

Americans have the right to travel the world, to make their own judgments, whether it is in Burma, in China, Iran or North Korea. It is high time that we stop the tyranny of domestic policy that is interfering with the rights of Americans to be able to travel to Cuba as they see fit, to make their own judgments and, incidentally, hasten the demise of that regime.

I strongly urge the rejection of this amendment, and as we have the proposals that come forward later in the evening from the gentleman from Arizona (Mr. FLAKE), that would move us incrementally towards a sense of rationality, I strongly urge support for them as well.

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Mr. DELAY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. DELAY. Mr. Chairman, while Members may disagree about the impact that increased trade and unrestricted tourism could potentially play in reforming Castro's ruling regime, there is overwhelming opposition to any action that would compromise the war against terror.

We have ample reason to suspect that Castro is developing weapons of mass destruction. America cannot allow a hostile regime just 90 miles from our shores to develop the world's most dangerous weapons. That is the difference between Cuba and China. That is the difference between Cuba and North Korea. Ninety miles. For that reason, we must completely be confident that Castro's regime is not either producing biological weapons or supporting terrorist organizations before any steps to relax the embargo are contemplated.

Castro's Cuba has a long track record of hostility towards the United States, and freedom in general. Castro has long given refuge to terrorists and violent fugitives, and the Goss amendment raises a firewall between American tourism and Cuban biological weapons development and support for terrorist organizations.

Castro's regime is a threat to our national security and a source of daily oppression to the Cuban people. Cuba has sponsored, trained, and directed terrorist groups operating in our hemisphere. History proves it. Cuban officials regularly collaborate with other state sponsors of terrorism. Just last year, Castro visited Libya, Syria and Iran, saying in Tehran, "Iran and Cuba, in cooperation with each other, can bring America to its knees."

Cuban intelligence seeks to penetrate our Defense Department. A Cuban spy in the Defense Intelligence Agency, just discovered after September 11, could have passed valuable information on American tactics and methods to hostile regimes through Castro's government and endangered our soldiers.

A Cuban spy cell, the so-called "Wasp Network," targeted our southern com-

mand and passed on information leading to the downing of a Brothers to the Rescue plane with Cuban migs.

Despite U.S. appeals, Cuba has done nothing to cooperate in the war against terrorism. The State Department reports that Cuba has not turned over a single piece of useful information on al Qaeda and the terrorism networks. Castro and Cuban officials frequently attack the war on terror as American aggression. On June 8, just last month, Castro asked, "What is the difference between the American war on terror's philosophy and methods, and those of the Nazis?"

We know that Cuba has been working to develop weapons of mass destruction for years. Under Secretary of State John Bolton recently testified that the United States believes that Cuba has at least a limited developmental biological warfare research and development effort.

The Goss amendment protects our national security by shielding funding for travel ban enforcement unless the President first certifies that the Cuban Government does not threaten our homeland security. Specifically, the President must make three very critical determinations that make good common sense:

First, Cuba does not possess and is not developing a biological weapons program; second, Cuba is not providing terrorist states or terrorist organizations with the technology to build or use bioweapons; and, third, Cuba is not providing support for our or sanctuary to international terrorists. Very simple, straightforward commonsense approaches.

Two generations ago, President Kennedy called Castro's Cuba "the unhappy island." Four decades later, life for the Cuban people has only gotten worse under Fidel Castro's brutality. They are stripped of basic human rights, they are denied political rights, and they are deprived of the hope to improve their lives because Cuba still has not joined the 21st century.

We should never stop working to bring freedom to Cuba. But until we can be certain that Cuba poses no threat to our national security, Congress should take no step that inadvertently strengthens the Castro regime and compromises our campaign against terror. Members should support the Goss amendment because it will ensure that the price of Cuban tourism will not eventually be measured in American lives.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALDEN of Oregon) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5120) making appropriations for the Treasury Department,

the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

PIPELINE INFRASTRUCTURE PROTECTION TO ENHANCE SECURITY AND SAFETY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3609) to amend title 49, United States Code, to enhance the security and safety of pipelines, as amended.

The Clerk read as follows:

H.R. 3609

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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Infrastructure Protection to Enhance Security and Safety Act".

(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.

(c) TABLE OF CONTENTS.—

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. One-call notification programs.
- Sec. 3. One-call notification of pipeline operators.
- Sec. 4. Protection of employees providing pipeline safety information.
- Sec. 5. Safety orders.
- Sec. 6. Penalties.
- Sec. 7. Pipeline safety information grants to communities.
- Sec. 8. Population encroachment.
- Sec. 9. Pipeline integrity research, development, and demonstration.
- Sec. 10. Pipeline qualification programs.
- Sec. 11. Additional gas pipeline protections.
- Sec. 12. Security of pipeline facilities.
- Sec. 13. National pipeline mapping system.
- Sec. 14. Coordination of environmental reviews.
- Sec. 15. Nationwide toll-free number system.
- Sec. 16. Recommendations and responses.
- Sec. 17. Miscellaneous amendments.
- Sec. 18. Technical amendments.
- Sec. 19. Authorization of appropriations.
- Sec. 20. Inspections by direct assessment.
- Sec. 21. Pipeline bridge risk study.
- Sec. 22. State oversight role.

SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.

(a) MINIMUM STANDARDS.—Section 6103 is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting “, including all government operators” before the semicolon at the end; and

(B) in paragraph (2) by inserting “, including all government and contract excavators” before the semicolon at the end; and

(2) in subsection (c) by striking “provide for” and inserting “provide for and document”.

(b) COMPLIANCE WITH MINIMUM STANDARDS.—Section 6104(d) is amended by striking “Within 3 years after the date of the enactment of this chapter, the Secretary shall begin to” and inserting “The Secretary shall”.

(c) IMPLEMENTATION OF BEST PRACTICES GUIDELINES.—

(1) IN GENERAL.—Section 6105 is amended to read as follows:

“§ 6105. Implementation of best practices guidelines

“(a) ADOPTION OF BEST PRACTICES.—The Secretary of Transportation shall encourage States, operators of one-call notification programs, excavators (including all government and contract excavators), and underground facility operators to adopt and implement practices identified in the best practices report entitled ‘Common Ground’, as periodically updated.

“(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to and participate in programs sponsored by a non-profit organization specifically established for the purpose of reducing construction-related damage to underground facilities.

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary may make grants to a non-profit organization described in subsection (b).

“(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 6107, there is authorized to be appropriated for making grants under this subsection \$500,000 for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.

“(3) GENERAL REVENUE FUNDING.—Any sums appropriated under this subsection shall be derived from general revenues and may not be derived from amounts collected under section 60301.”

(2) CONFORMING AMENDMENT.—The analysis for chapter 61 is amended by striking the item relating to section 6105 and inserting the following:

“6105. Implementation of best practices guidelines.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) FOR GRANTS FOR STATES.—Section 6107(a) is amended by striking “\$1,000,000 for fiscal year 2000” and all that follows before the period at the end of the first sentence and inserting “\$1,000,000 for each of fiscal years 2003 through 2006”.

(2) FOR ADMINISTRATION.—Section 6107(b) is amended by striking “for fiscal years 1999, 2000, and 2001” and inserting “for fiscal years 2003 through 2006”.

SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERATORS.

(a) LIMITATION ON PREEMPTION.—Section 60104(c) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a State authority may enforce a requirement of a one-call notification program of the State if the program meets the requirements for one-call notification programs under this chapter or chapter 61.”

(b) MINIMUM REQUIREMENTS.—Section 60114(a)(2) is amended by inserting “, including a government employee or contractor,” after “person”.

(c) CRIMINAL PENALTIES.—Section 60123(d) is amended—

(1) in the matter preceding paragraph (1) by striking “knowingly and willfully”;

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

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

“(B) a pipeline facility, and knows or has reason to know of the damage, but does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or”;

(4) by adding after paragraph (2) the following:

“Penalties under this subsection may be reduced in the case of a violation that is promptly reported by the violator.”.

SEC. 4. 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 EMPLOYEE.—(1) No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(A) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard under this chapter or any other Federal law relating to pipeline safety;

“(B) refused to engage in any practice made unlawful by this chapter or any other Federal law relating to pipeline safety, if the employee has identified the alleged illegality to the employer;

“(C) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding any provision (or proposed provision) of this chapter or any other Federal law relating to pipeline safety;

“(D) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this chapter or any other Federal law relating to pipeline safety, or a proceeding for the administration or enforcement of any requirement imposed under this chapter or any other Federal law relating to pipeline safety;

“(E) provided, caused to be provided, or is about to provide or cause to be provided, testimony in any proceeding described in subparagraph (D); or

“(F) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other manner in such a proceeding or in any other action to carry out the purposes of this chapter or any other Federal law relating to pipeline safety.

“(2) For purposes of this section, the term ‘employer’ means—

“(A) a person owning or operating a pipeline facility; or

“(B) a contractor or subcontractor of such a person.

“(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 180 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 or persons named in the complaint and the Secretary of Transportation 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 or persons 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 or persons 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 of Labor 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 or persons alleged to have committed a violation of subsection (a) of the Secretary of Labor’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 of Labor shall include with the Secretary of Labor’s findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 60 days after the date of notification of findings under this subparagraph, any person alleged to have committed a 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 60-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 of Labor 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 of Labor 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 90 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 or persons 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 or persons 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 or persons against 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 or persons 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 en-

forceable 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 action of an employee of an employer who, acting without direction from the employer (or such employer's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.”.

(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. 5. SAFETY ORDERS.

Section 60117 is amended by adding at the end the following:

“(1) SAFETY ORDERS.—If the Secretary decides that a pipeline facility has a potentially unsafe condition, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, replacement, or other appropriate action to remedy the unsafe condition.”.

SEC. 6. PENALTIES.

(a) PIPELINE FACILITIES HAZARDOUS TO LIFE AND PROPERTY.—

(1) GENERAL AUTHORITY.—Section 60112(a) is amended to read as follows:

“(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide that 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.”.

(2) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended by striking “is hazardous” and inserting “is or would be hazardous”.

(b) ENFORCEMENT.—(1) Section 60122(a)(1) is amended—

(A) by striking “\$25,000” and inserting “\$100,000”; and

(B) by striking “\$500,000” and inserting “\$1,000,000”.

(2) Section 60122(b) is amended by striking “under this section” and all that follows through paragraph (4) and inserting “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, and 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 reduction because of subsequent damages; and

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

(3) Section 60120(a) is amended—

(A) by striking “(a) CIVIL ACTIONS.—(1)” and all that follows through “(2) At the request” and inserting the following:

“(a) CIVIL ACTIONS.—

“(1) CIVIL ACTIONS TO ENFORCE THIS CHAPTER.—At 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, 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.

“(2) CIVIL ACTIONS TO REQUIRE COMPLIANCE WITH SUBPOENAS OR ALLOW FOR INSPECTIONS.—At the request”;

(B) by aligning the remainder of the text of paragraph (2) with the text of paragraph (1).

SEC. 7. PIPELINE SAFETY INFORMATION GRANTS TO COMMUNITIES.

(a) GRANT AUTHORITY.—(1) The Secretary of Transportation may make grants for technical assistance to local communities and groups of individuals (not including for-profit entities) relating to the safety of pipelines in local communities. The Secretary shall establish competitive procedures for awarding grants under this section, and criteria for selection of grant recipients. The amount of any grant under this section may not exceed \$50,000 for a single grant recipient. The Secretary shall establish appropriate procedures to ensure the proper use of funds provided under this section.

(2) For purposes of this subsection, the term “technical assistance” means engineering and other scientific analysis of pipeline safety issues, including the promotion of public participation in Department of Transportation and other official processes, commenting on Department of Transportation proposals, and participating in official Federal standard setting processes.

(b) PROHIBITED USES.—Funds provided under this section may not be used for lobbying or in direct support of litigation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for carrying out this section \$1,000,000 for each of the fiscal years 2003 through 2006. Such amounts shall not be derived from user fees collected under section 60301.

SEC. 8. POPULATION ENCROACHMENT.

