

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. TAUZIN
(FOR HIMSELF, MR. DINGELL, MR. BARTON,
AND MR. BOUCHER)

Strike all after the enacting clause and insert the following:

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

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Pipeline Infrastructure Protection to Enhance Security
5 and Safety Act”.

6 (b) **AMENDMENT OF TITLE 49, UNITED STATES**
7 **CODE.**—Except as otherwise expressly provided, whenever
8 in this Act an amendment or repeal is expressed in terms
9 of an amendment to, or a repeal of, a section or other
10 provision, the reference shall be considered to be made to
11 a section or other provision of title 49, United States
12 Code.

13 (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. Certification of 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.

1 **SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.**

2 (a) **MINIMUM STANDARDS.**—Section 6103 is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) by inserting “, in-
6 cluding all government operators” before the
7 semicolon at the end; and

8 (B) in paragraph (2) by inserting “, in-
9 cluding all government and contract exca-
10 vators” before the semicolon at the end; and

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

13 (b) **COMPLIANCE WITH MINIMUM STANDARDS.**—Sec-
14 tion 6104(d) is amended by striking “Within 3 years after
15 the date of the enactment of this chapter, the Secretary
16 shall begin to” and inserting “The Secretary shall”.

17 (c) **IMPLEMENTATION OF BEST PRACTICES GUIDE-**
18 **LINES.**—

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

3 **“§ 6105. Implementation of best practices guidelines**

4 “(a) ADOPTION OF BEST PRACTICES.—The Sec-
5 retary of Transportation shall encourage States, operators
6 of one-call notification programs, excavators (including all
7 government and contract excavators), and underground
8 facility operators to adopt and implement practices identi-
9 fied in the best practices report entitled ‘Common
10 Ground’, as periodically updated.

11 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
12 provide technical assistance to and participate in pro-
13 grams sponsored by a non-profit organization specifically
14 established for the purpose of reducing construction-re-
15 lated damage to underground facilities.

16 “(c) GRANTS.—

17 “(1) IN GENERAL.—The Secretary may make
18 grants to a non-profit organization described in sub-
19 section (b).

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

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

5 (2) CONFORMING AMENDMENT.—The analysis
6 for chapter 61 is amended by striking the item relat-
7 ing to section 6105 and inserting the following:

“6105. Implementation of best practices guidelines.”.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) FOR GRANTS FOR STATES.—Section
10 6107(a) is amended by striking “\$1,000,000 for fis-
11 cal year 2000” and all that follows before the period
12 at the end of the first sentence and inserting
13 “\$1,000,000 for each of fiscal years 2003 through
14 2006”.

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

19 **SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERA-**
20 **TORS.**

21 (a) LIMITATION ON PREEMPTION.—Section 60104(c)
22 is amended by adding at the end the following: “Notwith-
23 standing the preceding sentence, a State authority may
24 enforce a requirement of a one-call notification program
25 of the State if the program meets the requirements for

1 one-call notification programs under this chapter or chap-
2 ter 61.”.

3 (b) MINIMUM REQUIREMENTS.—Section 60114(a)(2)
4 is amended by inserting “, including a government em-
5 ployee or contractor,” after “person”.

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

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

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

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

14 “(B) a pipeline facility, and knows or has
15 reason to know of the damage, but does not re-
16 port the damage promptly to the operator of
17 the pipeline facility and to other appropriate
18 authorities; or”; and

19 (4) by adding after paragraph (2) the following:
20 “Penalties under this subsection may be reduced in the
21 case of a violation that is promptly reported by the viola-
22 tor.”.

1 **SEC. 4. PROTECTION OF EMPLOYEES PROVIDING PIPELINE**
2 **SAFETY INFORMATION.**

3 (a) IN GENERAL.—Chapter 601 is amended by add-
4 ing at the end the following:

5 **“§ 60129. Protection of employees providing pipeline**
6 **safety information**

7 “(a) DISCRIMINATION AGAINST EMPLOYEE.—(1) No
8 employer may discharge any employee or otherwise dis-
9 criminate against any employee with respect to his com-
10 pensation, terms, conditions, or privileges of employment
11 because the employee (or any person acting pursuant to
12 a request of the employee)—

13 “(A) provided, caused to be provided, or is
14 about to provide or cause to be provided, to the em-
15 ployer or the Federal Government information relat-
16 ing to any violation or alleged violation of any order,
17 regulation, or standard under this chapter or any
18 other Federal law relating to pipeline safety;

19 “(B) refused to engage in any practice made
20 unlawful by this chapter or any other Federal law
21 relating to pipeline safety, if the employee has iden-
22 tified the alleged illegality to the employer;

23 “(C) provided, caused to be provided, or is
24 about to provide or cause to be provided, testimony
25 before Congress or at any Federal or State pro-
26 ceeding regarding any provision (or proposed provi-

1 sion) of this chapter or any other Federal law relat-
2 ing to pipeline safety;

3 “(D) commenced, caused to be commenced, or
4 is about to commence or cause to be commenced a
5 proceeding under this chapter or any other Federal
6 law relating to pipeline safety, or a proceeding for
7 the administration or enforcement of any require-
8 ment imposed under this chapter or any other Fed-
9 eral law relating to pipeline safety;

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

13 “(F) assisted or participated or is about to as-
14 sist or participate in any manner in such a pro-
15 ceeding or in any other manner in such a proceeding
16 or in any other action to carry out the purposes of
17 this chapter or any other Federal law relating to
18 pipeline safety.

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

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

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

1 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-
2 DURE.—

3 “(1) FILING AND NOTIFICATION.—A person
4 who believes that he or she has been discharged or
5 otherwise discriminated against by any person in
6 violation of subsection (a) may, not later than 180
7 days after the date on which such violation occurs,
8 file (or have any person file on his or her behalf) a
9 complaint with the Secretary of Labor alleging such
10 discharge or discrimination. Upon receipt of such a
11 complaint, the Secretary of Labor shall notify, in
12 writing, the person or persons named in the com-
13 plaint and the Secretary of Transportation of the fil-
14 ing of the complaint, of the allegations contained in
15 the complaint, of the substance of evidence sup-
16 porting the complaint, and of the opportunities that
17 will be afforded to such person or persons under
18 paragraph (2).

