

1 **TITLE I—PIPELINE SAFETY**

2 **SEC. 101. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED**
3 **STATES CODE.**

4 (a) **SHORT TITLE.**—This title may be cited as the
5 “Pipeline Safety Improvement Act of 2002”.

6 (b) **AMENDMENT OF TITLE 49, UNITED STATES**
7 **CODE.**—Except as otherwise expressly provided, whenever
8 in this title 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 **SEC. 102. ONE-CALL NOTIFICATION PROGRAMS.**

14 (a) **MINIMUM STANDARDS.**—Section 6103 is
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1) by inserting “, in-
18 cluding all government operators” before the
19 semicolon at the end; and

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

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

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

5 (c) IMPLEMENTATION OF BEST PRACTICES GUIDE-
6 LINES.—

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

9 **“§ 6105. Implementation of best practices guidelines**

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

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

22 “(c) GRANTS.—

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

1 “(2) AUTHORIZATION OF APPROPRIATIONS.—In
2 addition to amounts authorized under section 6107,
3 there is authorized to be appropriated for making
4 grants under this subsection \$500,000 for each of
5 fiscal years 2003 through 2006. Such sums shall re-
6 main available until expended.

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

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

“6105. Implementation of best practices guidelines.”.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) FOR GRANTS FOR STATES.—Section
16 6107(a) is amended by striking “\$1,000,000 for fis-
17 cal year 2000” and all that follows before the period
18 at the end of the first sentence and inserting
19 “\$1,000,000 for each of fiscal years 2003 through
20 2006”.

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

1 **SEC. 103. ONE-CALL NOTIFICATION OF PIPELINE OPERA-**
2 **TORS.**

3 (a) LIMITATION ON PREEMPTION.—Section 60104(c)
4 is amended by adding at the end the following: “Notwith-
5 standing the preceding sentence, a State authority may
6 enforce a requirement of a one-call notification program
7 of the State if the program meets the requirements for
8 one-call notification programs under this chapter or chap-
9 ter 61.”.

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

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

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

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

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

21 “(B) a pipeline facility, and knows or has
22 reason to know of the damage, but does not re-
23 port the damage promptly to the operator of
24 the pipeline facility and to other appropriate
25 authorities; or”;

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

1 “Penalties under this subsection may be reduced in the
2 case of a violation that is promptly reported by the viola-
3 tor.”.

4 **SEC. 104. STATE OVERSIGHT ROLE.**

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

7 (1) in subsection (a) by striking “GENERAL AU-
8 THORITY.—” and inserting “AGREEMENTS WITH-
9 OUT CERTIFICATION.—”;

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

12 (3) by inserting after subsection (a) the fol-
13 lowing:

14 “(b) AGREEMENTS WITH CERTIFICATION.—

15 “(1) IN GENERAL.—If the Secretary accepts a
16 certification under section 60105 and makes the de-
17 termination required under this subsection, the Sec-
18 retary may make an agreement with a State author-
19 ity authorizing it to participate in the oversight of
20 interstate pipeline transportation. Each such agree-
21 ment shall include a plan for the State authority to
22 participate in special investigations involving inci-
23 dents or new construction and allow the State au-
24 thority to participate in other activities overseeing
25 interstate pipeline transportation or to assume addi-

1 tional inspection or investigatory duties. Nothing in
2 this section modifies section 60104(e) or authorizes
3 the Secretary to delegate the enforcement of safety
4 standards for interstate pipeline facilities prescribed
5 under this chapter to a State authority.

6 “(2) DETERMINATIONS REQUIRED.—The Sec-
7 retary may not enter into an agreement under this
8 subsection, unless the Secretary determines in writ-
9 ing that—

10 “(A) the agreement allowing participation
11 of the State authority is consistent with the
12 Secretary’s program for inspection and con-
13 sistent with the safety policies and provisions
14 provided under this chapter;

15 “(B) the interstate participation agreement
16 would not adversely affect the oversight respon-
17 sibilities of intrastate pipeline transportation by
18 the State authority;

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

23 “(D) the State meets the minimum stand-
24 ards for State one-call notification set forth in
25 chapter 61; and

1 “(E) the actions planned under the agree-
2 ment would not impede interstate commerce or
3 jeopardize public safety.