Section 60127 is amended to read as follows:

“§ 60127. Population encroachment

“(a) STUDY.—The Secretary of Transportation, in conjunction with the Federal Energy Regulatory Commission and in consultation with appropriate Federal agencies and State and local governments, shall undertake a study of land use practices and zoning ordinances with regard to pipeline rights-of-way.

“(b) PURPOSE OF STUDY.—The purpose of the study shall be to gather information on land use practices and zoning ordinances—

“(1) to determine effective practices to limit encroachment on existing pipeline rights-of-way;

“(2) to address and prevent the hazards and risks to the public, pipeline workers, and the environment associated with encroachment on pipeline rights-of-way; and

“(3) to raise the awareness of the risks and hazards of encroachment on pipeline rights-of-way.

“(c) CONSIDERATIONS.—In conducting the study, the Secretary shall consider, at a minimum, the following:

“(1) The legal authority of Federal agencies and State and local governments in controlling land use and the limitations on such authority.

“(2) The current practices of Federal agencies and State and local governments in addressing land use issues involving a pipeline easement.

“(3) The most effective way to encourage Federal agencies and State and local governments to monitor and reduce encroachment upon pipeline rights-of-way.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a report identifying practices, laws, and ordinances that are most successful in addressing issues of encroachment on pipeline rights-of-way so as to more effectively protect public safety, pipeline workers, and the environment.

“(2) DISTRIBUTION OF REPORT.—The Secretary shall provide a copy of the report to—

“(A) Congress and appropriate Federal agencies; and

“(B) States for further distribution to appropriate local authorities.

“(3) ADOPTION OF PRACTICES, LAWS, AND ORDINANCES.—The Secretary shall encourage Federal agencies and State and local governments to adopt and implement appropriate practices, laws, and ordinances, as identified in the report, to address the risks and hazards associated with encroachment upon pipeline rights-of-way.”

SEC. 9. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) ESTABLISHMENT OF COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The heads of the participating agencies shall develop and implement a program of research, development, demonstration, and standardization to ensure the integrity of energy pipelines and next-generation pipelines.

(2) ELEMENTS.—The program shall include research, development, demonstration, and standardization activities related to—

(A) materials inspection;

(B) stress and fracture analysis, detection of cracks, corrosion, abrasion, and other abnormalities inside pipelines that lead to pipeline failure, and development of new equipment or technologies that are inserted into pipelines to detect anomalies;

(C) internal inspection and leak detection technologies, including detection of leaks at very low volumes;

(D) methods of analyzing content of pipeline throughput;

(E) pipeline security, including improving the real-time surveillance of pipeline rights-of-way, developing tools for evaluating and enhancing pipeline security and infrastructure, reducing natural, technological, and terrorist threats, and protecting first response units and persons near an incident;

(F) risk assessment methodology, including vulnerability assessment and reduction of third-party damage;

(G) communication, control, and information systems surety;

(H) fire safety of pipelines;

(I) improved excavation, construction, and repair technologies; and

(J) other elements the heads of the participating agencies consider appropriate.

(3) ACTIVITIES AND CAPABILITIES REPORT.—Not later than 6 months after the date of the enactment of this Act, the participating agencies shall transmit to the Congress a report on the existing activities and capabilities of the participating agencies, including the national laboratories. The report shall include the results of a survey by the participating agencies of any activities of other Federal agencies that are relevant to or could supplement existing research, development, demonstration, and standardization activities under the program created under this section.

(b) PROGRAM PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the participating agencies shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. Such program plan shall be submitted to the Pipeline Integrity Technical Advisory Committee established under subsection (c) for review, and the report to Congress shall include the comments of the Advisory Committee. The 5-year program plan shall take into account related activities of Federal agencies that are not participating agencies.

(2) CONSULTATION.—In preparing the program plan, the participating agencies shall consult with appropriate representatives of State and local government and the private sector, including companies owning energy pipelines and developers of next-generation pipelines, to help establish program priorities.

(3) ADVICE FROM OTHER ENTITIES.—In preparing the program plan, the participating agencies shall also seek the advice of other Federal agencies, utilities, manufacturers, institutions of higher learning, pipeline research institutions, national laboratories, environmental organizations, pipeline safety advocates, professional and technical societies, and any other appropriate entities.

(c) PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The participating agencies shall establish and manage a Pipeline Integrity Technical Advisory Committee (in this subsection referred to as the “Advisory Committee”). The Advisory Committee shall be established not later than 6 months after the date of the enactment of this Act.

(2) DUTIES.—The Advisory Committee shall—

(A) advise the participating agencies on the development and implementation of the program plan prepared under subsection (b); and

(B) have a continuing role in evaluating the progress and results of research, development, demonstration, and standardization activities carried out under this section.

(3) MEMBERSHIP.—

(A) APPOINTMENT.—The Advisory Committee shall be composed of—

(i) 3 members appointed by the Secretary of Energy;

(ii) 3 members appointed by the Secretary of Transportation; and

(iii) 3 members appointed by the Director of the National Institute of Standards and Technology.

In making appointments, the participating agencies shall seek recommendations from the National Academy of Sciences.

(B) QUALIFICATIONS.—Members appointed to the Advisory Committee shall have experience or be technically qualified, by training or knowledge, in the operations of the pipeline industry, and have experience in the research and development of pipeline or related technologies.

(C) COMPENSATION.—The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) MEETINGS.—The Advisory Committee shall meet at least 4 times each year.

(5) TERMINATION.—The Advisory Committee shall terminate 5 years after its establishment.

(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the participating agencies shall each transmit to the Congress a report on the status and results to date of the implementation of their por-

tion of the program plan prepared under subsection (b).

(e) MEMORANDUM OF UNDERSTANDING.—Not later than 120 days after the date of the enactment of this Act, the participating agencies shall enter into a memorandum of understanding detailing their respective responsibilities under this Act, consistent with the activities and capabilities identified under subsection (a)(3). Each of the participating agencies shall have the primary responsibility for ensuring that the elements of the program plan within its jurisdiction are implemented in accordance with this section. The Department of Transportation’s responsibilities shall reflect its expertise in pipeline inspection and information systems surety. The Department of Energy’s responsibilities shall reflect its expertise in low-volume leak detection and surveillance technologies. The National Institute of Standards and Technology’s responsibilities shall reflect its expertise in standards and materials research.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Secretary of Energy \$10,000,000;

(2) to the Secretary of Transportation \$5,000,000; and

(3) to the National Institute of Standards and Technology \$5,000,000, for each of the fiscal years 2003 through 2007 for carrying out this section.

(g) DEFINITIONS.—For purposes of this section—

(1) the term “energy pipeline” means a pipeline system used in the transmission or local distribution of natural gas (including liquefied natural gas), crude oil, or refined petroleum products;

(2) the term “next-generation pipeline” means a transmission or local distribution pipeline system designed to transmit energy or energy-related products, in liquid or gaseous form, other than energy pipelines;

(3) the term “participating agencies” means the Department of Energy, the Department of Transportation, and the National Institute of Standards and Technology; and

(4) the term “pipeline” means an energy pipeline or a next-generation pipeline.

SEC. 10. PIPELINE QUALIFICATION PROGRAMS.

(a) VERIFICATION PROGRAM.—

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

“§ 60130. Verification of pipeline qualification programs

“(a) IN GENERAL.—Subject to the requirements of this section, the Secretary of Transportation shall require the operator of a pipeline facility to develop and adopt a qualification program to ensure that the individuals who perform covered tasks are qualified to conduct such tasks.

“(b) STANDARDS AND CRITERIA.—

“(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall ensure that the Department of Transportation has in place standards and criteria for qualification programs referred to in subsection (a).

“(2) CONTENTS.—The standards and criteria shall include the following:

“(A) The establishment of methods for evaluating the acceptability of the qualifications of individuals described in subsection (a).

“(B) A requirement that pipeline operators develop and implement written plans and procedures to qualify individuals described in subsection (a) to a level found acceptable using the methods established under subparagraph (A) and evaluate the abilities of individuals described in subsection (a) according to such methods.

“(C) A requirement that the plans and procedures adopted by a pipeline operator under

subparagraph (B) be reviewed and verified under subsection (e).

“(C) DEVELOPMENT OF QUALIFICATION PROGRAMS BY PIPELINE OPERATORS.—Not later than 2 years after the date of the enactment of this section, the Secretary shall require a pipeline operator to develop and adopt a qualification program that complies with the standards and criteria described in subsection (b).

“(d) ELEMENTS OF QUALIFICATION PROGRAMS.—A qualification program adopted by an operator under subsection (a) shall include, at a minimum, the following elements:

“(1) A method for examining or testing the qualifications of individuals described in subsection (a). Such method may not be limited to observation of on-the-job performance, except with respect to tasks for which the Secretary has determined that such observation is the best method of examining or testing qualifications. The Secretary shall ensure that the results of any such observations are documented in writing.

“(2) A requirement that the operator complete the qualification of all individuals described in subsection (a) not later than 18 months after the date of adoption of the qualification program.

“(3) A periodic requalification component that provides for examination or testing of individuals in accordance with paragraph (1).

“(4) A program to provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.

“(e) REVIEW AND VERIFICATION OF PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall review the qualification program of each pipeline operator and verify its compliance with the standards and criteria described in subsection (b) and includes the elements described in paragraphs (1) through (3) of subsection (d). The Secretary shall record the results of that review for use in the next review of an operator's program.

“(2) DEADLINE FOR COMPLETION.—Reviews and verifications under this subsection shall be completed not later than 3 years after the date of the enactment of this section.

“(3) INADEQUATE PROGRAMS.—If the Secretary decides that a qualification program is inadequate for the safe operation of a pipeline facility, the Secretary shall act as under section 60108(a)(2) to require the operator to revise the qualification program.

“(4) PROGRAM MODIFICATIONS.—If the operator of a pipeline facility seeks to modify significantly a program that has been verified under this subsection, the operator shall submit the modifications to the Secretary for review and verification.

“(5) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement of this section.

“(6) INACTION BY THE SECRETARY.—Notwithstanding any failure of the Secretary to prescribe standards and criteria as described in subsection (b), an operator of a pipeline facility shall develop and adopt a qualification program that complies with the requirement of subsection (b)(2)(B) and includes the elements described in paragraphs (1) through (3) of subsection (d) not later than 2 years after the date of enactment of this section.

“(f) COVERED TASK DEFINED.—In this section, the term ‘covered task’—

“(1) with respect to a gas pipeline facility, has the meaning such term has under section 192.801 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section; and

“(2) with respect to a hazardous liquid pipeline facility, has the meaning such term has under section 195.501 of such title, as in effect on the date of enactment of this section.

“(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall transmit to Congress a report on the status and results to date of the personnel qualification regulations issued under this chapter.”.

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

“60130. Verification of pipeline qualification programs.”.

(b) PILOT PROGRAM FOR CERTIFICATION OF CERTAIN PIPELINE WORKERS.—

(1) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Secretary of Transportation shall—

(A) develop tests and other requirements for certifying the qualifications of individuals who operate computer-based systems for controlling the operations of pipelines; and

(B) establish and carry out a pilot program for 3 pipeline facilities under which the individuals operating computer-based systems for controlling the operations of pipelines at such facilities are required to be certified under the process established under subparagraph (A).

(2) REPORT.—The Secretary shall include in the report required under section 60130(g), as added by subsection (a) of this section, the results of the pilot program. The report shall include—

(A) a description of the pilot program and implementation of the pilot program at each of the 3 pipeline facilities;

(B) an evaluation of the pilot program, including the effectiveness of the process for certifying individuals who operate computer-based systems for controlling the operations of pipelines;

(C) any recommendations of the Secretary for requiring the certification of all individuals who operate computer-based systems for controlling the operations of pipelines; and

(D) an assessment of the ramifications of requiring the certification of other individuals performing safety-sensitive functions for a pipeline facility.

(3) DEFINITION.—For purposes of this subsection, the term “computer-based systems” means supervisory control and data acquisition systems (SCADA).