19 “(2) INVESTIGATION; PRELIMINARY ORDER.—

20 “(A) IN GENERAL.—Not later than 60
21 days after the date of receipt of a complaint
22 filed under paragraph (1) and after affording
23 the person or persons named in the complaint
24 an opportunity to submit to the Secretary of
25 Labor a written response to the complaint and

1 an opportunity to meet with a representative of
2 the Secretary of Labor to present statements
3 from witnesses, the Secretary of Labor shall
4 conduct an investigation and determine whether
5 there is reasonable cause to believe that the
6 complaint has merit and notify in writing the
7 complainant and the person or persons alleged
8 to have committed a violation of subsection (a)
9 of the Secretary of Labor's findings. If the Sec-
10 retary of Labor concludes that there is reason-
11 able cause to believe that a violation of sub-
12 section (a) has occurred, the Secretary of Labor
13 shall include with the Secretary of Labor's find-
14 ings with a preliminary order providing the re-
15 lief prescribed by paragraph (3)(B). Not later
16 than 60 days after the date of notification of
17 findings under this subparagraph, any person
18 alleged to have committed a violation or the
19 complainant may file objections to the findings
20 or preliminary order, or both, and request a
21 hearing on the record. The filing of such objec-
22 tions shall not operate to stay any reinstatement
23 remedy contained in the preliminary
24 order. Such hearings shall be conducted expedi-
25 tiously. If a hearing is not requested in such

1 60-day period, the preliminary order shall be
2 deemed a final order that is not subject to judi-
3 cial review.

4 “(B) REQUIREMENTS.—

5 “(i) REQUIRED SHOWING BY COM-
6 PLAINANT.—The Secretary of Labor shall
7 dismiss a complaint filed under this sub-
8 section and shall not conduct an investiga-
9 tion otherwise required under subpara-
10 graph (A) unless the complainant makes a
11 prima facie showing that any behavior de-
12 scribed in paragraphs (1) through (4) of
13 subsection (a) was a contributing factor in
14 the unfavorable personnel action alleged in
15 the complaint.

16 “(ii) SHOWING BY EMPLOYER.—Not-
17 withstanding a finding by the Secretary of
18 Labor that the complainant has made the
19 showing required under clause (i), no in-
20 vestigation otherwise required under sub-
21 paragraph (A) shall be conducted if the
22 employer demonstrates, by clear and con-
23 vincing evidence, that the employer would
24 have taken the same unfavorable personnel
25 action in the absence of that behavior.

1 “(iii) CRITERIA FOR DETERMINATION
2 BY SECRETARY.—The Secretary of Labor
3 may determine that a violation of sub-
4 section (a) has occurred only if the com-
5 plainant demonstrates that any behavior
6 described in paragraphs (1) through (4) of
7 subsection (a) was a contributing factor in
8 the unfavorable personnel action alleged in
9 the complaint.

10 “(iv) PROHIBITION.—Relief may not
11 be ordered under subparagraph (A) if the
12 employer demonstrates by clear and con-
13 vincing evidence that the employer would
14 have taken the same unfavorable personnel
15 action in the absence of that behavior.

16 “(3) FINAL ORDER.—

17 “(A) DEADLINE FOR ISSUANCE; SETTLE-
18 MENT AGREEMENTS.—Not later than 90 days
19 after the date of conclusion of a hearing under
20 paragraph (2), the Secretary of Labor shall
21 issue a final order providing the relief pre-
22 scribed by this paragraph or denying the com-
23 plaint. At any time before issuance of a final
24 order, a proceeding under this subsection may
25 be terminated on the basis of a settlement

1 agreement entered into by the Secretary of
2 Labor, the complainant, and the person or per-
3 sons alleged to have committed the violation.

4 “(B) REMEDY.—If, in response to a com-
5 plaint filed under paragraph (1), the Secretary
6 of Labor determines that a violation of sub-
7 section (a) has occurred, the Secretary of Labor
8 shall order the person or persons who com-
9 mitted such violation to—

10 “(i) take affirmative action to abate
11 the violation;

12 “(ii) reinstate the complainant to his
13 or her former position together with the
14 compensation (including back pay) and re-
15 store the terms, conditions, and privileges
16 associated with his or her employment; and

17 “(iii) provide compensatory damages
18 to the complainant.

19 If such an order is issued under this paragraph,
20 the Secretary of Labor, at the request of the
21 complainant, shall assess against the person or
22 persons against whom the order is issued a sum
23 equal to the aggregate amount of all costs and
24 expenses (including attorney’s and expert wit-
25 ness fees) reasonably incurred, as determined

1 by the Secretary of Labor, by the complainant
2 for, or in connection with, the bringing the com-
3 plaint upon which the order was issued.

4 “(C) FRIVOLOUS COMPLAINTS.—If the
5 Secretary of Labor finds that a complaint
6 under paragraph (1) is frivolous or has been
7 brought in bad faith, the Secretary of Labor
8 may award to the prevailing employer a reason-
9 able attorney’s fee not exceeding \$1,000.

10 “(4) REVIEW.—

11 “(A) APPEAL TO COURT OF APPEALS.—
12 Any person adversely affected or aggrieved by
13 an order issued under paragraph (3) may ob-
14 tain review of the order in the United States
15 Court of Appeals for the circuit in which the
16 violation, with respect to which the order was
17 issued, allegedly occurred or the circuit in which
18 the complainant resided on the date of such vio-
19 lation. The petition for review must be filed not
20 later than 60 days after the date of issuance of
21 the final order of the Secretary of Labor. Re-
22 view shall conform to chapter 7 of title 5,
23 United States Code. The commencement of pro-
24 ceedings under this subparagraph shall not, un-

1 less ordered by the court, operate as a stay of
2 the order.

3 “(B) LIMITATION ON COLLATERAL AT-
4 TACK.—An order of the Secretary of Labor
5 with respect to which review could have been
6 obtained under subparagraph (A) shall not be
7 subject to judicial review in any criminal or
8 other civil proceeding.

9 “(5) ENFORCEMENT OF ORDER BY SECRETARY
10 OF LABOR.—Whenever any person has failed to com-
11 ply with an order issued under paragraph (3), the
12 Secretary of Labor may file a civil action in the
13 United States district court for the district in which
14 the violation was found to occur to enforce such
15 order. In actions brought under this paragraph, the
16 district courts shall have jurisdiction to grant all ap-
17 propriate relief, including, but not to be limited to,
18 injunctive relief and compensatory damages.

19 “(6) ENFORCEMENT OF ORDER BY PARTIES.—

20 “(A) COMMENCEMENT OF ACTION.—A per-
21 son on whose behalf an order was issued under
22 paragraph (3) may commence a civil action
23 against the person or persons to whom such
24 order was issued to require compliance with
25 such order. The appropriate United States dis-

1 trict court shall have jurisdiction, without re-
2 gard to the amount in controversy or the citi-
3 zenship of the parties, to enforce such order.

4 “(B) ATTORNEY FEES.—The court, in
5 issuing any final order under this paragraph,
6 may award costs of litigation (including reason-
7 able attorney and expert witness fees) to any
8 party whenever the court determines such
9 award costs is appropriate.

10 “(c) MANDAMUS.—Any nondiscretionary duty im-
11 posed by this section shall be enforceable in a mandamus
12 proceeding brought under section 1361 of title 28, United
13 States Code.

14 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
15 TIONS.—Subsection (a) shall not apply with respect to an
16 action of an employee of an employer who, acting without
17 direction from the employer (or such employer’s agent),
18 deliberately causes a violation of any requirement relating
19 to pipeline safety under this chapter or any other law of
20 the United States.”.