4 “(3) EXISTING AGREEMENTS.—If requested by
5 the State authority, the Secretary shall authorize a
6 State authority which had an interstate agreement
7 in effect after January 31, 1999, to oversee inter-
8 state pipeline transportation pursuant to the terms
9 of that agreement until the Secretary determines
10 that the State meets the requirements of paragraph
11 (2) and executes a new agreement, or until Decem-
12 ber 31, 2003, whichever is sooner. Nothing in this
13 paragraph shall prevent the Secretary, after afford-
14 ing the State notice, hearing, and an opportunity to
15 correct any alleged deficiencies, from terminating an
16 agreement that was in effect before enactment of the
17 Pipeline Safety Improvement Act of 2002 if—

18 “(A) the State authority fails to comply
19 with the terms of the agreement;

20 “(B) implementation of the agreement has
21 resulted in a gap in the oversight responsibil-
22 ities of intrastate pipeline transportation by the
23 State authority; or

24 “(C) continued participation by the State
25 authority in the oversight of interstate pipeline

1 transportation has had an adverse impact on
2 pipeline safety.”.

3 (b) ENDING AGREEMENTS.—Subsection (e) of sec-
4 tion 60106 (as redesignated by subsection (a)(2) of this
5 section) is amended to read as follows:

6 “(e) ENDING AGREEMENTS.—

7 “(1) PERMISSIVE TERMINATION.—The Sec-
8 retary may end an agreement under this section
9 when the Secretary finds that the State authority
10 has not complied with any provision of the agree-
11 ment.

12 “(2) MANDATORY TERMINATION OF AGREE-
13 MENT.—The Secretary shall end an agreement for
14 the oversight of interstate pipeline transportation if
15 the Secretary finds that—

16 “(A) implementation of such agreement
17 has resulted in a gap in the oversight respon-
18 sibilities of intrastate pipeline transportation by
19 the State authority;

20 “(B) the State actions under the agree-
21 ment have failed to meet the requirements
22 under subsection (b); or

23 “(C) continued participation by the State
24 authority in the oversight of interstate pipeline

1 transportation would not promote pipeline safe-
2 ty.

3 “(3) PROCEDURAL REQUIREMENTS.—The Sec-
4 retary shall give notice and an opportunity for a
5 hearing to a State authority before ending an agree-
6 ment under this section. The Secretary may provide
7 a State an opportunity to correct any deficiencies be-
8 fore ending an agreement. The finding and decision
9 to end the agreement shall be published in the Fed-
10 eral Register and may not become effective for at
11 least 15 days after the date of publication unless the
12 Secretary finds that continuation of an agreement
13 poses an imminent hazard.”.

14 (c) SECRETARY’S RESPONSE TO STATE NOTICES OF
15 VIOLATIONS.—Subsection (c) of section 60106 (as reded-
16 icated by subsection (a)(2) of this section) is amended—

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

19 “(1) IN GENERAL.—Each agreement”;

20 (2) by adding at the end the following:

21 “(2) RESPONSE BY SECRETARY.—If a State au-
22 thority notifies the Secretary under paragraph (1) of
23 a violation or probable violation of an applicable
24 safety standard, the Secretary, not later than 60

1 days after the date of receipt of the notification,
2 shall—

3 “(A) issue an order under section
4 60118(b) or take other appropriate enforcement
5 actions to ensure compliance with this chapter;
6 or

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

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

13 **SEC. 105. PUBLIC EDUCATION PROGRAMS.**

14 Section 60116 is amended to read as follows:

15 **“§ 60116. Public education programs**

16 “(a) IN GENERAL.—Each owner or operator of a gas
17 or hazardous liquid pipeline facility shall carry out a con-
18 tinuing program to educate the public on the use of a one-
19 call notification system prior to excavation and other dam-
20 age prevention activities, the possible hazards associated
21 with unintended releases from the pipeline facility, the
22 physical indications that such a release may have oc-
23 curred, what steps should be taken for public safety in
24 the event of a pipeline release, and how to report such
25 an event.

1 “(b) MODIFICATION OF EXISTING PROGRAMS.—Not
2 later than 12 months after the date of enactment of the
3 Pipeline Safety Improvement Act of 2002, each owner or
4 operator of a gas or hazardous liquid pipeline facility shall
5 review its existing public education program for effective-
6 ness and modify the program as necessary. The completed
7 program shall include activities to advise affected munici-
8 palities, school districts, businesses, and residents of pipe-
9 line facility locations. The completed program shall be sub-
10 mitted to the Secretary or, in the case of an intrastate
11 pipeline facility operator, the appropriate State agency,
12 and shall be periodically reviewed by the Secretary or, in
13 the case of an intrastate pipeline facility operator, the ap-
14 propriate State agency.