SEC. 11. ADDITIONAL GAS PIPELINE PROTECTIONS.

(a) RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.—Section 60109 is amended by adding at the end the following:

“(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.—

“(1) REQUIREMENT.—Each operator of a gas pipeline facility shall conduct an analysis of the risks to each facility of the operator in an area identified pursuant to subsection (a)(1), and shall adopt and implement a written integrity management program for such facility to reduce the risks.

“(2) REGULATIONS.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards to direct an operator's conduct of a risk analysis and adoption and implementation of an integrity management program under this subsection. The regulations shall require the conduct of the risk analysis and adoption of the integrity management program to occur within a time period prescribed by the Secretary, not to exceed 1 year after the issuance of such regulations. The Secretary may satisfy the requirements of this paragraph through the issuance of regulations under this paragraph or under other authority of law.

“(3) MINIMUM REQUIREMENTS OF INTEGRITY MANAGEMENT PROGRAMS.—An integrity management program required under paragraph (1) shall include, at a minimum, the following requirements:

“(A) A baseline integrity assessment of each of the operator's facilities in areas identified pursuant to subsection (a)(1), to be completed not later than 10 years after the date of the adoption of the integrity management program, by internal inspection device, pressure testing, direct assessment, or an alternative method that the Secretary determines would provide an equal or greater level of safety.

“(B) Subject to paragraph (4), periodic re-assessment of the facility, at a minimum of once every 7 years, using methods described in subparagraph (A).

“(C) Clearly defined criteria for evaluating the results of reassessments conducted under subparagraph (B) and for taking actions based on such results.

“(D) A method for conducting an analysis on a continuing basis that integrates all available information about the integrity of the facility and the consequences of releases from the facility.

“(E) A description of actions to be taken by the operator to promptly address any integrity issue raised by an evaluation conducted under subparagraph (C) or the analysis conducted under subparagraph (D).

“(F) A description of measures to prevent and mitigate the consequences of releases from the facility.

“(G) A method for monitoring cathodic protection systems throughout the pipeline system of the operator to the extent not addressed by other regulations.

“(H) If the Secretary raises a safety concern relating to the facility, a description of the actions to be taken by the operator to address the safety concern, including issues raised with the Secretary by States and local authorities under an agreement entered into under section 60106.

(4) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement for re-assessment of a facility under paragraph (3)(B) for reasons that may include the need to maintain local product supply or the lack of internal inspection devices if the Secretary determines that such waiver is not inconsistent with pipeline safety.

(5) STANDARDS.—The standards prescribed by the Secretary under paragraph (2) shall address each of the following factors:

“(A) The minimum requirements described in paragraph (3).

“(B) The type or frequency of inspections or testing of pipeline facilities, in addition to the minimum requirements of paragraph (3)(B).

“(C) The manner in which the inspections or testing are conducted.

“(D) The criteria used in analyzing results of the inspections or testing.

“(E) The types of information sources that must be integrated in assessing the integrity of a pipeline facility as well as the manner of integration.

“(F) The nature and timing of actions selected to address the integrity of a pipeline facility.

“(G) Such other factors as the Secretary determines appropriate to ensure that the integrity of a pipeline facility is addressed and that appropriate mitigative measures are adopted to protect areas identified under subsection (a)(1).

In prescribing those standards, the Secretary shall ensure that all inspections required are conducted in a manner that minimizes environmental and safety risks, and shall take

into account the applicable level of protection established by national consensus standards organizations.

“(6) ADDITIONAL OPTIONAL STANDARDS.—The Secretary may also prescribe standards requiring an operator of a pipeline facility to include in an integrity management program under this subsection—

“(A) changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the operator’s risk analysis; and

“(B) the use of emergency flow restricting devices.

“(7) INACTION BY THE SECRETARY.—Notwithstanding any failure of the Secretary to prescribe standards as described in paragraph (2), an operator of a pipeline facility shall conduct a risk analysis and adopt and implement an integrity management program under paragraph (1) not later than 30 months after the date of the enactment of this subsection.

“(8) REVIEW OF INTEGRITY MANAGEMENT PROGRAMS.—

“(A) REVIEW OF PROGRAMS.—

“(i) IN GENERAL.—The Secretary shall review a risk analysis and integrity management program under paragraph (1) and record the results of that review for use in the next review of an operator’s program.

“(ii) CONTEXT OF REVIEW.—The Secretary may conduct a review under clause (i) as an element of the Secretary’s inspection of an operator.

“(iii) INADEQUATE PROGRAMS.—If the Secretary determines that a risk analysis or integrity management program does not comply with the requirements of this subsection or regulations issued as described in paragraph (2), or is inadequate for the safe operation of a pipeline facility, the Secretary shall act under section 60108(a)(2) to require the operator to revise the risk analysis or integrity management program.

“(B) AMENDMENTS TO PROGRAMS.—In order to facilitate reviews under this paragraph, an operator of a pipeline facility shall notify the Secretary of any amendment made to the operator’s integrity management program not later than 30 days after the date of adoption of the amendment.

“(C) TRANSMITTAL OF PROGRAMS TO STATE AUTHORITIES.—The Secretary shall provide a copy of each risk analysis and integrity management program reviewed by the Secretary under this paragraph to any appropriate State authority with which the Secretary has entered into an agreement under section 60106.

“(9) STATE REVIEW OF INTEGRITY MANAGEMENT PLANS.—A State authority that enters into an agreement pursuant to section 60106, permitting the State authority to review the risk analysis and integrity management program pursuant to paragraph (8), may provide the Secretary with a written assessment of the risk analysis and integrity management program, make recommendations, as appropriate, to address safety concerns not adequately addressed by the operator’s risk analysis or integrity management program, and submit documentation explaining the State-proposed revisions. The Secretary shall consider carefully the State’s proposals and work in consultation with the States and operators to address safety concerns.

“(10) APPLICATION OF STANDARDS.—Section 60104(b) shall not apply to this section.”

(b) INTEGRITY MANAGEMENT REGULATIONS.—Section 60109 is further amended by adding at the end the following:

“(d) EVALUATION OF INTEGRITY MANAGEMENT REGULATIONS.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall complete an assessment and evaluation of the effects on public safety and the environment of the re-

quirements for the implementation of integrity management programs contained in the standards prescribed as described in subsection (c)(2).”

(c) CONFORMING AMENDMENT.—Section 60118(a) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following:

“(4) conduct a risk analysis, and adopt and implement an integrity management program, for pipeline facilities as required under section 60109(c).”

(d) STUDY OF REASSESSMENT INTERVALS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study to evaluate the 7-year reassessment interval required by section 60109(c)(3)(B) of title 49, United States Code, as added by subsection (a) of this section.

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

SEC. 12. SECURITY OF PIPELINE FACILITIES.

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

“§ 60131. Security of pipeline facilities

“(a) RULEMAKING REQUIREMENT.—The Secretary of Transportation, not later than 60 days after the date of the enactment of this section, after consultation with any appropriate Federal, State, or nongovernmental entities, shall commence a rulemaking to require effective security measures which the Secretary determines are necessary to be adopted against acts of terrorism or sabotage directed against waterfront liquefied natural gas plants, capable of receiving liquefied natural gas tankers, located in or within 1 mile of a densely populated urban area. Within 1 year after the date of the enactment of this section, the Secretary of Transportation shall issue a final rule.

“(b) FACTORS TO BE CONSIDERED.—Regulations issued under subsection (a) shall take into account—

“(1) the events of September 11, 2001;

“(2) the potential for attack on facilities by multiple coordinated teams totaling in the aggregate a significant number of individuals;

“(3) the potential for assistance in an attack from several persons employed at the facility;

“(4) the potential for suicide attacks;

“(5) water-based and air-based threats;

“(6) the potential use of explosive devices of considerable size and other modern weaponry;

“(7) the potential for attacks by persons with a sophisticated knowledge of facility operations;

“(8) the threat of fires and large explosions; and

“(9) special threats and vulnerabilities affecting facilities located in or within 1 mile of a densely populated urban area.

“(c) REQUIREMENTS.—Regulations issued under subsection (a) shall establish requirements for waterfront liquefied natural gas plants, capable of receiving liquefied natural gas tankers, relating to construction, operation, security procedures, and emergency response, and shall require conforming amendments to applicable standards and rules.

“(d) OPERATIONAL SECURITY RESPONSE EVALUATION.—(1) Regulations issued under subsection (a) shall include the establishment of policies and procedures by the Secretary of Transportation, which shall ensure that the operational security response of each facility described in paragraph (2) is

tested at least once every 2 years through the use of force-on-force exercises to determine whether the threat factors identified in regulations issued under subsection (a) have been adequately addressed.

“(2) Facilities subject to testing under paragraph (1) include waterfront liquefied natural gas plants, capable of receiving liquefied natural gas tankers, located in or within 1 mile of a densely populated urban area, and associated support facilities and equipment.

“(e) REVIEW AND REVISION.—Regulations issued under subsection (a) shall be reviewed and revised as appropriate at least once every 5 years.

“(f) DEFINITIONS.—For purposes of this section, the term ‘densely populated urban area’ means an area with a population density of more than 10,000 people per square mile.”

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

“60131. Security of pipeline facilities.”

SEC. 13. NATIONAL PIPELINE MAPPING SYSTEM.

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

“§ 60132. National pipeline mapping system

“(a) INFORMATION TO BE PROVIDED.—Not later than 6 months after the date of enactment of this section, the operator of a pipeline facility (except distribution lines and gathering lines) shall provide to the Secretary of Transportation the following information with respect to the facility:

“(1) Geospatial data appropriate for use in the National Pipeline Mapping System or data in a format that can be readily converted to geospatial data.

“(2) The name and address of the person with primary operational control to be identified as its operator for purposes of this chapter.

“(3) A means for a member of the public to contact the operator for additional information about the pipeline facilities it operates.

“(b) UPDATES.—A person providing information under subsection (a) shall provide to the Secretary updates of the information to reflect changes in the pipeline facility owned or operated by the person and as otherwise required by the Secretary.

“(c) TECHNICAL ASSISTANCE TO IMPROVE LOCAL RESPONSE CAPABILITIES.—The Secretary may provide technical assistance to State and local officials to improve local response capabilities for pipeline emergencies by adapting information available through the National Pipeline Mapping System to software used by emergency response personnel responding to pipeline emergencies.”

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

“60132. National pipeline mapping system.”

SEC. 14. COORDINATION OF ENVIRONMENTAL REVIEWS.

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

“§ 60133. Coordination of environmental reviews

“(a) INTERAGENCY COMMITTEE.—

“(1) ESTABLISHMENT AND PURPOSE.—Not later than 30 days after the date of enactment of this section, the President shall establish an Interagency Committee to develop and ensure implementation of a coordinated environmental review and permitting process in order to enable pipeline operators to commence and complete all activities necessary to carry out pipeline repairs within any time periods specified by rule by the Secretary.

“(2) MEMBERSHIP.—The Chairman of the Council on Environmental Quality (or a designee of the Chairman) shall chair the Interagency Committee, which shall consist of

representatives of Federal agencies with responsibilities relating to pipeline repair projects, including each of the following persons (or a designee thereof):

“(A) The Secretary of Transportation.

“(B) The Administrator of the Environmental Protection Agency.

“(C) The Director of the United States Fish and Wildlife Service.

“(D) The Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

“(E) The Director of the Bureau of Land Management.

“(F) The Director of the Minerals Management Service.

“(G) The Assistant Secretary of the Army for Civil Works.

“(H) The Chairman of the Federal Energy Regulatory Commission.

“(3) EVALUATION.—The Interagency Committee shall evaluate Federal permitting requirements to which access, excavation, and restoration activities in connection with pipeline repairs described in paragraph (1) may be subject. As part of its evaluation, the Interagency Committee shall examine the access, excavation, and restoration practices of the pipeline industry in connection with such pipeline repairs, and may develop a compendium of best practices used by the industry to access, excavate, and restore the site of a pipeline repair.