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

23 “(3) A person violating section 60129, or an order
24 issued thereunder, is liable to the Government for a civil
25 penalty of not more than \$1,000 for each violation. The

1 penalties provided by paragraph (1) do not apply to a vio-
2 lation of section 60129 or an order issued thereunder.”.

3 (c) CONFORMING AMENDMENT.—The chapter anal-
4 ysis for chapter 601 is amended by adding at the end the
5 following:

“60129. Protection of employees providing pipeline safety information.”.

6 **SEC. 5. SAFETY ORDERS.**

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

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

15 **SEC. 6. PENALTIES.**

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

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

20 “(a) GENERAL AUTHORITY.—After notice and an op-
21 portunity for a hearing, the Secretary of Transportation
22 may decide that a pipeline facility is hazardous if the Sec-
23 retary decides that—

24 “(1) operation of the facility is or would be haz-
25 ards to life, property, or the environment; or

1 “(2) the facility is or would be constructed or
2 operated, or a component of the facility is or would
3 be constructed or operated, with equipment, mate-
4 rial, or a technique that the Secretary decides is
5 hazardous to life, property, or the environment.”.

6 (2) CORRECTIVE ACTION ORDERS.—Section
7 60112(d) is amended by striking “is hazardous” and
8 inserting “is or would be hazardous”.

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

11 (A) by striking “\$25,000” and inserting
12 “\$100,000”; and

13 (B) by striking “\$500,000” and inserting
14 “\$1,000,000”.

15 (2) Section 60122(b) is amended by striking “under
16 this section” and all that follows through paragraph (4)
17 and inserting “under this section—

18 “(1) the Secretary shall consider—

19 “(A) the nature, circumstances, and grav-
20 ity of the violation, including adverse impact on
21 the environment;

22 “(B) with respect to the violator, the de-
23 gree of culpability, any history of prior viola-
24 tions, the ability to pay, and any effect on abil-
25 ity to continue doing business; and

1 “(C) good faith in attempting to comply;

2 and

3 “(2) the Secretary may consider—

4 “(A) the economic benefit gained from the
5 violation without any reduction because of sub-
6 sequent damages; and

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

8 (3) Section 60120(a)(1) is amended by striking the
9 second sentence and inserting the following: “The Attor-
10 ney General may seek appropriate relief in such action,
11 including a temporary or permanent injunction, punitive
12 damages, and assessment of civil penalties, and the court
13 may award such relief as appropriate.”.

14 **SEC. 7. PIPELINE SAFETY INFORMATION GRANTS TO COM-**
15 **MUNITIES.**

16 (a) GRANT AUTHORITY.—The Secretary of Transpor-
17 tation may make grants for technical assistance to local
18 communities and groups of individuals (not including for-
19 profit entities) relating to the safety of pipelines in local
20 communities. The Secretary shall establish competitive
21 procedures for awarding grants under this section, and
22 criteria for selection of grant recipients. The amount of
23 any grant under this section may not exceed \$50,000 for
24 a single grant recipient. The Secretary shall establish ap-

1 appropriate procedures to ensure the proper use of funds
2 provided under this section.

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

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

12 **SEC. 8. POPULATION ENCROACHMENT.**

13 Section 60127 is amended to read as follows:

14 **“§60127. Population encroachment**

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

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

24 “(1) to determine effective practices to limit en-
25 croachment on existing pipeline rights-of-way;

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

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

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

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

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

15 “(3) The most effective way to encourage Fed-
16 eral agencies and State and local governments to
17 monitor and reduce encroachment upon pipeline
18 rights-of-way.

19 “(d) REPORT.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this subsection, the Sec-
22 retary shall publish a report identifying practices,
23 laws, and ordinances that are most successful in ad-
24 dressing issues of encroachment on pipeline rights-

1 of-way so as to more effectively protect public safety,
2 pipeline workers, and the environment.

3 “(2) DISTRIBUTION OF REPORT.—The Sec-
4 retary shall provide a copy of the report to—

5 “(A) Congress and appropriate Federal
6 agencies; and

7 “(B) States for further distribution to ap-
8 propriate local authorities.

9 “(3) ADOPTION OF PRACTICES, LAWS, AND OR-
10 DINANCES.—The Secretary shall encourage Federal
11 agencies and State and local governments to adopt
12 and implement appropriate practices, laws, and ordi-
13 nances, as identified in the report, to address the
14 risks and hazards associated with encroachment
15 upon pipeline rights-of-way.”.

16 **SEC. 9. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,**
17 **AND DEMONSTRATION.**

18 (a) ESTABLISHMENT OF COOPERATIVE PROGRAM.—

19 (1) IN GENERAL.—The Secretary of Energy, in
20 cooperation with the Secretary of Transportation
21 and the Director of the National Institute of Stand-
22 ards and Technology, shall develop and implement a
23 program of research, development, demonstration,
24 and standardization to ensure the integrity of energy
25 pipelines and next-generation pipelines.

1 (2) ELEMENTS.—The program shall include re-
2 search, development, demonstration, and standard-
3 ization activities related to—

4 (A) materials inspection;

5 (B) stress and fracture analysis, detection
6 of cracks, corrosion, abrasion, and other abnor-
7 malities inside pipelines that lead to pipeline
8 failure, and development of new equipment or
9 technologies that are inserted into pipelines to
10 detect anomalies;

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

14 (D) methods of analyzing content of pipe-
15 line throughput;

16 (E) pipeline security, including improving
17 the real-time surveillance of pipeline rights-of-
18 way, developing tools for evaluating and en-
19 hancing pipeline security and infrastructure, re-
20 ducing natural, technological, and terrorist
21 threats, and protecting first response units and
22 persons near an incident;

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

1 (G) communication, control, and informa-
2 tion systems surety;

3 (H) fire safety of pipelines;

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

6 (J) other elements the Secretary of En-
7 ergy, in cooperation with the Secretary of
8 Transportation and the Director of the Na-
9 tional Institute of Standards and Technology,
10 considers appropriate.

11 (3) ACTIVITIES AND CAPABILITIES REPORT.—

12 Not later than 6 months after the date of the enact-
13 ment of this Act, the Secretary of Energy, in co-
14 operation with the Secretary of Transportation and
15 the Director of the National Institute of Standards
16 and Technology, shall transmit to the Congress a re-
17 port on the existing activities and capabilities of the
18 Department of Energy, including the national lab-
19 oratories, the Department of Transportation, and
20 the National Institute of Standards and Technology.
21 The report shall include the results of a survey by
22 the Secretary of Energy, in cooperation with the
23 Secretary of Transportation and the Director of the
24 National Institute of Standards and Technology, of
25 any activities of other Federal agencies that are rel-

1 evant to or could supplement existing research, de-
2 velopment, demonstration, and standardization ac-
3 tivities under the program created under this sec-
4 tion.

