section 60117(b)(3). For example, the information solicited in a written request may be unclear or otherwise subject to multiple interpretations. A company may promptly provide the information that it believes to be fully responsive to the request only to find out later that the information is somehow deficient either because it is incomplete, in a different form, or of a different character than that contemplated by the agency. In these situations, despite the best of intentions, a company may find out many days or weeks later that it is nonetheless subject to cumulative daily civil penalties. I am seeking clarification that Section 60117(b)(3) is intended only to cover those situations where the information that the Secretary seeks is clear, but the company refuses to provide the information at

all or within the time prescribed in the written request—not situations where a company makes a good faith effort to meet the requirement but is deemed to have failed because of a written request for information this is subject to interpretation or ambiguously written.

Mr. KERRY. Mr. President, my friend, Mr. BROWNBACK, is correct that it is the intention of Section 60117(b)(3) to reach those companies that don't comply with a clearly written request for documents and information from the agency, but thwart the investigative process either by refusing to turn over relevant information or by dragging their feet in providing it. The bill does not contemplate that this penalty provision will be applied to a company that actively cooperates in an investigation and makes a good faith effort to provide all of the information requested only to find out later that, because of an ambiguously or poorly written request, the company technically failed to meet the requirements of Section 60117(b)(3).

Mr. BINGAMAN. I commend Chairman MCCAIN, Senator HOLLINGS and the members of the Commerce Committee for moving expeditiously to pass this Pipeline Safety Reauthorization bill. The bill includes requirements for each pipeline to develop an integrity management plan to address the specific circumstances of each individual pipeline. There is reference in the Pipeline Safety Act, and the amendments, to circumstances such as pipelines in environmentally sensitive and densely populated areas warranting special attention, but no reference to pipelines that are attached to bridges at such places as river crossings or in other exposed circumstances. The tragic accident in my State of New Mexico was adjacent to a river crossing. The rupture occurred along a buried section of the pipe just before the pipe emerged and was attached to the bridge. I am very concerned that these pipelines are vulnerable to many different types of damage, including even that from a hunter's stray bullet or an auto accident. I would like to ask the chairman and members of the committee whether these exposed pipes on bridges are a category given special attention?

Mr. GORTON. Unlike inspections conducted on overland sections of pipeline, the inspector would need specialized knowledge to properly determine the structural integrity and soundness of, say, a cable suspension bridge, in addition to that of the pipeline. This would probably 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.

Mr. MCCAIN. The committee has worked to ensure all pipelines are covered under the provisions of this legislation, including the more uniquely located pipelines mentioned by my colleagues. The bill requires the agency's technical experts, in conjunction with the industry, to develop specific plans to ensure the integrity of all pipelines. In addition, it requires that operators and inspectors are properly trained to be aware of, and proactively assess, the vulnerabilities of such pipelines in different circumstances, including exposed pipelines.

Mr. GORTON. Regardless of location, type of pipeline, size or terrain, a program to maintain and inspect the integrity of all pipelines is required to ensure the public safety, environmental protection and reliability of the infrastructure. In fact, the agency should be consulting with the bridge inspection specialists in the various other Federal and State agencies.

Mr. BINGAMAN. I thank the Senators for that clarification.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2438), as amended, was read the third time and passed, 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 re-

viewed 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 agree-

ment 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:

"(1) 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-Wylder 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 contrib-

uting 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 of 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.

SECURITY ASSISTANCE ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 696, S. 2901.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2901) to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read the third time.

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

The bill (S. 2901) was read the third time.

Mr. GORTON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 4919. I further ask consent that the Senate proceed to its consideration, all after the enacting clause be stricken, and the text of S. 2901 be inserted in lieu thereof. I ask that the bill then be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

Further, I ask unanimous consent that the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate and, finally, that S. 2901 be placed back on the calendar.

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

The bill (H.R. 4919), as amended, was read the third time and passed.

The PRESIDING OFFICER (Mr. ROBERTS) appointed Mr. HELMS, Mr. LUGAR, Mr. HAGEL, Mr. BIDEN, and Mr. SARBANES conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate im-

mediately proceed to executive session to consider the nominations reported by the Armed Services Committee during today's session.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles R. Holland, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Glen W. Moorhead, III, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Norton A. Schwartz, 0000

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Daniel J. Petrosky, 0000

The following named officer for appointment as The Surgeon General, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Maj. Gen. James B. Peake, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and as a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., Section 711:

To be lieutenant general

Maj. Gen. John P. Abizaid, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Edward G. Anderson, III, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Bryan D. Brown, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of im-

portance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William P. Tangney, 0000

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Peter Pace, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael P. Delong, 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 0000

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 3021

Mr. GORTON. Mr. President, I understand that S. 3021 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3021) to provide that a certification of the cooperation of Mexico with United States counter-drug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

Mr. GORTON. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk until its second reading.

NOMINATIONS PLACED ON THE CALENDAR

Mr. GORTON. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nominations of Senator BIDEN and Senator GRAMS to be representatives to the General Assembly of the United Nations and, further, that the nominations be placed on the calendar.

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

ORDERS FOR FRIDAY, SEPTEMBER 8, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, September 8. I further ask that on