“(4) MEMORANDUM OF UNDERSTANDING.—Based upon the evaluation required under paragraph (3) and not later than 1 year after the date of enactment of this section, the members of the Interagency Committee shall enter into a memorandum of understanding to provide for a coordinated and expedited pipeline repair permit review process to carry out the purpose set forth in paragraph (1). The Interagency Committee shall include provisions in the memorandum of understanding identifying those repairs or categories of repairs described in paragraph (1) for which the best practices identified under paragraph (3), when properly employed by a pipeline operator, would result in no more than minimal adverse effects on the environment and for which discretionary administrative reviews may therefore be minimized or eliminated. With respect to pipeline repairs described in paragraph (1) to which the preceding sentence would not be applicable, the Interagency Committee shall include provisions to enable pipeline operators to commence and complete all activities necessary to carry out pipeline repairs within any time periods specified by rule by the Secretary. The Interagency Committee shall include in the memorandum of understanding criteria under which permits required for such pipeline repair activities should be prioritized over other less urgent agency permit application reviews. The Interagency Committee shall not enter into a memorandum of understanding under this paragraph except by unanimous agreement of the members of the Interagency Committee.

“(5) STATE AND LOCAL CONSULTATION.—In carrying out this subsection, the Interagency Committee shall consult with appropriate State and local environmental, pipeline safety, and emergency response officials, and such other officials as the Interagency Committee considers appropriate.

“(b) IMPLEMENTATION.—Not later than 180 days after the completion of the memorandum of understanding required under subsection (a)(4), each agency represented on the Interagency Committee shall revise its regulations as necessary to implement the provisions of the memorandum of understanding.

“(c) SAVINGS PROVISIONS; NO PREEMPTION.—Nothing in this section shall be construed—

“(1) to require a pipeline operator to obtain a Federal permit, if no Federal permit would otherwise have been required under Federal law; or

“(2) to preempt applicable Federal, State, or local environmental law.

“(d) INTERIM OPERATIONAL ALTER-NATIVES.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this section, and subject to the limitations in paragraph (2), the Secretary of Transportation shall revise the regulations of the Department, to the extent necessary, to permit a pipeline operator subject to time periods for repair specified by rule by the Secretary to implement alternative mitigation measures until all applicable permits have been granted.

“(2) LIMITATIONS.—The regulations issued by the Secretary pursuant to this subsection shall not allow an operator to implement alternative mitigation measures pursuant to paragraph (1) unless—

“(A) allowing the operator to implement such measures would be consistent with the protection of human health, public safety, and the environment;

“(B) the operator, with respect to a particular repair project, has applied for and is pursuing diligently and in good faith all required Federal, State, and local permits to carry out the project; and

“(C) the proposed alternative mitigation measures are not incompatible with pipeline safety.

“(e) OMBUDSMAN.—The Secretary shall designate an ombudsman to assist in expediting pipeline repairs and resolving disagreements between Federal, State, and local permitting agencies and the pipeline operator during agency review of any pipeline repair activity, consistent with protection of human health, public safety, and the environment.

“(f) STATE AND LOCAL PERMITTING PROCESSES.—The Secretary shall encourage States and local governments to consolidate their respective permitting processes for pipeline repair projects subject to any time periods for repair specified by rule by the Secretary. The Secretary may request other relevant Federal agencies to provide technical assistance to States and local governments for the purpose of encouraging such consolidation.”

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

“60133. Coordination of environmental reviews.”

SEC. 15. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

Within 1 year after the date of the enactment of this Act, the Secretary of Transportation shall, in conjunction with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems.

SEC. 16. RECOMMENDATIONS AND RESPONSES.

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

“§ 60134. Recommendations and responses

“(a) RESPONSE REQUIREMENT.—Whenever the Office of Pipeline Safety has received recommendations from the National Transportation Safety Board regarding pipeline safety, it shall submit a formal written response to each such recommendation within 90 days after receiving the recommendation. The response shall indicate whether the Office intends—

“(1) to carry out procedures to adopt the complete recommendations;

“(2) to carry out procedures to adopt a part of the recommendations; or

“(3) to refuse to carry out procedures to adopt the recommendations.

“(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under subsection (a)(1) or (2) shall include a copy of a proposed timetable for completing the procedures. A response under subsection (a)(2) shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendations. A response under subsection (a)(3) shall detail the reasons for the refusal to carry out procedures to adopt the recommendations.

“(c) PUBLIC AVAILABILITY.—The Office shall make a copy of each recommendation and response available to the public, including in electronic form.

“(d) REPORTS TO CONGRESS.—The Office shall submit to Congress on January 1 of each year a report describing each recommendation on pipeline safety made by the National Transportation Safety Board to the Office during the prior year and the Office's response to each recommendation.”

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

“60134. Recommendations and responses.”

SEC. 17. MISCELLANEOUS AMENDMENTS.

(a) PROTECTION OF PUBLIC HEALTH, WELFARE, AND THE ENVIRONMENT.—Section 60102(a)(1) is amended by inserting “in order to protect public health and welfare and the environment from reasonably anticipated threats that could be posed by such transportation and facilities” after “and for pipeline facilities”.

(b) CONFLICTS OF INTEREST.—Section 60115(b)(4) is amended by adding at the end the following new subparagraph:

“(D) None of the individuals selected for a committee under paragraph (3)(C) may have a significant financial interest in the pipeline, petroleum, or gas industry.”

SEC. 18. TECHNICAL AMENDMENTS.

Chapter 601 is amended—

(1) in section 60102(a)—

(A) by striking “(a)(1)” and all that follows through “The Secretary of Transportation” and inserting the following:

“(a) MINIMUM SAFETY STANDARDS.—

“(1) IN GENERAL.—The Secretary of Transportation”;

(B) by moving the remainder of the text of paragraph (1), including subparagraphs (A) and (B) but excluding subparagraph (C), 2 ems to the right; and

(C) in paragraph (2) by inserting “QUALIFICATIONS OF PIPELINE OPERATORS.—” before “The qualifications”;

(2) in section 60110(b) by striking “circumstances” and all that follows through “operator” and inserting the following: “circumstances, if any, under which an operator”;

(3) in section 60114 by redesignating subsection (d) as subsection (c);

(4) in section 60122(a)(1) by striking “section 60114(c)” and inserting “section 60114(b)”;

(5) in section 60123(a) by striking “60114(c)” and inserting “60114(b)”.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

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

“(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for section 60107) related to gas and hazardous liquid, the following amounts are authorized to be appropriated to the Department of Transportation:

“(1) \$45,800,000 for fiscal year 2003, of which \$31,900,000 is to be derived from user fees for fiscal year 2003 collected under section 60301 of this title.

“(2) \$46,800,000 for fiscal year 2004, of which \$35,700,000 is to be derived from user fees for fiscal year 2004 collected under section 60301 of this title.

“(3) \$47,100,000 for fiscal year 2005, of which \$41,100,000 is to be derived from user fees for fiscal year 2005 collected under section 60301 of this title.

“(4) \$50,000,000 for fiscal year 2006, of which \$45,000,000 is to be derived from user fees for fiscal year 2006 collected under section 60301 of this title.”

(b) STATE GRANTS.—Section 60125 is amended—

(1) by striking subsections (b), (d), and (f) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively; and

(2) in subsection (b)(1) (as so redesignated) by striking subparagraphs (A) through (H) and inserting the following:

“(A) \$19,800,000 for fiscal year 2003, of which \$14,800,000 is to be derived from user fees for fiscal year 2003 collected under section 60301 of this title.

“(B) \$21,700,000 for fiscal year 2004, of which \$16,700,000 is to be derived from user fees for fiscal year 2004 collected under section 60301 of this title.

“(C) \$24,600,000 for fiscal year 2005, of which \$19,600,000 is to be derived from user fees for fiscal year 2005 collected under section 60301 of this title.

“(D) \$26,500,000 for fiscal year 2006, of which \$21,500,000 is to be derived from user fees for fiscal year 2006 collected under section 60301 of this title.”

(c) EMERGENCY RESPONSE GRANTS.—Section 60125 is amended by adding after subsection (c) (as redesignated by subsection (b)(1) of this section) the following:

“(d) EMERGENCY RESPONSE GRANTS.—

“(1) IN GENERAL.—The Secretary may establish a program for making grants to State, county, and local governments in high consequence areas, as defined by the Secretary, for emergency response management, training, and technical assistance.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$6,000,000 for each of fiscal years 2003, 2004, and 2005 to carry out this subsection.”

(d) CONFORMING AMENDMENT.—Section 60125(c) (as redesignated by subsection (b)(1) of this section) is amended by striking “or (b) of this section”.

SEC. 20. INSPECTIONS BY DIRECT ASSESSMENT.

Section 60102, as amended by this Act, is further amended by adding at the end the following new subsection:

“(m) INSPECTIONS BY DIRECT ASSESSMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards for inspection of a pipeline facility by direct assessment.”

SEC. 21. PIPELINE BRIDGE RISK STUDY.

(a) INITIATION.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to determine whether cable-suspension pipeline bridges pose structural or other risks warranting particularized attention in connection with pipeline operators risk assessment programs and whether particularized inspection standards need to be developed by the Department of Transportation to recognize the peculiar risks posed by such bridges.

(b) PUBLIC PARTICIPATION AND COMMENTS.—In conducting the study, the Secretary shall provide, to the maximum extent practicable, for public participation and comment and shall solicit views and comments from the public and interested persons, including participants in the pipeline industry with knowledge and experience in inspection of pipeline facilities.

(c) COMPLETION AND REPORT.—Within 2 years after the date of enactment of this

Act, the Secretary shall complete the study and transmit to Congress a report detailing the results of the study.

SEC. 22. STATE OVERSIGHT ROLE.

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

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

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; 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 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 in writing 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 31, 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, 2003, 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 Infrastructure Protection to Enhance Security and Safety Act 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)(2) of this section) is amended to read as follows:

“(e) ENDING AGREEMENTS.—

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

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

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

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

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

“(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give 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) SECRETARY’S RESPONSE TO STATE NOTICES OF VIOLATIONS.—Subsection (c) of section 60106 (as redesignated by subsection (a)(2) of this section) is amended—

(1) by striking “Each agreement” and inserting the following:

“(1) IN GENERAL.—Each agreement”;

(2) by adding at the end the following:

“(2) RESPONSE BY SECRETARY.—If a State authority notifies the Secretary under paragraph (1) of a violation or probable violation of an applicable safety standard, the Secretary, not later than 60 days after the date of receipt of the notification, shall—

“(A) issue an order under section 60118(b) or take other appropriate enforcement actions to ensure compliance with this chapter; or

“(B) provide the State authority with a written explanation as to why the Secretary has determined not to take such actions.”; and

(3) by aligning the text of paragraph (1) (as designated by this subsection) with paragraph (2) (as added by this subsection).

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

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject matter of this bill, H.R. 3609.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, first, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) for his cooperation in reaching this compromise on H.R. 3609, the Pipeline Infrastructure Protection and Enhancement Security and Safety Act. I also would like to thank my good friend and hunting partner, the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Michigan (Mr. DINGELL) for their hard work in crafting a bill that both our committees can agree to.

H.R. 3609 improves safety and protects workers and residents who live near pipelines. H.R. 3609 will strengthen the training procedures of pipeline workers, and implement a tough inspection and rigorous inspection schedule of pipelines.

The bill will improve the permitting procedures that allow operators to make the repairs that will be required under rules currently being developed at the Department of Transportation.

The bill will improve the enforcement of statutes and regulations that cover pipeline and operators at facilities.

Mr. Speaker, this is a good piece of legislation, and I urge my colleagues to support the legislation.

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

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

Today, we are finally going to be able to vote on pipeline safety legislation worthy of the name. It is regrettable it has taken us 3 years to get here, but the bill before the House is a good bill. It is the result of long, intense, constructive negotiations among the parties to this process, including our Republican leadership on our committee, the gentleman from Alaska (Mr. YOUNG), and his staff, the gentleman from Louisiana (Mr. TAUZIN) and his staff, the gentleman from Michigan (Mr. DINGELL) and his staff, represented here today by the gentleman from Virginia (Mr. BOUCHER).