5 (b) PROGRAM PLAN.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of the enactment of this Act, the Secretary
8 of Energy, in cooperation with the Secretary of
9 Transportation and the Director of the National In-
10 stitute of Standards and Technology, shall prepare
11 and transmit to Congress a 5-year program plan to
12 guide activities under this section. Such program
13 plan shall be submitted to the Pipeline Integrity
14 Technical Advisory Committee established under
15 subsection (c) for review, and the report to Congress
16 shall include the comments of the Advisory Com-
17 mittee. The 5-year program plan shall take into ac-
18 count related activities of all Federal agencies.

19 (2) CONSULTATION.—In preparing the program
20 plan, the Secretary of Energy, in cooperation with
21 the Secretary of Transportation and the Director of
22 the National Institute of Standards and Technology,
23 shall consult with appropriate representatives of
24 State and local government and the private sector,
25 including companies owning energy pipelines and de-

1 velopers of next-generation pipelines, to help estab-
2 lish program priorities.

3 (3) ADVICE FROM OTHER ENTITIES.—In pre-
4 paring the program plan, the Secretary of Energy,
5 in cooperation with the Secretary of Transportation
6 and the Director of the National Institute of Stand-
7 ards and Technology, shall also seek the advice of
8 other Federal agencies, utilities, manufacturers, in-
9 stitutions of higher learning, pipeline research insti-
10 tutions, national laboratories, environmental organi-
11 zations, pipeline safety advocates, professional and
12 technical societies, labor unions, and any other ap-
13 propriate entities.

14 (c) PIPELINE INTEGRITY TECHNICAL ADVISORY
15 COMMITTEE.—

16 (1) ESTABLISHMENT.—The Secretary of En-
17 ergy, in cooperation with the Secretary of Transpor-
18 tation and the Director of the National Institute of
19 Standards and Technology, shall establish and man-
20 age a Pipeline Integrity Technical Advisory Com-
21 mittee (in this subsection referred to as the “Advi-
22 sory Committee”). The Advisory Committee shall be
23 established not later than 6 months after the date
24 of the enactment of this Act.

25 (2) DUTIES.—The Advisory Committee shall—

1 (A) advise the Secretary of Energy, the
2 Secretary of Transportation, and the Director
3 of the National Institute of Standards and
4 Technology on the development and implemen-
5 tation of the program plan prepared under sub-
6 section (b); and

7 (B) have a continuing role in evaluating
8 the progress and results of research, develop-
9 ment, demonstration, and standardization ac-
10 tivities carried out under this section.

11 (3) MEMBERSHIP.—

12 (A) APPOINTMENT.—The Advisory Com-
13 mittee shall be composed of—

14 (i) 3 members appointed by the Sec-
15 retary of Energy;

16 (ii) 3 members appointed by the Sec-
17 retary of Transportation; and

18 (iii) 3 members appointed by the Di-
19 rector of the National Institute of Stand-
20 ards and Technology.

21 In making appointments, the Secretary of En-
22 ergy, the Secretary of Transportation, and the
23 Director of the National Institute of Standards
24 and Technology shall seek recommendations
25 from the National Academy of Sciences.

1 (B) QUALIFICATIONS.—Members ap-
2 pointed to the Advisory Committee shall have
3 experience or be technically qualified, by train-
4 ing or knowledge, in the operations of the pipe-
5 line industry, and have experience in the re-
6 search and development of pipeline or related
7 technologies.

8 (C) COMPENSATION.—The members of the
9 Advisory Committee shall serve without com-
10 pensation, but shall receive travel expenses, in-
11 cluding per diem in lieu of subsistence, in ac-
12 cordance with sections 5702 and 5703 of title
13 5, United States Code.

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

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

18 (d) REPORTS TO CONGRESS.—Not later than 1 year
19 after the date of the enactment of this Act, and annually
20 thereafter, the Secretary of Energy, in cooperation with
21 the Secretary of Transportation and the Director of the
22 National Institute of Standards and Technology, shall
23 transmit to the Congress a report on the status and re-
24 sults to date of the implementation of the program plan
25 prepared under subsection (b).

1 (e) MEMORANDUM OF UNDERSTANDING.—Not later
2 than 120 days after the date of the enactment of this Act,
3 the Secretary of Energy, the Secretary of Transportation,
4 and the Director of the National Institute of Standards
5 and Technology shall enter into a memorandum of under-
6 standing detailing their respective responsibilities under
7 this section, consistent with the activities and capabilities
8 identified under subsection (a)(3). The Department of
9 Transportation’s responsibilities shall reflect its expertise
10 in pipeline inspection and information systems surety. The
11 Department of Energy’s responsibilities shall reflect its ex-
12 pertise in low-volume leak detection and surveillance tech-
13 nologies. The National Institute of Standards and Tech-
14 nology’s responsibilities shall reflect its expertise in stand-
15 ards and materials research.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated—

19 (A) to the Secretary of Energy
20 \$10,000,000;

21 (B) to the Secretary of Transportation
22 \$5,000,000; and

23 (C) to the National Institute of Standards
24 and Technology \$5,000,000,

1 for each of the fiscal years 2003 through 2006 for
2 carrying out this section.

3 (2) GENERAL REVENUE FUNDING.—Any sums
4 appropriated under this subsection shall be derived
5 from general revenues and may not be derived from
6 amounts collected under section 60301 of title 49,
7 United States Code.

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

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

13 (2) the term “next-generation pipeline” means
14 a transmission or local distribution pipeline system
15 designed to transmit energy or energy-related prod-
16 ucts, in liquid or gaseous form, other than energy
17 pipelines; and

18 (3) the term “pipeline” means an energy pipe-
19 line or a next-generation pipeline.

20 **SEC. 10. CERTIFICATION OF PIPELINE QUALIFICATION**
21 **PROGRAMS.**

22 (a) CERTIFICATION PROGRAM.—

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

1 **“§ 60130. Certification of pipeline qualification pro-**
2 **grams**

3 “(a) IN GENERAL.—Subject to the requirements of
4 this section, the Secretary of Transportation shall require
5 the operator of a pipeline facility to develop and adopt a
6 qualification program to ensure that the personnel of the
7 operator who perform covered tasks are qualified to con-
8 duct such tasks.

9 “(b) STANDARDS AND CRITERIA.—

10 “(1) DEVELOPMENT.—Not later than 1 year
11 after the date of enactment of this section, the Sec-
12 retary shall ensure that the Department of Trans-
13 portation has in place standards and criteria for
14 qualification programs referred to in subsection (a).

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

17 “(A) The establishment of industry stand-
18 ards for the qualifications of personnel de-
19 scribed in subsection (a).

20 “(B) A requirement that pipeline operators
21 develop and implement written plans and proce-
22 dures to train and evaluate the abilities of per-
23 sonnel described in subsection (a) to meet the
24 industry standards established under subpara-
25 graph (A).

1 “(C) A requirement that the plans and
2 procedures adopted by a pipeline operator
3 under subparagraph (B) be certified under sub-
4 section (e).