15 “(c) STANDARDS.—The Secretary may issue stand-
16 ards prescribing the elements of an effective public edu-
17 cation program. The Secretary may also develop material
18 for use in the program.”.

19 **SEC. 106. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
20 **LINE SAFETY INFORMATION.**

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

23 **“§ 60129. Protection of employees providing pipeline**
24 **safety information**

25 “(a) DISCRIMINATION AGAINST EMPLOYEE.—

1 “(1) IN GENERAL.—No employer may discharge
2 any employee or otherwise discriminate against any
3 employee with respect to his compensation, terms,
4 conditions, or privileges of employment because the
5 employee (or any person acting pursuant to a re-
6 quest of the employee)—

7 “(A) provided, caused to be provided, or is
8 about to provide or cause to be provided, to the
9 employer or the Federal Government informa-
10 tion relating to any violation or alleged violation
11 of any order, regulation, or standard under this
12 chapter or any other Federal law relating to
13 pipeline safety;

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

19 “(C) provided, caused to be provided, or is
20 about to provide or cause to be provided, testi-
21 mony before Congress or at any Federal or
22 State proceeding regarding any provision (or
23 proposed provision) of this chapter or any other
24 Federal law relating to pipeline safety;

1 “(D) commenced, caused to be commenced,
2 or is about to commence or cause to be com-
3 menced a proceeding under this chapter or any
4 other Federal law relating to pipeline safety, or
5 a proceeding for the administration or enforce-
6 ment of any requirement imposed under this
7 chapter or any other Federal law relating to
8 pipeline safety;

9 “(E) provided, caused to be provided, or is
10 about to provide or cause to be provided, testi-
11 mony in any proceeding described in subpara-
12 graph (D); or

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

19 “(2) EMPLOYER DEFINED.—In this section, the
20 term ‘employer’ means—

21 “(A) a person owning or operating a pipe-
22 line facility; or

23 “(B) a contractor or subcontractor of such
24 a 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 subsection (a) was a contrib-
13 uting factor in the unfavorable personnel
14 action alleged in the complaint.

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

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

15 “(3) FINAL ORDER.—

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

1 Labor, the complainant, and the person or per-
2 sons alleged to have committed the violation.

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

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

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

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

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

1 for, or in connection with, the bringing the com-
2 plaint upon which the order was issued.

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

9 “(4) REVIEW.—

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

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

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

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

18 “(A) COMMENCEMENT OF ACTION.—A per-
19 son on whose behalf an order was issued under
20 paragraph (3) may commence a civil action
21 against the person or persons to whom such
22 order was issued to require compliance with
23 such order. The appropriate United States dis-
24 trict court shall have jurisdiction, without re-

1 gard to the amount in controversy or the citi-
2 zenship of the parties, to enforce such order.

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

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

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

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

22 “(3) A person violating section 60129, or an order
23 issued thereunder, is liable to the Government for a civil
24 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 analysis for
4 chapter 601 is amended by adding at the end the fol-
5 lowing:

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

6 **SEC. 107. SAFETY ORDERS.**

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

9 “(1) SAFETY ORDERS.—If the Secretary decides that
10 a pipeline facility has a potential safety-related condition,
11 the 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 safety-related condition.”.

15 **SEC. 108. 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.—

10 (1) GENERAL PENALTIES.—Section
11 60122(a)(1) is amended—

12 (A) by striking “\$25,000” and inserting
13 “\$100,000”; and

14 (B) by striking “\$500,000” and inserting
15 “\$1,000,000”.

16 (2) PENALTY CONSIDERATIONS.—Section
17 60122(b) is amended by striking “under this sec-
18 tion” and all that follows through paragraph (4) and
19 inserting “under this section—

20 “(1) the Secretary shall consider—

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

24 “(B) with respect to the violator, the de-
25 gree of culpability, any history of prior viola-

1 tions, the ability to pay, and any effect on abil-
2 ity to continue doing business; and

3 “(C) good faith in attempting to comply;
4 and

5 “(2) the Secretary may consider—

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

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

10 (3) CIVIL ACTIONS.—Section 60120(a) is
11 amended—

12 (A) by striking “(a) CIVIL ACTIONS.—(1)”
13 and all that follows through “(2) At the re-
14 quest” and inserting the following:

15 “(a) CIVIL ACTIONS.—

16 “(1) CIVIL ACTIONS TO ENFORCE THIS CHAP-
17 TER.—At the request of the Secretary of Transpor-
18 tation, the Attorney General may bring a civil action
19 in an appropriate district court of the United States
20 to enforce this chapter, including section 60112, or
21 a regulation prescribed or order issued under this
22 chapter. The court may award appropriate relief, in-
23 cluding a temporary or permanent injunction, puni-
24 tive damages, and assessment of civil penalties, con-
25 sidering the same factors as prescribed for the Sec-

1 retary in an administrative case under section
2 60122.