This is a compromise in the best sense of that word. We have all yielded some and accepted some. It is one that will promote pipeline safety and legislation that should be widely supported. We were very far apart at the outset of this process. I had serious reservations about the bill, H.R. 3609, as introduced, because I believed very strongly that the introduced bill failed to respond adequately to a number of important safety concerns, many of which date back to the mid-1980s when I chaired the Subcommittee on Oversight and Investigations and held hearings on pipeline safety in the aftermath of several tragedies throughout the United States, including one very serious fatal pipeline blast in Minnesota that killed people in the northern suburbs of the Twin Cities.

The introduced bill, in my view, did little to ensure that pipeline employees with safety responsibilities would be qualified or that they would get the

necessary training. It did not have funding for assistance to groups of concerned citizens who had played an important role in pipeline safety, something I have come to appreciate over the years, and unprecedented authority for the Department of Transportation to terminate jurisdiction of agencies with environmental responsibilities for pipelines. Those were widely discussed issues and widely reported in news reports on this legislation.

I think that the bill we have before us now adequately addresses those problems, and I can support this legislation in partnership with the gentleman from Alaska and the gentleman from Louisiana and the gentleman from Michigan and the gentleman from Virginia.

The bill requires that all natural gas transmission pipelines serving high-consequence areas be inspected within 10 years and reinspected no later than every 7 years thereafter. It requires pipeline operators to provide training to ensure that individuals have the necessary knowledge and skills to do their tasks in a safe manner. It makes clear that it is not enough to rely on observing an employee's on-the-job performance to determine if he or she is qualified.

I have been to pipeline operational facilities to observe these circumstances firsthand. I am quite convinced that the language we have now is going to address that issue.

The bill includes a pilot program to determine whether persons operating computer-based systems for controlling pipelines should be certified. It raises civil penalties for violations from \$25,000 to \$100,000, and the maximum civil penalty from \$500,000 to \$1 million.

The bill allows the Secretary of Transportation to ask the Attorney General to bring civil actions in Federal District Court to enforce pipeline safety regulations. It has a program of grants for local organizations to obtain technical assistance to participate effectively in pipeline safety proceedings and limitations on those groups against lobbying, against political activities with these funds.

The bill requires an interagency committee to coordinate environmental reviews, chaired by the chairman of the Council on Environmental Quality and consisting of Federal environmental permitting agencies to develop a memorandum of understanding to coordinate environmental reviews for pipeline repair projects. It ensures that this coordination process will respect existing environmental laws. It will address the appropriate roles of the permitting agencies and respect those roles. The bill requires the affected agencies to reach union agreement on the memorandum, and specifically states that the provision does not preempt any Federal, State, or local environmental law.

That is a critical issue. It has taken a long time to get to that point. The

fact that we have reached agreement on that issue is significant in moving this legislation forward. For that, I express my great appreciation to the chairman of our committee, the gentleman from Alaska; and to the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana; and also the gentleman from Michigan, the ranking member on that committee.

Two years ago, Mr. Speaker, we defeated a weak bill, believing that no bill was better than a weak bill. It was the right thing to do then. Today's action proves that we were right. With time, with effort, with imagination, with good will to achieve a good result, we could do better. And today we do better.

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

□ 1830

Mr. YOUNG of Alaska. Mr. Speaker, I do agree with the gentleman's words and I insert into the RECORD at this point an exchange of letters between myself and the gentleman from New York (Mr. BOEHLERT) regarding H.R. 3609.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, July 23, 2002.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 23, 2002, regarding H.R. 3609, the Pipeline Infrastructure Protection to Enhance Safety and Security Act, and for your willingness to waive consideration of provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of section 9 of H.R. 3609 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 3609 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Congressional Record during consideration on the House Floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 23, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Transportation and Infrastructure has had under consideration H.R. 3609, the Pipeline Infrastructure Protection to Enhance Security and Safety Act. Section 9 of that bill falls under the jurisdiction of the Committee on Science.

By waiving consideration of H.R. 3609 the Committee on Science does not waive any of its jurisdictional rights and prerogatives.

I ask that you would support our request for conferees on H.R. 3609 or similar legislation if a conference should be convened with

the Senate. I also ask that our exchange of letters be included in the *Congressional Record*.

I look forward to working with you on this and other important pieces of legislation.

Sincerely,

SHERWOOD BOEHLERT,

Chairman.

Mr. Speaker, I yield whatever time he may consume to the gentleman from Louisiana (Mr. TAUZIN), chairman of the very powerful Committee on Energy and Commerce, a good friend.

Mr. TAUZIN. Mr. Speaker, I certainly want to thank the gentleman from Alaska (Mr. YOUNG), my friend and the chairman of the tremendously important Committee on Transportation and Infrastructure, whom we all depend upon for our transportation needs and whom I consider my dearest friend, whenever I have those needs in particular. I do want to seriously thank the gentleman from Alaska (Mr. YOUNG) for the extraordinary degree of cooperation between his committee and his staff and the staff of the Committee on Energy and Commerce, as well as the staffs of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. DINGELL), representing the minority of our two committees for the extraordinary work that has been done on this bill. This is not just a multi-year bill, this is a multi-Congress bill. This has been a work in progress for years through several Congresses, and we have reached the point today where we now have concurrence not only between our two committees but in a bipartisan fashion we can bring pipeline safety to the floor for a vote, and most importantly we can bring it to the floor for a vote with the support of the Office of Pipeline Safety, with the pipeline industry itself, with the support of the environmental community and the support of organized labor. This is a bill literally that meets all those tests simultaneously and it is a great example of the way this House can work through our committee system together in a bipartisan fashion to do the right thing for our country.

It also addresses, by the way, State participation in the pipeline safety regulatory regime, again recognizing the dual role in the Federal and the State governments in protecting our citizens in terms of pipeline safety, and, perhaps most importantly, this bill becomes the House position on pipeline safety as we are now engaged in the Conference on Energy with the Senate where we hope to produce a comprehensive energy package for the House and Senate to vote on sometime before we leave session in October.

This bipartisan position that is now supported, I hope, by this whole House will be the frame by which the House makes an offer to the Senate now and hopefully resolves this issue in the context of the much larger energy bill. And I want to thank my friends from both sides of the aisle for making that possible. As we move toward consideration of the most serious issues in dis-

pute between the House and Senate, getting an agreement on pipeline safety will be one of the first orders of business that we will take up this Thursday when the conference meets.

So again I want to thank all the chairmen and ranking members, and I lastly want to pay particular thanks and attention to the chairman of the subcommittee and the gentleman from Virginia (Mr. BOUCHER) for doing such a great job at the subcommittee level of the Committee on Energy and Commerce in producing this bill. We sometimes forget how important the work of our subcommittees is in framing a bill that we can together work out in final detail for the floor, and the gentleman from Texas (Chairman BARTON) and the gentleman from Virginia (Mr. BOUCHER) as in their usual fashion have worked in extraordinarily close fashion to make sure we have that opportunity at the Committee on Energy and Commerce level. And again I want to thank them for their hard work and the work of the staffs that went behind it. Again this is a good day for both our committees. I commend this legislation to the House floor.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER) representing the Democrats on the Committee on Energy and Commerce.

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Speaker, I am pleased to rise in support of H.R. 3609 and to urge its approval by the House. The pipeline safety measure now before the House results from bipartisan discussions involving two committees and I want to commend the gentleman from Louisiana (Chairman TAUZIN) of our full Committee on Energy and Commerce; the gentleman from Michigan (Mr. DINGELL), ranking committee member; the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality, with whom I have been pleased to cooperate on this measure; and the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) of the Committee on Transportation and Infrastructure for all of the efforts of these Members in achieving the consensus measure that is before the House today.

The authorization for appropriations for the Federal pipeline safety program expired during the year 2000. The bill which we are considering today will take the necessary steps to reauthorize the program. The measure makes a number of improvements to existing pipeline safety requirements. It will direct the Department of Transportation to promulgate a rule requiring operators to develop integrity management plans which will include a pipeline safety inspection within 10 years of enactment and a reinspection within the

following 7 years. The measure will also require operators to develop and implement written programs to ensure that all individual pipeline operators are qualified to perform their jobs and will establish a pilot program within the Department of Transportation for the certification of pipeline employees.

In addition, the measure establishes a technical assistance grant program to enhance the knowledge of individuals who reside or conduct businesses in the general vicinity of pipelines.

We worked very closely with the gentleman from Alaska (Chairman YOUNG) of the Committee on Transportation and Infrastructure to ensure that the establishment of these grants is performed in such a way as to accommodate the concern of all stakeholders. In addition, the measure will improve the Office of Pipeline Safety's ability to enforce safety laws by increasing the cap on penalties. The bill will also improve existing one-call notification programs and develop a national pipeline mapping system. These are all very helpful steps that, taken together, will ensure greater pipeline safety for the Nation going forward.

I again want to commend all of the Members who on a bipartisan basis have worked diligently to achieve the consensus that has embodied this measure. And, Mr. Speaker, it is my pleasure to urge approval of this bill by the House. I thank the gentleman from Minnesota.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), one of the great subcommittee chairmen of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Speaker, I also want to rise in strong support of H.R. 3609, the Pipeline Infrastructure Protection to Enhance Security and Safety Act. It is comprehensive, bipartisan, multi-committee, and widely supported. It will reauthorize our pipeline safety laws through 2006 which, in my opinion, is a tremendous accomplishment.

I want to add my commendations to my full committee chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL). I compliment the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure, along with the gentleman from Minnesota (Mr. OBERSTAR). I would also thank the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), the gentleman from Pennsylvania (Mr. BORSKI), the ranking member, and the gentleman from Virginia (Mr. BOUCHER), the ranking member on my subcommittee. We all worked very hard to make it possible to come out and pat each other on the back this evening.

The bill before us is an agreement that we have worked on in both committees. Both of our committees reported a pipeline safety bill earlier this year. It has a new landmark section on integrity management for natural gas transmission lines. It has a baseline integrity assessment of 7 years and periodic reinspections every 10 years. We have a tough but very manageable requirement for pipeline infrastructure. This balance requirement, in my opinion, appears to be a much more appropriate inspection regime than is currently in the bill which passed the other body.

The pipeline infrastructure for delivering natural gas and liquid petroleum is more important than ever for our great Nation. The demand for natural gas and gasoline will likely continue to rise, and our pipelines will have a more and more important role each day in supplying those commodities. Pipeline transportation is among the cheapest and safest methods of transport. We need to make sure that our pipelines are safe and managed well. We also want States and our local communities to be comfortable that future pipelines which will be needed are good things for their region, and that they are operated as safely as possible.

Today's agreement includes changes to the one-call notification programs, a new national toll-free number suggested by the gentleman from Louisiana (Mr. JOHN), a member of my subcommittee. It has an important integrity research and development program which was authored by the gentleman from Texas (Mr. HALL) who is also the ranking member of the Committee on Science. It includes important coordination of environmental reviews by Federal agencies to streamline the process for permitting repairs.

Finally, I commend all of the staffs for their hard work on this bill, especially from our committee, Bill Cooper and Andy Black of the majority, and Rick Kessler of the minority for their hard work. The bill is supported by environmental groups, labor groups and industry associations and many local community groups. It has the support of the majority and the minority of every committee involved in the discussions. I hope that we will pass this by unanimous consent in the very near future.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I would like to begin by complimenting the work of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. DINGELL), the gentleman from Alaska (Mr. YOUNG) and the gentleman from Louisiana (Mr. TAUZIN). It is amazing what can be done when all sides resign themselves to work together.

Although not a perfect bill, this is a bipartisan bill. It is an effort the American people can be proud of. Unbeknownst to millions of Americans,

their homes, schools and communities are sitting on top of millions of miles of pipelines. With this bill, Congress seeks to ensure that proper regulations are backed up by strong enforcement policies to ensure their safety.

Despite the Office of Pipeline Safety requests for mapping information more than 3 years ago, and the importance of a national repository of pipeline maps for national security purposes, hundreds of operators have not submitted the requested maps. Under the bill, OPS will finally have the maps of pipeline systems it needs to regulate effectively.