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

11 “(d) ELEMENTS OF QUALIFICATION PROGRAMS.—A
12 qualification program adopted by an operator under sub-
13 section (a) shall include, at a minimum, the following ele-
14 ments:

15 “(1) A method for examining or testing the
16 qualifications of personnel described in subsection
17 (a). Such method may not be limited to observation
18 of on-the-job performance, except with respect to
19 tasks for which the Secretary has determined that
20 such observation is the best method of examining or
21 testing qualifications. The Secretary shall ensure
22 that the results of any such observations are docu-
23 mented in writing.

24 “(2) A requirement that the operator complete
25 the qualification of all personnel described in sub-

1 section (a) not later than 18 months after the date
2 of adoption of the qualification program.

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

6 “(4) A program to provide training, as appro-
7 priate, to ensure that individuals performing covered
8 tasks have the necessary knowledge and skills to
9 perform the tasks in a manner that ensures the safe
10 operation of pipeline facilities.

11 “(e) CERTIFICATION OF PROGRAMS.—

12 “(1) IN GENERAL.—The Secretary shall certify
13 the qualification program of each pipeline operator.
14 The qualification program of a pipeline operator
15 shall be certified if the operator’s program complies
16 with the standards and criteria described in sub-
17 section (b) and includes the elements described in
18 paragraphs (1) through (3) of subsection (d).

19 “(2) AGREEMENT OR STATE AUTHORIZATION.—
20 The Secretary may enter into a cooperative agree-
21 ment or contract with a public or private entity, or
22 may authorize a State authority, to certify qualifica-
23 tion programs under this subsection.

24 “(3) DEADLINE FOR COMPLETION.—Certifi-
25 cations under this subsection shall be completed not

1 later than 3 years after the date of the enactment
2 of this section.

3 “(4) INADEQUATE PROGRAMS.—If the Sec-
4 retary decides that a qualification program is inad-
5 equate for the safe operation of a pipeline facility,
6 the Secretary shall act as under section 60108(a)(2)
7 to require the operator to revise the qualification
8 program.

9 “(5) PROGRAM MODIFICATIONS.—If the oper-
10 ator of a pipeline facility seeks to modify signifi-
11 cantly a program that has been certified under this
12 subsection, the operator shall submit the modifica-
13 tions to the Secretary for approval.

14 “(6) WAIVERS AND MODIFICATIONS.—In ac-
15 cordance with section 60118(c), the Secretary may
16 waive or modify any requirement of this section.

17 “(7) INACTION BY THE SECRETARY.—Notwith-
18 standing any failure of the Secretary to prescribe
19 standards and criteria as described in subsection (b),
20 an operator of a pipeline facility shall develop and
21 adopt a qualification program that complies with the
22 requirement of subsection (b)(2)(B) and includes the
23 elements described in paragraphs (1) through (3) of
24 subsection (d) not later than 2 years after the date
25 of enactment of this section.

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

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

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

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

16 (2) CONFORMING AMENDMENT.—The analysis
17 for chapter 601 is amended by adding at end the fol-
18 lowing:

“60130. Certification of pipeline qualification programs.”.

19 (b) PILOT PROGRAM FOR CERTIFICATION OF CER-
20 TAIN PIPELINE WORKERS.—

21 (1) IN GENERAL.—Not later than 36 months
22 after the date of enactment of this Act, the Sec-
23 retary of Transportation shall—

24 (A) develop tests and other requirements
25 for certifying the qualifications of individuals

1 who operate computer-based systems for con-
2 trolling the operations of pipelines; and

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

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

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

17 (B) an evaluation of the pilot program, in-
18 cluding the effectiveness of the process for cer-
19 tifying individuals who operate computer-based
20 systems for controlling the operations of pipe-
21 lines;

22 (C) any recommendations of the Secretary
23 for requiring the certification of all individuals
24 who operate computer-based systems for con-
25 trolling the operations of pipelines; and

1 (D) an assessment of the ramifications of
2 requiring the certification of other individuals
3 performing safety-sensitive functions for a pipe-
4 line facility.

5 (3) DEFINITION.—For purposes of this sub-
6 section, the term “computer-based systems” means
7 supervisory control and data acquisition systems.

8 **SEC. 11. ADDITIONAL GAS PIPELINE PROTECTIONS.**

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

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

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

20 “(2) REGULATIONS.—Not later than 18 months
21 after the date of the enactment of this subsection,
22 the Secretary shall issue regulations prescribing
23 standards to direct an operator’s conduct of a risk
24 analysis and adoption and implementation of an in-
25 tegrity management program under this subsection.

1 The regulations shall require the conduct of the risk
2 analysis and adoption of the integrity management
3 program to occur within a time period prescribed by
4 the Secretary, not to exceed 1 year after the
5 issuance of such regulations. The Secretary may sat-
6 isfy the requirements of this paragraph through the
7 issuance of regulations under this paragraph or
8 under other authority of law.

9 “(3) MINIMUM REQUIREMENTS OF INTEGRITY
10 MANAGEMENT PROGRAMS.—An integrity manage-
11 ment program required under paragraph (1) shall
12 include, at a minimum, the following requirements:

13 “(A) A baseline integrity assessment of
14 each of the operator’s facilities in areas identi-
15 fied pursuant to subsection (a)(1), to be com-
16 pleted not later than 10 years after the date of
17 the adoption of the integrity management pro-
18 gram, by internal inspection device, pressure
19 testing, direct assessment, or an alternative
20 method that the Secretary determines would
21 provide an equal or greater level of safety.

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

1 “(C) Clearly defined criteria for evaluating
2 the results of inspections conducted under sub-
3 paragraph (B) and for taking actions based on
4 such results.

5 “(D) A method for conducting an analysis
6 on a continuing basis that integrates all avail-
7 able information about the integrity of the facil-
8 ity and the consequences of releases from the
9 facility.

10 “(E) A description of actions to be taken
11 by the operator to promptly address any integ-
12 rity issue raised by an evaluation conducted
13 under subparagraph (C) or the analysis con-
14 ducted under subparagraph (D).

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

18 “(G) A method for monitoring cathodic
19 protection systems throughout the pipeline sys-
20 tem of the operator to the extent not addressed
21 by other regulations.

22 “(H) If the Secretary raises a safety con-
23 cern relating to the facility, a description of the
24 actions to be taken by the operator to address
25 the safety concern, including issues raised with

1 the Secretary by States and local authorities
2 under an agreement entered into under section
3 60106.

4 “(4) WAIVERS AND MODIFICATIONS.—In ac-
5 cordance with section 60118(c), the Secretary may
6 waive or modify any requirement for reassessment of
7 a facility under paragraph (3)(B) for reasons that
8 may include the need to maintain local product sup-
9 ply or the lack of internal inspection devices if the
10 Secretary determines that such waiver is not incon-
11 sistent with pipeline safety.