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

6 (B) by aligning the remainder of the text
7 of paragraph (2) with the text of paragraph
8 (1).

9 (c) CRIMINAL PENALTIES FOR DAMAGING OR DE-
10 STROYING A FACILITY.—Section 60123(b) is amended—

11 (1) by striking “or” after “gas pipeline facility”
12 and inserting “, an”; and

13 (2) by inserting after “liquid pipeline facility”
14 the following: “, or either an intrastate gas pipeline
15 facility or intrastate hazardous liquid pipeline facil-
16 ity that is used in interstate or foreign commerce or
17 in any activity affecting interstate or foreign com-
18 merce”.

19 (d) COMPTROLLER GENERAL STUDY.—

20 (1) IN GENERAL.—The Comptroller General
21 shall conduct a study of the actions, policies, and
22 procedures of the Secretary of Transportation for
23 assessing and collecting fines and penalties on opera-
24 tors of hazardous liquid and gas transmission pipe-
25 lines.

1 (2) ANALYSIS.—In conducting the study, the
2 Comptroller General shall examine, at a minimum,
3 the following:

4 (A) The frequency with which the Sec-
5 retary has substituted corrective orders for
6 fines and penalties.

7 (B) Changes in the amounts of fines rec-
8 ommended by safety inspectors, assessed by the
9 Secretary, and actually collected.

10 (C) An evaluation of the overall effective-
11 ness of the Secretary’s enforcement strategy.

12 (D) The extent to which the Secretary has
13 complied with the report of the Government Ac-
14 counting Office entitled “Pipeline Safety: The
15 Office of Pipeline Safety is Changing How it
16 Oversees the Pipeline Industry”.

17 (3) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Comptroller General shall
19 transmit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committees on
21 Transportation and Infrastructure and Energy and Com-
22 merce of the House of Representatives a report on the
23 results of the study.

1 **SEC. 109. PIPELINE SAFETY INFORMATION GRANTS TO**
2 **COMMUNITIES.**

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

5 **“§ 60130. Pipeline safety information grants to com-**
6 **munities**

7 “(a) GRANT AUTHORITY.—

8 “(1) IN GENERAL.—The Secretary of Transpor-
9 tation may make grants for technical assistance to
10 local communities and groups of individuals (not in-
11 cluding for-profit entities) relating to the safety of
12 pipeline facilities in local communities, other than
13 facilities regulated under Public Law 93–153 (43
14 U.S.C. 1651 et seq.). The Secretary shall establish
15 competitive procedures for awarding grants under
16 this section and criteria for selecting grant recipi-
17 ents. The amount of any grant under this section
18 may not exceed \$50,000 for a single grant recipient.
19 The Secretary shall establish appropriate procedures
20 to ensure the proper use of funds provided under
21 this section.

22 “(2) TECHNICAL ASSISTANCE DEFINED.—In
23 this subsection, the term ‘technical assistance’
24 means engineering and other scientific analysis of
25 pipeline safety issues, including the promotion of

1 public participation in official proceedings conducted
2 under this chapter.

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) ANNUAL REPORT.—

7 “(1) IN GENERAL.—Not later than 90 days
8 after the last day of each fiscal year for which
9 grants are made by the Secretary under this section,
10 the Secretary shall report to the Committees on
11 Commerce, Science, and Transportation and Energy
12 and Natural Resources of the Senate and the Com-
13 mittees on Transportation and Infrastructure and
14 Energy and Commerce of the House of Representa-
15 tives on grants made under this section in the pre-
16 ceding fiscal year.

17 “(2) CONTENTS.—The report shall include—

18 “(A) a listing of the identity and location
19 of each recipient of a grant under this section
20 in the preceding fiscal year and the amount re-
21 ceived by the recipient;

22 “(B) a description of the purpose for which
23 each grant was made; and

24 “(C) a description of how each grant was
25 used by the recipient.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Secretary of Trans-
3 portation for carrying out this section \$1,000,000 for each
4 of the fiscal years 2003 through 2006. Such amounts shall
5 not be derived from user fees collected under section
6 60301.”.