Furthermore, the compromise legislation includes important employee training provisions and whistleblower protections. Those on the front lines must feel free to inform the proper authorities if there is a safety or security risk not being addressed. Also included is funding for grants to community groups to allow them to obtain technical expertise for participation in pipeline regulatory proceedings.

The House will finally be on record endorsing real pipeline safety legislation, requiring pipeline operators to adopt integrity management programs with periodic inspections. Enron has shown us that we cannot put our faith in the industry to do the thing.

We cannot afford to lose any more lives, Mr. Speaker. In the face of potentially severe consequences, symbolic legislation cannot suffice. This is our opportunity to fix a broken system. Mr. Speaker, I am confident that we are doing the right thing by passing strong pipeline legislation today.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think special kudos should go to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Louisiana (Mr. TAUZIN) because they put so much leadership and commitment into bringing this bill to the floor. This debate has gone on for a long time. The first bill that we voted on during this debate was 2 years ago, and we could not get the votes then.

We have worked on this bill consistently with the help of a lot of our neighbors in Washington State and a lot of members from the Committee on Transportation and Infrastructure. I commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Alaska (Mr. YOUNG) for putting together a good bill.

In Washington State 3 years ago, there was a pipeline explosion in the area of Bellingham. It is the area that the gentleman from Washington (Mr. LARSEN) now represents, and at that time Congressman Metcalf represented. Both gentlemen were very involved in this debate. They had a problem to solve for the neighbors who lived in their communities, and success has finally greeted us here on the floor of the House tonight.

□ 1845

We have worked on this bill ever since. Three years of work to put together a bill that would be appropriate, a bill where we could release some information but be very aware that if terrorists are looking for a way to endanger our communities, we have to be somewhat careful on how we phrase the public information portion of this.

I want to summarize a few of the elements that are in this legislation that make it much better than anything we have ever had before in protecting our neighbors and our neighborhoods from any explosion or any kind of emission of toxic substances into the environment.

The legislation tonight talks about inspection of gas pipelines every 5 years. It will be mandated. There is flexibility left so that we can do it in the proper way, so it will not be a huge new expense to the companies but will also perform the program that we are interested in, which is to make sure those pipelines are not corroded, are not broken, and will not result in a horrible explosion like the one that the parents of those children in Bellingham had to live with 3 years ago.

It also establishes a program to certify that critical pipeline employees are qualified to do their jobs. This has never been required before, Mr. Speaker. I think this bill puts out there in print what we expect from the companies who are engaged in operating pipelines. It also increases penalties for pipeline safety violations. Why is this important? It is important, Mr. Speaker, because we want those companies to take very seriously the requirements we have handed to them. Sometimes money tells the story. To penalize them in a monetary way we think is very important. It also provides for increased State oversight of pipelines. We want the States involved. We would like to have community advisory boards. We are going to increase the amount of personal activity done to keep these pipelines safe by allowing the communities and the neighbors to advise the companies that come up with good ideas that we may have missed, that might have fallen through the cracks on this legislation.

I think it is also very important that communities be given access to information about the pipelines that run underneath their schools, underneath their homes, underneath their neighborhoods. Everybody in the process agrees that this information ought to be out there. We have not yet agreed how this information should be available. I hope this information can be addressed as this bill moves forward as we go through the conference committee with a good strong House bill that will be debated by Members of the Senate and the House so that we will come up with something really strong.

The answer to this particular public access question may be part of homeland security. It may have to be a compromise. What I want, Mr. Speaker, my

mayors to be able to walk in and see the most up-to-date maps that outline these pipeline directions so that they will be able to instruct people who are digging trenches for water mains or digging trenches for the construction of foundations of homes or schools. I want them to know, these communities, where these pipelines run and we all appreciate that. In an era which is different since 9–11, where terrorists can get control fairly easily of information, we have to massage this. But I think each of us appreciates the fact that this information must be made available.

Mr. Speaker, for 3 years we have tried to pass this bill. We have tried to put this bill together in a way that would protect our communities. This bill moves closer to that objective than anything I have seen so far. It is a compromise, but I think it provides us the basis for a good, strong community approach that will allow us to provide that protection for our communities that we worked so hard to do.

Mr. Speaker, as we move closer to our objective, as we get a good bill out of the House, I urge our colleagues to support this. It is a fine bill. My congratulations to everybody who has been in the process.

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

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

Mr. GREEN of Texas. Mr. Speaker, as one of the Democratic cosponsors, I rise in strong support of H.R. 3609. Our pipeline infrastructure is the invisible backbone of this country through which the vast majority of our gasoline and natural gas flows. This bill greatly enhances the safety of all the pipelines by requiring more frequent inspections, additional operator training, greater fines for safety violations, and better measures to protect against terrorist attacks.

All these additional enhancements are reached on a bipartisan basis, not only by the Committee on Energy and Commerce but also by my good friends and colleagues on the Committee on Transportation and Infrastructure. Mr. Speaker, protecting the lives of the folks whom I represent in Houston, Texas, who have lived and worked along pipelines all their lives, is our first priority, even around the country. The vast majority of the pipelines scheduled to be inspected first are those with high population density surrounding them. This commonsense approach will immediately bring the greatest margin of safety to the largest number of people. In addition, all pipelines will be inspected more frequently under this legislation.

Because of the increased inspections mandated under the bill, pipeline inspection equipment and the personnel needed to man them should increase at a rapid pace. This will in turn lead to even better inspections and less acci-

dents like we have had in Washington State and New Mexico.

This is a great bill. I am proud to be a cosponsor.

Mr. Speaker, as one of the Democratic cosponsors to this legislation, I rise in strong support of H.R. 3609. Our pipeline infrastructure is the invisible backbone of this country through which the vast majority of our gasoline and natural gas flows through.

This bill will greatly enhance the safety of all pipelines by requiring more frequent inspections, additional operator training, greater fines for safety violations, and better measures to protect against terrorist attacks.

All these additional enhancements were reached on a bipartisan basis between members of the Transportation and Infrastructure Committee and the Energy & Commerce Committee.

Mr. Speaker, protecting the lives of my folks in Houston who happen to live around the many pipelines is my first priority.

The vast majority of the pipelines scheduled to be inspected first are those with high population density surrounding them.

This common sense approach will immediately bring the greatest safety margin to the largest number of people.

In addition, all pipelines will be inspected more frequently under this legislation.

Because of the increased inspections mandated under this bill, pipeline inspection equipment and the personnel needed to man them should increase at a rapid pace.

This will in turn lead to even better inspections and less accidents like we saw in Washington State and New Mexico.

Mr. Speaker, this is a good bill and I want to commend both Chairmen and Ranking Members for working to better protect the American people.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

It is rare that I do this as the chairman of two committees over the period of the last 8 years, but I would like to acknowledge at this time the work that has been mentioned by other Members that have spoken, the work of the staff. This has been a long, trying period of time. I want to compliment the staff on the minority side but I also, because I pay their bills, would like to compliment Graham Hill, especially, for his work and his outstanding dedication and perseverance; Levon Boyagian, who has been with me now as the counsel for the Committee on Transportation and Infrastructure; Mike Henry from the Committee on Transportation and Infrastructure; Frank Mulvey; David Heymsfeld; Ward McCarragher; and, of course, Liz Megginson, who is my chief counsel.

I rarely do this because I know they are doing what they love to do, but this has been a very complex issue; it takes a lot of work, a lot of discussion, some which I do not have the patience for, and I will be the first one to admit that; but we worked together as a group collectively and fought out the battles and discussed it.

I can truthfully say I believe that this piece of legislation is a great step forward to accomplish what I am seek-

ing to do and have the safest pipelines in the United States. Twenty-two million miles of pipeline exist in the United States. This will be the first time where we know they will be inspected in a period of time, they will be repaired under the system of this bill on time, we will not have the accidents, hopefully, that have been happening in the past, and we will be able to deliver that product to the homes that they so badly need to live their lives.

Again, I thank the staff for the work they have done on both sides of the aisle.

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

Mr. OBERSTAR. Mr. Speaker, the chairman's patience is legendary.

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

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

Mr. HALL of Texas. Mr. Speaker, I want to thank the chairman and ranking member of the Committees on Energy and Commerce and Transportation and Infrastructure for working with the Committee on Science and for allowing us to work with them to include the research and development language that is contained in section 9 of the bill that is before us today. Section 9 is also the product of a very close collaboration on both sides of the aisle in the Committee on Science, which reported these provisions as H.R. 3929 last spring.

Section 9 will be of immense value to this Nation in ensuring that the natural gas, crude oil, and refined products pipelines of this country are safer and more secure as we move into the 21st century.

The result will be a much stronger focus on the development of technologies necessary to make the pipeline infrastructure of this country safer and more secure.

Mr. Speaker. I want to thank the Chairman and Ranking Minority members of the Energy and Commerce and Transportation and Infrastructure Committees for working with the Science Committee to include the research and development language contained in Section 9 of the bill before us today. Section 9 is also the product of a close collaboration on both sides of the aisle in the Science Committee, which reported these provisions as H.R. 3929 last spring.

Section 9 will be of immense value to this nation in ensuring that the natural gas, crude oil, and refined products pipelines of this country are safer and more secure as we move into the 21st Century. And we are taking the first steps toward addressing the development of what we call the next-generation pipelines—those that will carry hydrogen, CO2 and perhaps other substances that will be part of the energy infrastructure of the future.

These pipelines are an essential part of the nation's energy infrastructure. They are so affected with the public interest that special efforts need to be taken now to make certain that new technologies are developed or existing technologies adapted to make certain that

these facilities are as safe and secure as they can be—and so soon as they can be.

Section 9 of the bill brings the considerable capabilities of the Department of Energy (DOE) and its National Laboratories and the National Institute of Standards and Technology (NIST) to bear in a much more prominent way to provide solutions to the safety and security needs of the nation's pipelines. It provides considerable flexibility to the participating agencies, the Department of Transportation, DOE and NIST, to develop a research plan—one that will be reviewed by a Technical Advisory Committee to ensure that the work being done is relevant and appropriate.

The result will be a much stronger focus on the development of technologies necessary to make the pipeline infrastructure of this country more safe and secure.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I urge all Members to vote for this bill. For the committee, we expect to have a vote on this legislation probably later on this evening. I urge all Members to vote for the passage of this legislation.

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

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. LARSEN), whose district was tragically the site of a pipeline tragedy.

(Mr. LARSEN of Washington asked and was given permission to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, I rise in support of H.R. 3609. I have a full statement, but I just want to make a quick note about what happened 3 years ago on June 10, 1999, in Bellingham, Washington, and remember why we are here today, to remember 10-year-old Wade King, 10-year-old Stephen Tsiorvas, and 18-year-old Liam Wood, who were killed when nearly 300,000 gallons of gasoline from a nearby pipeline rupture leaked into Whatcom Creek and were ignited and exploded. 1,100 days later, the House of Representatives is on the verge of finally passing strong pipeline safety legislation to respond to this tragedy.

On behalf of their families, I want to thank the House for doing so. I want to thank Chairman YOUNG, Chairman TAUZIN, Ranking Member OBERSTAR and Ranking Member DINGELL and the staffs from the majority and minority side for all the hard work that they have put into this issue over the last 3 years to make this a reality, to respond to the communities, to respond to their concerns about safety; and again to remember Wade King, Stephen Tsiorvas and Liam Wood for the lives that they lost, but hopefully with action by the House today we are doing our best to prevent losing lives in the future.

On June 10, 1999 in Bellingham, Washington, two ten-year old boys, Wade King and Stephen Tsiorvas, and an 18 year-old man, Liam Wood, were killed when nearly 300,000 gallons of gasoline from a nearby pipeline rupture ignited, sending a fireball roaring down

Whatcom Creek, and a plume of smoke thousands of feet into the sky. Over 1100 days later, the House of Representatives is on the verge of finally passing pipeline safety legislation to respond to this tragedy.