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

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

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

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

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

1 “(E) The types of information sources that
2 must be integrated in assessing the integrity of
3 a pipeline facility as well as the manner of inte-
4 gration.

5 “(F) The nature and timing of actions se-
6 lected to address the integrity of a pipeline fa-
7 cility.

8 “(G) Such other factors as the Secretary
9 determines appropriate to ensure that the integ-
10 rity of a pipeline facility is addressed and that
11 appropriate mitigative measures are adopted to
12 protect areas identified under subsection (a)(1).

13 In prescribing those standards, the Secretary shall
14 ensure that all inspections required are conducted in
15 a manner that minimizes environmental and safety
16 risks, and shall take into account the applicable level
17 of protection established by national consensus
18 standards organizations.

19 “(6) ADDITIONAL OPTIONAL STANDARDS.—The
20 Secretary may also prescribe standards requiring an
21 operator of a pipeline facility to include in an integ-
22 rity management program under this subsection—

23 “(A) changes to valves or the establish-
24 ment or modification of systems that monitor

1 pressure and detect leaks based on the opera-
2 tor's risk analysis; and

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

5 “(7) INACTION BY THE SECRETARY.—Notwith-
6 standing any failure of the Secretary to prescribe
7 standards as described in paragraph (2), an operator
8 of a pipeline facility shall conduct a risk analysis
9 and adopt and implement an integrity management
10 program under paragraph (1) not later than 30
11 months after the date of the enactment of this sub-
12 section.

13 “(8) REVIEW OF INTEGRITY MANAGEMENT
14 PROGRAMS.—

15 “(A) REVIEW OF PROGRAMS.—

16 “(i) IN GENERAL.—The Secretary
17 shall review a risk analysis and integrity
18 management program under paragraph (1)
19 and record the results of that review for
20 use in the next review of an operator's pro-
21 gram.

22 “(ii) CONTEXT OF REVIEW.—The Sec-
23 retary may conduct a review under clause
24 (i) as an element of the Secretary's inspec-
25 tion of an operator.

1 “(iii) INADEQUATE PROGRAMS.—If
2 the Secretary determines that a risk anal-
3 ysis or integrity management program does
4 not comply with the requirements of this
5 subsection or regulations issued as de-
6 scribed in paragraph (2), or is inadequate
7 for the safe operation of a pipeline facility,
8 the Secretary shall act under section
9 60108(a)(2) to require the operator to re-
10 vise the risk analysis or integrity manage-
11 ment program.

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

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

1 “(9) STATE REVIEW OF INTEGRITY MANAGE-
2 MENT PLANS.—A State authority that enters into an
3 agreement pursuant to section 60106, permitting the
4 State authority to review the risk analysis and integ-
5 rity management program pursuant to paragraph
6 (8), may provide the Secretary with a written assess-
7 ment of the risk analysis and integrity management
8 program, make recommendations, as appropriate, to
9 address safety concerns not adequately addressed by
10 the operator’s risk analysis or integrity management
11 program, and submit documentation explaining the
12 State-proposed revisions. The Secretary shall con-
13 sider carefully the State’s proposals and work in
14 consultation with the States and operators to ad-
15 dress safety concerns.

16 “(10) APPLICATION OF STANDARDS.—Section
17 60104(b) shall not apply to this section.”.

18 (b) INTEGRITY MANAGEMENT REGULATIONS.—Sec-
19 tion 60109 is further amended by adding at the end the
20 following:

21 “(d) EVALUATION OF INTEGRITY MANAGEMENT
22 REGULATIONS.—Not later than 5 years after the date of
23 enactment of this subsection, the Secretary shall complete
24 an assessment and evaluation of the effects on public safe-
25 ty and the environment of the requirements for the imple-

1 mentation of integrity management programs contained in
2 the standards prescribed as described in subsection
3 (c)(2).”.

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

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

7 (2);

8 (2) by striking the period at the end of para-
9 graph (3) and inserting “; and”; and

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

11 “(4) conduct a risk analysis, and adopt and im-
12 plement an integrity management program, for pipe-
13 line facilities as required under section 60109(c).”.

14 (d) STUDY OF REASSESSMENT INTERVALS.—

15 (1) STUDY.—The Secretary of Transportation
16 shall conduct a study to evaluate the 7-year reas-
17 sessment interval required by section 60109(c)(3)(B)
18 of title 49, United States Code, as added by sub-
19 section (a) of this section.

20 (2) REPORT.—Not later than 7 years after the
21 date of the enactment of this Act, the Secretary
22 shall transmit to Congress a report on the results of
23 the study conducted under paragraph (1).

1 **SEC. 12. SECURITY OF PIPELINE FACILITIES.**

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

4 **“§ 60131. Security of pipeline facilities**

5 “(a) TERRORISM SECURITY PROGRAMS.—

6 “(1) IN GENERAL.—Subject to the require-
7 ments of this subsection, the operator of a pipeline
8 facility shall develop and implement a terrorism se-
9 curity program reviewed and verified under para-
10 graph (3).

11 “(2) CONTENTS OF PROGRAMS.—

12 “(A) IN GENERAL.—A terrorism security
13 program of a pipeline operator shall consist of
14 written procedures to follow and actions to take
15 in the event of a terrorist attack on a pipeline
16 facility or an attack on other infrastructure fa-
17 cilities in the United States. Such procedures
18 shall include procedures for communicating
19 with military, law enforcement, emergency serv-
20 ice, and other appropriate State and local gov-
21 ernment and non-government entities.

22 “(B) STANDARD.—A terrorism security
23 program of a pipeline operator shall require the
24 operator to establish and implement reasonable
25 procedures to safeguard the pipeline facility and

1 safely maintain its operations, and to safeguard
2 pipeline workers.

3 “(3) REVIEW AND VERIFICATION OF PRO-
4 GRAMS.—Not later than 1 year after the date of en-
5 actment of this section, the Secretary shall review
6 the terrorism security program of each pipeline oper-
7 ator and verify its compliance with this section. The
8 Secretary shall prescribe procedures for the review
9 and standards for the verification of such programs.
10 The Secretary shall record the results of that review
11 for use in the next review of an operator’s program.

12 “(4) INADEQUATE PROGRAMS.—If the Sec-
13 retary determines that a terrorism security program
14 does not comply with the requirements of this sec-
15 tion, the Secretary shall act under section
16 60108(a)(2) to require the operator to revise the ter-
17 rorism security program.

18 “(b) TECHNICAL ASSISTANCE.—The Secretary may
19 provide technical assistance to an operator of a pipeline
20 facility, or to State, tribal, or local officials, to prevent
21 or respond to acts of terrorism that may affect the pipeline
22 facility. Such technical assistance may include at a
23 minimum—

24 “(1) actions by the Secretary that support the
25 use of National Guard or State or Federal personnel

1 to provide additional security for a pipeline facility
2 at risk of terrorist attack or in response to such an
3 attack;

4 “(2) use of resources available to the Secretary
5 to develop and implement security measures for a
6 pipeline facility;

7 “(3) identification of security issues with re-
8 spect to the operation of a pipeline facility; and

9 “(4) the provision of information and guidance
10 on security practices that prevent damage to pipeline
11 facilities from terrorist attacks.