Since I came to this chamber, I have worked to see that the type of tragedy my constituents suffered never happens again by laboring to see that meaningful pipeline safety legislation passes the House of Representatives. Our friends in the Senate have acted three times. It is now time for us to act.

The bill before us today is a strong pipeline safety bill. It strengthens pipeline safety by ensuring operators enhance training and evaluation of pipeline employees, requires pipeline inspection programs be adopted and enacted every ten years, with follow-up inspections every seven years, strengthens the oversight role of state governments and citizens, and mandates substantially increased civil penalties.

With that said, I think it important to point out that the bill is missing critical community-right-to-know provisions that are vital if we truly intend to improve the safety of the pipelines that weave in and out of our communities. If we do not direct pipeline operators maintain continuous liaison with emergency responders, or require them to provide maps of their pipelines to municipalities, we are not doing all we can to ensure that another tragedy like that in Bellingham or Carlsbad, New Mexico never happens again. As this process moves forward into a Conference Committee, I urge my colleagues in the strongest possible terms to recede to the Senate's community-right-to-know provisions.

In conclusion, Mr. Speaker, allow me to thank the leadership of the Transportation and Infrastructure and Energy and Commerce Committees. Chairman YOUNG and TAUZIN, as well as Ranking Members OBERSTAR and DINGELL have done a good job of shepherding this critical piece of legislation through the House of Representatives. As one who has seen firsthand the danger posed by unsafe pipelines, I thank them, and all Members who have worked on this bill, and urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee that handled this issue.

Mr. PETRI. Mr. Speaker, I rise in support of the bill before us and urge my colleagues to vote in favor of this worthwhile legislation. I would like to take a minute to commend the leadership of the Committee on Transportation and Infrastructure and of the Committee on Energy and Commerce for reaching this agreement, particularly the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Michigan (Mr. DINGELL).

The bill will require a more frequent inspection and reinspection schedule for pipelines, in particular problem pipelines. It will ensure that individuals who work on pipelines are properly trained. The bill also includes a permanent streamlining provision that will enable pipeline operators to make repairs within the time limits set forth by the Department of Transportation.

H.R. 3609 includes whistleblower provisions to protect employees who report problems that may endanger the lives of fellow workers and those living near the facilities. Finally, the bill will require every pipeline operator to develop and to implement a terrorism security program approved by the Secretary.

Mr. Speaker, this is a bill that will increase the safety and security of our Nation's pipelines. I urge its adoption.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, for 3 years the parents of the three boys who died on June 10, 1999, in Bellingham, Washington, have been unstinting and unyielding in their insistence that this Chamber adopt a requirement that pipeline companies inspect their pipelines. Today it is their efforts that truly ought to be honored to fully and fairly require that for the American people.

I want to note the efforts of Frank and Mary King, Marlene Robinson and Katherine Dalen, because they have been insistent that we not leave this House until we require in statute the inspection of these pipelines. This has been difficult for them. It has been difficult because the last time we had this provision on this Chamber, on this floor, we did not have such an inspection. But they were unyielding and unstinting. I want to thank them for their courage in such difficult circumstances to hold our feet to the fire, to go through a multiple-year effort to get this inspection requirement. Their decision not to allow anything less than that in the last Congress today has proven the right decision.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, whose years of endeavor in the vineyard have proven fruitful.

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 3609. I am pleased to be here to mark an important event. We are on the verge of moving forward with pipeline safety legislation that will enhance the real safety of our Nation's pipelines. I want to commend the distinguished gentleman from Louisiana (Mr. TAUZIN), our chairman, and also the distinguished gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Transportation and Infrastructure, and my distinguished friend, the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, for making this possible.

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Mr. Speaker, there is a mounting body of evidence that our system of pipeline safety regulation is wholly inadequate. As of now, the Congress has

failed to move on meaningful reforms. We do so in this legislation.

I want to, again, commend my colleagues for the work, efforts and leadership which they have given, and also, again, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. BARTON) for having worked with us to develop this legislation.

The legislation we are considering today is comprised of the unanimously approved Committee on Energy and Commerce bill plus important and valuable additions drawn from the Committee on Transportation and Infrastructure product.

As a result of good faith working together, we have presented the House with a bill which deserves the support of all of my colleagues and which will contribute significantly to the protection of the environment and the protection of the American public.

I want to commend our good friend, the gentleman from Virginia (Mr. BOUCHER), the ranking member of the subcommittee, for his efforts on the technical assistance grants and hazardous pipeline enforcement provisions. The gentleman from Texas (Mr. HALL) and the gentleman from Pennsylvania (Mr. DOYLE) again deserve significant recognition for their fine efforts on the research provisions which largely reflect the legislation of the gentleman from Texas (Mr. HALL) that was reported overwhelmingly by the Committee on Science.

I also want to thank the gentleman from Massachusetts (Mr. MARKEY) for his work and cooperation on the provisions relating to the National Transportation Safety Board and the security of liquefied natural gas and other pipeline facilities.

Finally, I express my appreciation to those in the environmental community and in organized labor who have worked with me for so many years on these matters. They, along with industry stakeholders who have chosen to play a constructive role in this process, deserve great credit. They all deserve to be thanked.

Mr. Speaker, I urge the swift and speedy adoption of this legislation.

Mr. Speaker, I rise in strong support of H.R. 3609. I am truly pleased to be here to mark a very important event: for the first time in a decade, we are on the verge of moving forward on pipeline safety legislation that would actually enhance the safety of our Nation's pipelines. I want to commend Chairman TAUZIN, along with Chairman YOUNG and Ranking Member OBERSTAR for making this possible.

There is a mounting body of evidence that our system of pipeline safety regulation is wholly inadequate. Unfortunately, until now, Congress has failed to move on any meaningful reforms. During the last Congress, the House considered legislation that was more about public relations than public safety. Because that legislation did little more than restate existing law and provide cover for maintaining the deadly status quo, Mr. OBERSTAR and I—along with many of our colleagues—successfully opposed enactment of that legislation.

Things, however, were very different this year in our Committee, and Chairmen TAUZIN and BARTON deserve the thanks of this body for working as partners with us to develop legislation that moves the ball forward on protecting the public and the environment from the dangers of unsafe pipelines. The Energy and Commerce Committee bill was supported by all stakeholders—including the gas pipeline industry, the oil pipeline industry, labor, and the environmental community.

The legislation we are considering today is comprised of the unanimously approved—Energy and Commerce bill plus some very important and useful additions drawn from the Transportation and Infrastructure Committee product. It is the result of a good faith, sincere effort to do what is doable for the sake of safety, rather than hold out for everything that every stakeholder ever wanted. I know it is not a perfect product, but I believe that the effort has been successful.

I commend Members who have worked with us to address specific matters in the bill. These include Chairman BARTON and Representative JOHN—as well as Representative PALLONE—for their work on the provision to establish a national 3-digit, one-call number. I also want to commend Ranking Member BOUCHER for his efforts on the technical assistance grants and hazardous pipeline enforcement provisions. Representatives HALL and DOYLE deserve recognition for their efforts on the research provisions that largely reflect Mr. HALL's legislation that was reported overwhelmingly by the Committee on Science. I also want to specifically thank Representative MARKEY for his work and cooperation on the provisions relating to the National Transportation Safety Board and the security of liquefied natural gas and other pipeline facilities.

Finally, I express my appreciation to those in the environmental community and organized labor who have worked with me over the years on these matters. They, along with the industry stakeholders who have chosen to play a constructive role in this process, deserve to be recognized for helping us make it possible to go forward with the support of every Member of our Committee and hopefully today with support of the entire House of Representatives.

Mr. Chairman, I urge swift adoption of the amendment in the nature of a substitute and passage of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve my time.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Speaker, I rise today to express my support for this compromise version of H.R. 3609, which improves pipeline safety. I am an original cosponsor of this legislation, which has undergone significant changes since it was first introduced.

This legislation importantly accomplishes various improvements in pipeline safety, while recognizing the realities of pipeline operation and its, unacknowledged often, importance to many communities and businesses across the country.

Pipelines are a critical mode of transportation for our Nation and by far one of the safest modes of trans-

porting energy materials to needed destinations. It is equally important that the American public have faith in its safety.

I support this legislation and encourage my colleagues to vote in favor of this bill, which improves public confidence in our Nation's pipeline system and allows continued quality service to the many Americans who depend upon the products that pipelines provide.

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

Mr. DOGGETT. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I surely hope that the bill before us is a good one, and there is reason for hope, since it is inconceivable that our current pipeline safety regulation could get much worse.

When it comes to pipeline safety, "oversight" has usually meant "overlook." When it comes to the Office of Pipeline Safety, it has found itself in alliance with groups such as the Longhorn Pipeline that have posed such dangers to my community in Central Texas, and how South Austinites have rightly shouted that they have everything to lose and nothing to be gained by being forced to be a Longhorn partner because of the tragic intrusion on our community by Longhorn Pipeline. The City of Austin has a lot resting on the protections offered by this bill.

With an understanding of our experience with Longhorn Pipeline and the lack of protection from the Office of Pipeline Safety, the city submitted testimony expressing its concern about current Federal statutes that restrict municipalities in protecting their citizens from pipeline dangers. It is essential that the Office of Pipeline Safety and other Federal agencies give thorough consideration to the issues faced by those exposed to hazardous pipelines. Hopefully, that will be accomplished by the modest steps in this bill.

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

Madam Speaker, I wish to express my great appreciation for the cooperation of all the members on the Democratic side on the Committee on Transportation and Infrastructure. We had many, many meetings and discussions to iron out differences, to reach agreements, to reach consensus on matters, that compromise that we have offered to the majority in our committee. In particular, the gentleman from New Jersey (Mr. PASCRELL) has been an absolute champion on pipeline safety; the gentleman from Washington (Mr. LARSON), who has been a vigorous advocate stemming from the tragedies that resulted in his own district; the gentleman from Oklahoma (Mr. CARSON), who, likewise, has been a vigorous advocate and a staunch supporter of strong pipeline safety legislation; and many others on our committee who have contributed long hours in the discussion and debate internally.

But especially my appreciation goes to the chairman of our committee, whose patience, as I said a moment ago, is legendary. Sometimes that fuse is maybe a quarter of an inch long, but he is always willing to come back again and to discuss and to revisit issues on which it seems that there is no agreement and to find common ground. We have found common ground, and I am very appreciative.

I especially am grateful to our committee staff, David Heymsfeld and Frank Mulvey, who have labored intensively on crafting this legislation and Ward McCarragher, whose many, many hours combined have produced this splendid piece of legislation which we can now support.

Madam Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, that everybody is thanking everybody means this is a good day, and I would suggest we especially thank again the gentleman from Michigan (Mr. DINGELL), the ranking member on the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Minnesota (Mr. OBERSTAR) and the work he has done, the gentleman from Washington (Mr. LARSON) and the gentleman from Oklahoma (Mr. CARSON).

Everybody has worked together and we have got what I think is a good piece of legislation.

Mr. MARKEY. Madam Speaker, I rise in support of H.R. 3609.

I am pleased that the bill we are considering today contains a provision I authored (Section 12 of the bill) which deals with a special situation that we are facing in Everett, Massachusetts, in my Congressional District.

The Distrigas LNG facility in Everett is owned by Tractebel, a Belgian-based energy affiliate of the French conglomerate, Suez. This facility is unlike any other waterfront LNG plant in the nation that receives LNG tankers. It is located in the middle of the City of Everett, a city of 38,000 people that has a population density of 11,241 people per square mile. The facility is a mile and a half from my hometown of Malden (a city of 56,000 people), it is two and a half miles from the City of Medford (also population 56,000) where my District Office is located. The facility also is right across the Mystic River from downtown Boston—population 590,000.

LNG tankers that dock at the Distrigas facility must enter the Boston Harbor and sail through a narrow ship channel that passes by Logan airport, under the Tobin Bridge, and right by the central financial and commercial district of the City of Boston. For this reason, when LNG tankers approach Boston, the Coast Guard has established special procedures to help protect the public health and

safety, including the possibility of terrorist attacks. The Coast Guard works with the City of Boston, and police and fire departments of Everett, Malden and Medford to establish procedures for protecting the tanker ships and preparing for any emergency response.

However, after the LNG tankers have docked at the facility, the Coast Guard's job is done. Security then, is left to the private security guards hired by Distrigas and the Everett Police Department. Of course, the Everett Police Department has all of the responsibilities of an urban police force, and cannot devote the resources to maintaining a large police presence at this facility at all times. For this reason, we have to rely primarily on the LNG plant operator, Distrigas, to put in place adequate security systems.

Unfortunately, I have found that security at this facility is sorely inadequate. Both from whistleblower reports and from direct first hand observation, I have seen a facility where security is either nonexistent or woefully lacking. I have written to Homeland Security Director Tom Ridge on two occasions last fall and last winter to ask him to look into this matter and work with the Department of Transportation, the Coast Guard, and with the State and Local governments to help rectify this situation, and he responded several weeks ago to tell me that he had misplaced my letters and would have to get back to me later. So I guess you could say that I have had direct firsthand experience that demonstrates that Governor Ridge needs the additional resources and authorities that President Bush called upon the Congress to give him.

I also raised this issue with the Transportation Department during the Subcommittee's hearing on the pending legislation. The responses I received were not satisfactory. The Department noted, for example, that it had found in November that the Everett plant's contract security guards "needed additional training regarding existing Distrigas security procedures". And these were the security procedures established before September 11th.

The Department subsequently announced that it was imposing a \$220,000 civil fine on Distrigas for violations of DOT security requirements and safety rules. In so doing the Department announced that the Department's "Inspectors found Distrigas had failed to train their contract security personnel in security procedures established prior to Sept. 11, 2001. Moreover, a follow-up inspection found that even as late as April 2002, not all contract security employees had been trained in security procedures."

In other words, the Transportation Department essentially said that Distrigas has flunked what is basically an elementary school-level security test. However, what they may really need to be prepared for is a college level exam. We need to upgrade the security standards affecting this type of facility, so that we can get access to the LNG needed to provide energy for our region, while also protecting our communities from a terrorist action that could threaten public safety.

While Distrigas says it is improving its security procedures, it has also said that the com-

pany would fight the Department's proposed fine. While I have had some positive recent communications with U.S.-based representatives of the company following the Committee's adoption of my amendment, only time will tell whether the situation on the ground in Everett will change and whether the companies' European corporate parents will provide the funding and support to allow a "security first" philosophy to truly take hold at Distrigas.

My amendment, which appears as Section 12 of the bill, is aimed at assuring that this facility, or any future LNG terminal that is sited in a densely populated urban area, it fully protected against terrorist threats. What it does is very simple:

It directs the Secretary of Transportation to undertake a rulemaking to develop new security rules for the Everett facility, and to issue a final rule within one year "to require effective security measures which the Secretary determines are necessary to be adopted against acts of terrorism or sabotage . . ." The amendment identifies nine specific factors the Secretary shall take into account in this rulemaking, and it provides that any rules issued by the Secretary shall establish requirements for security procedures and emergency response at the facility, including effective testing of the security forces at the plant.

Let me make it clear, the provision would only cover this one facility, located in Everett, Massachusetts, in my District, which faces what may be some unique security challenges and some severe public safety consequences in the event of a successful terrorist attack. Of course, the amendment is drafted to be generic in application, so that if there is some future facility that meets the statutory definition, it would be similarly afforded the protections provided by the security measures mandated under the Section. The principle underlying the Section 12 is the LNG facility that receive LNG tanker ships, and are located in or near densely populated urban areas, must comply with enhanced security rules and security force testing procedures. We are focused on this class of facilities, because the adverse consequences of a security breach at a LNG facility in an urban area could be quite severe in terms of loss of life or destruction of property.

I would not that the rulemaking required under Section 12 applies only to a "waterfront liquefied natural gas plants capable of receiving liquefied natural gas tankers" that is "located in or within one mile of a densely populated urban area." The term "waterfront liquefied natural gas plant" is derived from a term which appears in the U.S. Code of Federal Regulations, and refers to "an LNG plant with docks, wharves, piers, or other structures in, on, or immediately adjacent to the navigable waters of the United States or Puerto Rico and any shore area immediately adjacent to those waters to which vessels may be secured and at which LNG cargo operations may be conducted." The term "densely populated urban area" is specifically defined in the amendment as "an area with a population

density of more than 10,000 people per square mile."

Section 12 therefore currently would exclude the Lake Charles, Louisiana LNG facility, the Elba Island, Georgia LNG facility, and the soon-to-be reactivated Cove Point, Maryland LNG facility from coverage, as none of those facilities are located in areas with a population area of more than 10,000 people per square mile. For example, the population density of Lake Charles (home of the CMS Trunkline Facility) is 1786 people per square mile. There is one other LNG Terminal currently operating, which is located at Elba Island, Georgia, near Savannah, Georgia (which has a population of 1759.5 people per square mile). It was reactivated in December. The Cove Point facility, in Maryland is not yet reopened, but it is located in a rural area that is even less densely populated.

Section 12 also excludes an LNG facility that is not used to dock or receive LNG tankers. We are focused narrowly on LNG terminals in this amendment since these are facilities that may receive ocean-going tankers from Middle Eastern countries like Algeria, where there may be active terrorist cells operating, or from other foreign nations, where there may not be adequate screening of ship's crews or adequate systems in place to assure ship security. The section is intended to supplement the other measures undertaken to ensure the security of such LNG terminals, included those taken by the Coast Guard in addressing the security of LNG tankers and screen their crews as they enter U.S. waters and travel through U.S. harbors to their destinations. In the past, I have seen at the Everett facility that while the Coast Guard does a reasonably good job of addressing security at the water side of the plant, there simply has not been enough attention focused on what could happen on the land side, or the potential for a coordinated attack that might involve insiders. Section 12 gives the Department the tools needed to address this.

I appreciate the cooperation of the Chairman of the Energy and Commerce Committee and his staff, who have offered some helpful suggestions on how to tighten the language of the amendment, as well as the Ranking Member, who have been helpful in assuring that the amendment touched only this facility, and did not inadvertently affect other facilities where the security problems may not be as serious, or the consequences of a successful terrorist attack so potentially devastating.

I urge adoption of the legislation.

Mr. YOUNG of Alaska. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3609, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. YOUNG of Alaska. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, the Chair will now put three of the questions on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3479, by the yeas and nays;

H.R. 4775, by the yeas and nays; and House Joint Resolution 101, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second and third electronic vote in this series.

NATIONAL AVIATION CAPACITY EXPANSION ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3479, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 3479, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 343, nays 87, not voting 5, as follows:

[Roll No. 327]

YEAS—343

Abercrombie	Brady (PA)	DeLauro
Ackerman	Brady (TX)	DeLay
Allen	Brown (SC)	DeMint
Andrews	Bryant	Deutsch
Arney	Burr	Diaz-Balart
Baca	Callahan	Dicks
Bachus	Camp	Doggett
Baird	Cannon	Dooley
Baker	Cantor	Doolittle
Baldacci	Capito	Doyle
Baldwin	Capps	Dreier
Barcia	Capuano	Duncan
Barrett	Cardin	Dunn
Barton	Carson (IN)	Edwards
Bass	Carson (OK)	Ehlers
Becerra	Castle	Ehrlich
Bentsen	Chambliss	Emerson
Bereuter	Clay	Engel
Berkley	Clayton	English
Berman	Clement	Eshoo
Berry	Clyburn	Etheridge
Biggert	Combust	Evans
Bishop	Cooksey	Everett
Blagojevich	Costello	Ferguson
Blumenauer	Cox	Filner
Blunt	Coyne	Fletcher
Boehkert	Cramer	Foley
Boehner	Crenshaw	Forbes
Bonilla	Crowley	Ford
Bonior	Culberson	Fossella
Bono	Davis (CA)	Frank
Boozman	Davis (FL)	Frelinghuysen
Borski	Davis (IL)	Frost
Boswell	Davis, Tom	Ganske
Boucher	DeFazio	Gekas
Boyd	DeGette	Gephardt

Gibbons	Lynch	Ross
Gilchrest	Maloney (CT)	Roukema
Gilman	Maloney (NY)	Roybal-Allard
Gonzalez	Manzullo	Rush
Gordon	Markey	Ryan (WI)
Granger	Mascara	Sanchez
Graves	Matheson	Sanders
Green (TX)	Matsui	Sandlin
Green (WI)	McCarthy (NY)	Sawyer
Greenwood	McCullum	Saxton
Grucci	McCrary	Schakowsky
Gutierrez	McDermott	Schrock
Hall (OH)	McGovern	Serrano
Hansen	McHugh	Sessions
Hart	McInnis	Shadegg
Hastert	McIntyre	Shaw
Hastings (FL)	McKeon	Shays
Hastings (WA)	McNulty	Sherwood
Hayes	Meehan	Shimkus
Hayworth	Meeks (NY)	Shuster
Herger	Menendez	Simmons
Hill	Mica	Simpson
Hinchee	Millender-	Skeen
Hinojosa	McDonald	Skelton
Hobson	Miller, Dan	Slaughter
Hoeffel	Miller, Gary	Smith (MI)
Hoekstra	Miller, George	Smith (NJ)
Holden	Mink	Smith (TX)
Holt	Mollohan	Solis
Honda	Moore	Souder
Hooley	Moran (KS)	Spratt
Hoyer	Murtha	Stark
Hulshof	Myrick	Stenholm
Inslie	Nadler	Strickland
Isakson	Napolitano	Stupak
Israel	Neal	Sullivan
Issa	Nethercutt	Sweeney
Istook	Ney	Tanner
Jackson-Lee	Northup	Tauscher
(TX)	Norwood	Tauzin
Jefferson	Nussle	Taylor (MS)
John	Oberstar	Taylor (NC)
Johnson (CT)	Olver	Terry
Johnson (IL)	Ortiz	Thomas
Johnson, E. B.	Osborne	Thompson (CA)
Johnson, Sam	Ose	Thompson (MS)
Kanjorski	Otter	Thornberry
Kaptur	Owens	Thune
Keller	Oxley	Tiahrt
Kelly	Pallone	Tiberti
Kennedy (MN)	Pascrell	Tierney
Kildee	Pastor	Towns
Kind (WI)	Pelosi	Turner
King (NY)	Peterson (MN)	Udall (CO)
Kingston	Peterson (PA)	Udall (NM)
Kirk	Petri	Upton
Klecza	Phelps	Velazquez
Knollenberg	Pickering	Visclosky
Kolbe	Pitts	Vitter
LaFalce	Platts	Walden
Lampson	Pombo	Walsh
Langevin	Pomeroy	Wamp
Lantos	Portman	Watkins (OK)
Larsen (WA)	Price (NC)	Watson (CA)
Larson (CT)	Pryce (OH)	Watts (OK)
Latham	Putnam	Waxman
LaTourrette	Quinn	Weiner
Leach	Rahall	Weldon (PA)
Levin	Ramstad	Weller
Lewis (CA)	Rangel	Wexler
Lewis (KY)	Regula	Whitfield
Linder	Rehberg	Wicker
Lipinski	Reyes	Wilson (NM)
LoBiondo	Reynolds	Wilson (SC)
Lofgren	Rodriguez	Woolsey
Lowey	Roemer	Wu
Lucas (KY)	Rogers (KY)	Wynn
Lucas (OK)	Rogers (MI)	Young (AK)
Luther	Ros-Lehtinen	Young (FL)

NAYS—87

Aderholt	Collins	Flake
Akin	Condit	Gallely
Ballenger	Conyers	Gillmor
Barr	Crane	Goode
Bartlett	Cubin	Goodlatte
Bilirakis	Cummings	Graham
Brown (FL)	Cunningham	Gutknecht
Brown (OH)	Davis, Jo Ann	Hall (TX)
Burton	Deal	Harman
Buyer	Delahunt	Hefley
Calvert	Dingell	Hilleary
Chabot	Farr	Hilliard
Coble	Fattah	Horn