12 “(c) SECURITY MEASURES TO PROTECT AGAINST
13 ACTS OF TERRORISM OR SABOTAGE.—

14 “(1) RULEMAKING REQUIREMENT.—The Sec-
15 retary of Transportation, not later than 60 days
16 after the date of the enactment of this subsection,
17 after consultation with any appropriate Federal,
18 State, or nongovernmental entities, shall commence
19 a rulemaking to require effective security measures
20 which the Secretary determines are necessary to be
21 adopted against acts of terrorism or sabotage di-
22 rected against waterfront liquefied natural gas
23 plants located in or within 1 mile of a densely popu-
24 lated urban area. Within 1 year after the date of the

1 enactment of this subsection, the Secretary of
2 Transportation shall issue a final rule.

3 “(2) FACTORS TO BE CONSIDERED.—Regula-
4 tions issued under paragraph (1) shall take into
5 account—

6 “(A) the events of September 11, 2001;

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

10 “(C) the potential for assistance in an at-
11 tack from several persons employed at the facil-
12 ity;

13 “(D) the potential for suicide attacks;

14 “(E) water-based and air-based threats;

15 “(F) the potential use of explosive devices
16 of considerable size and other modern weap-
17 onry;

18 “(G) the potential for attacks by persons
19 with a sophisticated knowledge of facility oper-
20 ations;

21 “(H) the threat of fires and large explo-
22 sions; and

23 “(I) special threats and vulnerabilities af-
24 fecting facilities located in or within 1 mile of
25 a densely populated urban area.

1 “(3) REQUIREMENTS.—Regulations issued
2 under paragraph (1) shall establish requirements for
3 waterfront liquefied natural gas plants relating to
4 construction, operation, security procedures, and
5 emergency response, and shall require conforming
6 amendments to applicable standards and rules.

7 “(4) OPERATIONAL SECURITY RESPONSE EVAL-
8 UATION.—(A) Regulations issued under paragraph
9 (1) shall include the establishment of policies and
10 procedures by the Secretary of Transportation,
11 which shall ensure that the operational security re-
12 sponse of each facility described in subparagraph
13 (B) is tested at least once every 2 years through the
14 use of force-on-force exercises to determine whether
15 the threat factors identified in regulations issued
16 under paragraph (1) have been adequately ad-
17 dressed.

18 “(B) Facilities subject to testing under sub-
19 paragraph (A) include waterfront liquefied natural
20 gas plants located in or within 1 mile of a densely
21 populated urban area, and associated support facili-
22 ties and equipment.

23 “(5) REVIEW AND REVISION.—Regulations
24 issued under paragraph (1) shall be reviewed and re-
25 vised as appropriate at least once every 5 years.

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

5 (b) CONFORMING AMENDMENT.—The analysis for
6 chapter 601 is amended by adding at the end the fol-
7 lowing:

 “60131. Security of pipeline facilities.”.

8 **SEC. 13. NATIONAL PIPELINE MAPPING SYSTEM.**

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

11 **“§ 60132. National pipeline mapping system**

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

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

21 “(2) The name and address of the person with
22 primary operational control to be identified as its op-
23 erator for purposes of this chapter.

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

4 “(b) UPDATES.—A person providing information
5 under subsection (a) shall provide to the Secretary up-
6 dates of the information to reflect changes in the pipeline
7 facility owned or operated by the person and as otherwise
8 required by the Secretary.

9 “(c) TECHNICAL ASSISTANCE TO IMPROVE LOCAL
10 RESPONSE CAPABILITIES.—The Secretary may provide
11 technical assistance to State and local officials to improve
12 local response capabilities for pipeline emergencies by
13 adapting information available through the National Pipe-
14 line Mapping System to software used by emergency re-
15 sponse personnel responding to pipeline emergencies.”.

16 (b) CONFORMING AMENDMENT.—The analysis for
17 chapter 601 is amended by adding at the end the fol-
18 lowing:

 “60132. National pipeline mapping system.”.

19 **SEC. 14. COORDINATION OF ENVIRONMENTAL REVIEWS.**

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

22 **“§ 60133. Coordination of environmental reviews**

23 “(a) INTERAGENCY COMMITTEE.—

24 “(1) ESTABLISHMENT AND PURPOSE.—Not
25 later than 30 days after the date of enactment of

1 this section, the President shall establish an Inter-
2 agency Committee to develop and ensure implemen-
3 tation of a coordinated environmental review and
4 permitting process in order to enable pipeline opera-
5 tors to commence and complete all activities nec-
6 essary to carry out pipeline repairs within any time
7 periods specified by rule by the Secretary.

8 “(2) MEMBERSHIP.—The Chairman of the
9 Council on Environmental Quality (or a designee of
10 the Chairman) shall chair the Interagency Com-
11 mittee, which shall consist of representatives of Fed-
12 eral agencies with responsibilities relating to pipeline
13 repair projects, including each of the following per-
14 sons (or a designee thereof):

15 “(A) The Secretary of Transportation.

16 “(B) The Administrator of the Environ-
17 mental Protection Agency.

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

20 “(D) The Assistant Administrator for
21 Fisheries of the National Oceanic and Atmos-
22 pheric Administration.

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

1 “(F) The Director of the Minerals Man-
2 agement Service.

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

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

7 “(3) EVALUATION.—The Interagency Com-
8 mittee shall evaluate Federal permitting require-
9 ments to which access, excavation, and restoration
10 activities in connection with pipeline repairs de-
11 scribed in paragraph (1) may be subject. As part of
12 its evaluation, the Interagency Committee shall ex-
13 amine the access, excavation, and restoration prac-
14 tices of the pipeline industry in connection with such
15 pipeline repairs, and may develop a compendium of
16 best practices used by the industry to access, exca-
17 vate, and restore the site of a pipeline repair.

18 “(4) MEMORANDUM OF UNDERSTANDING.—
19 Based upon the evaluation required under paragraph
20 (3) and not later than 1 year after the date of enact-
21 ment of this section, the members of the Interagency
22 Committee shall enter into a memorandum of under-
23 standing to provide for a coordinated and expedited
24 pipeline repair permit review process in order to en-
25 able pipeline operators to commence and complete

1 all activities necessary to carry out pipeline repairs
2 within any time periods specified by rule by the Sec-
3 retary.

4 “(5) STATE AND LOCAL CONSULTATION.—In
5 carrying out this subsection, the Interagency Com-
6 mittee shall consult with appropriate State and local
7 environmental, pipeline safety, and emergency re-
8 sponse officials, and such other officials as the Inter-
9 agency Committee considers appropriate.

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

16 “(c) SAVINGS PROVISIONS; NO PREEMPTION.—Noth-
17 ing in this section shall be construed—

18 “(1) to require a pipeline operator to obtain a
19 Federal permit, if no Federal permit would other-
20 wise have been required under Federal law; or

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

23 “(d) INTERIM OPERATIONAL ALTERNATIVES.—

24 “(1) IN GENERAL.—Not later than 30 days
25 after the date of enactment of this section, and sub-

1 ject to the limitations in paragraph (2), the Sec-
2 retary of Transportation shall revise the regulations
3 of the Department, to the extent necessary, to per-
4 mit a pipeline operator subject to time periods for
5 repair specified by rule by the Secretary to imple-
6 ment alternative mitigation measures until all appli-
7 cable permits have been granted.

8 “(2) LIMITATIONS.—The regulations issued by
9 the Secretary pursuant to this subsection shall not
10 allow an operator to implement alternative mitiga-
11 tion measures pursuant to paragraph (1) unless—

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

16 “(B) the operator, with respect to a par-
17 ticular repair project, has applied for and is
18 pursuing diligently and in good faith all re-
19 quired Federal, State, and local permits to
20 carry out the project; and

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

24 “(e) OMBUDSMAN.—The Secretary shall designate an
25 ombudsman to assist in expediting pipeline repairs and re-

1 solving disagreements between Federal, State, and local
2 permitting agencies and the pipeline operator during agen-
3 cy review of any pipeline repair activity, consistent with
4 protection of human health, public safety, and the environ-
5 ment.

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

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 601 is amended by adding at the end the fol-
16 lowing:

“60133. Coordination of environmental reviews.”.

17 **SEC. 15. NATIONWIDE TOLL-FREE NUMBER SYSTEM.**

18 Within 1 year after the date of the enactment of this
19 Act, the Secretary of Transportation shall, in conjunction
20 with the Federal Communications Commission, facility op-
21 erators, excavators, and one-call notification system opera-
22 tors, provide for the establishment of a 3-digit nationwide
23 toll-free telephone number system to be used by State one-
24 call notification systems.

1 **SEC. 16. RECOMMENDATIONS AND RESPONSES.**

2 (a) IN GENERAL.—Chapter 601 is amended by add-
3 ing at the end the following:

4 **“§ 60134. Recommendations and responses**

5 “(a) RESPONSE REQUIREMENT.—Whenever the Of-
6 fice of Pipeline Safety has received recommendations from
7 the National Transportation Safety Board regarding pipe-
8 line safety, it shall submit a formal written response to
9 each such recommendation within 90 days after receiving
10 the recommendation. The response shall indicate whether
11 the Office intends—

12 “(1) to carry out procedures to adopt the com-
13 plete recommendations;

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

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

18 “(b) TIMETABLE FOR COMPLETING PROCEDURES
19 AND REASONS FOR REFUSALS.—A response under sub-
20 section (a)(1) or (2) shall include a copy of a proposed
21 timetable for completing the procedures. A response under
22 subsection (a)(2) shall detail the reasons for the refusal
23 to carry out procedures on the remainder of the rec-
24 ommendations. A response under subsection (a)(3) shall
25 detail the reasons for the refusal to carry out procedures
26 to adopt the recommendations.

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

4 “(d) REPORTS TO CONGRESS.—The Office shall sub-
5 mit to Congress on January 1 of each year a report de-
6 scribing each recommendation on pipeline safety made by
7 the National Transportation Safety Board to the Office
8 during the prior year and the Office’s response to each
9 recommendation.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 601 is amended by adding at the end the fol-
12 lowing:

“60134. Recommendations and responses.”.

13 **SEC. 17. MISCELLANEOUS AMENDMENTS.**

14 (a) PROTECTION OF PUBLIC HEALTH, WELFARE,
15 AND THE ENVIRONMENT.—Section 60102(a)(1) is amend-
16 ed by inserting “in order to protect public health and wel-
17 fare and the environment from reasonably anticipated
18 threats that could be posed by such transportation and
19 facilities” after “and for pipeline facilities”.

20 (b) CONFLICTS OF INTEREST.—Section 60115(b)(4)
21 is amended by adding at the end the following new sub-
22 paragraph:

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

1 **SEC. 18. TECHNICAL AMENDMENTS.**

2 Chapter 601 is amended—

3 (1) in section 60102(a)—

4 (A) by striking “(a)(1)” and all that fol-
5 lows through “The Secretary of Transpor-
6 tation” and inserting the following:

7 “(a) MINIMUM SAFETY STANDARDS.—

8 “(1) IN GENERAL.—The Secretary of Transpor-
9 tation”;

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

14 (C) in paragraph (2) by inserting “QUALI-
15 FICATIONS OF PIPELINE OPERATORS.—” before
16 “The qualifications”;

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

21 (3) in section 60114 by redesignating sub-
22 section (d) as subsection (c);

23 (4) in section 60122(a) by striking “section
24 60114(c)” and inserting “section 60114(b)”; and

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

1 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GAS AND HAZARDOUS LIQUID.—Section
3 60125(a) is amended to read as follows:

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

8 “(1) \$45,800,000 for fiscal year 2003, of which
9 \$31,900,000 is to be derived from user fees for fis-
10 cal year 2003 collected under section 60301 of this
11 title.

12 “(2) \$46,800,000 for fiscal year 2004, of which
13 \$35,700,000 is to be derived from user fees for fis-
14 cal year 2004 collected under section 60301 of this
15 title.

16 “(3) \$47,100,000 for fiscal year 2005, of which
17 \$41,100,000 is to be derived from user fees for fis-
18 cal year 2005 collected under section 60301 of this
19 title.

20 “(4) \$50,000,000 for fiscal year 2006, of which
21 \$45,000,000 is to be derived from user fees for fis-
22 cal year 2006 collected under section 60301 of this
23 title.”.

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

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

4 (2) in subsection (b)(1) (as so redesignated) by
5 striking subparagraphs (A) through (H) and insert-
6 ing the following:

7 “(A) \$19,800,000 for fiscal year 2003, of which
8 \$14,800,000 is to be derived from user fees for fis-
9 cal year 2003 collected under section 60301 of this
10 title.

11 “(B) \$21,700,000 for fiscal year 2004, of which
12 \$16,700,000 is to be derived from user fees for fis-
13 cal year 2004 collected under section 60301 of this
14 title.

15 “(C) \$24,600,000 for fiscal year 2005, of which
16 \$19,600,000 is to be derived from user fees for fis-
17 cal year 2005 collected under section 60301 of this
18 title.

19 “(D) \$26,500,000 for fiscal year 2006, of which
20 \$21,500,000 is to be derived from user fees for fis-
21 cal year 2006 collected under section 60301 of this
22 title.”.

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

1 **SEC. 20. INSPECTIONS BY DIRECT ASSESSMENT.**

2 Section 60102, as amended by this Act, is further
3 amended by adding at the end the following new sub-
4 section:

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