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

“60130. Pipeline safety information grants to communities.”.

10 **SEC. 110. OPERATOR ASSISTANCE IN INVESTIGATIONS.**

11 (a) IN GENERAL.—Section 60118 is amended by
12 adding at the end the following:

13 “(e) OPERATOR ASSISTANCE IN INVESTIGATIONS.—
14 If the Secretary or the National Transportation Safety
15 Board investigate an accident involving a pipeline facility,
16 the operator of the facility shall make available to the Sec-
17 retary or the Board all records and information that in
18 any way pertain to the accident (including integrity man-
19 agement plans and test results), and shall afford all rea-
20 sonable assistance in the investigation of the accident.”.

21 (b) CORRECTIVE ACTION ORDERS.—Section
22 60112(d) is amended—

23 (1) by striking “If the Secretary” and inserting
24 the following:

25 “(1) IN GENERAL.—If the Secretary”;

1 (2) by adding the end the following:

2 “(2) ACTIONS ATTRIBUTABLE TO AN EM-
3 PLOYEE.—If, in the case of a corrective action order
4 issued following an accident, the Secretary deter-
5 mines that the actions of an employee carrying out
6 an activity regulated under this chapter, including
7 duties under section 60102(a), may have contributed
8 substantially to the cause of the accident, the Sec-
9 retary shall direct the operator to relieve the em-
10 ployee from performing those activities, reassign the
11 employee, or place the employee on leave until the
12 earlier of the date on which—

13 “(A) the Secretary, after notice and an op-
14 portunity for a hearing, determines that the
15 employee’s actions did not contribute substan-
16 tially to the cause of the accident; or

17 “(B) the Secretary determines the em-
18 ployee has been re-qualified or re-trained as
19 provided for in section 60131 and can safely
20 perform those activities.

21 “(3) EFFECT OF COLLECTIVE BARGAINING
22 AGREEMENTS.—An action taken by an operator
23 under paragraph (2) shall be in accordance with the
24 terms and conditions of any applicable collective bar-
25 gaining agreement.”; and

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

5 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
6 Section 60118 is amended by adding at the end the fol-
7 lowing:

8 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—
9 Nothing in this section may be construed to infringe upon
10 the constitutional rights of an operator or its employees.”.

11 **SEC. 111. POPULATION ENCROACHMENT AND RIGHTS-OF-**
12 **WAY.**

13 (a) IN GENERAL.—Section 60127 is amended to read
14 as follows:

15 **“§ 60127. Population encroachment and rights-of-way**

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

23 “(b) PURPOSE OF STUDY.—The purpose of the study
24 shall be to gather information on land use practices, zon-

1 ing ordinances, and preservation of environmental
2 resources—

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

5 “(2) to address and prevent the hazards and
6 risks to the public, pipeline workers, and the envi-
7 ronment associated with encroachment on pipeline
8 rights-of-way;

9 “(3) to raise the awareness of the risks and
10 hazards of encroachment on pipeline rights-of-way;
11 and

12 “(4) to address how to best preserve environ-
13 mental resources in conjunction with maintaining
14 pipeline rights-of-way, recognizing pipeline opera-
15 tors’ regulatory obligations to maintain rights-of-way
16 and to protect public safety.

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

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

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

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

5 “(d) REPORT.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this subsection, the Sec-
8 retary shall publish a report identifying practices,
9 laws, and ordinances that are most successful in ad-
10 dressing issues of encroachment and maintenance on
11 pipeline rights-of-way so as to more effectively pro-
12 tect public safety, pipeline workers, and the environ-
13 ment.

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

16 “(A) Congress and appropriate Federal
17 agencies; and

18 “(B) States for further distribution to ap-
19 propriate local authorities.

20 “(3) ADOPTION OF PRACTICES, LAWS, AND OR-
21 DINANCES.—The Secretary shall encourage Federal
22 agencies and State and local governments to adopt
23 and implement appropriate practices, laws, and ordi-
24 nances, as identified in the report, to address the
25 risks and hazards associated with encroachment

1 upon pipeline rights-of-way and to address the po-
2 tential methods of preserving environmental re-
3 sources while maintaining pipeline rights-of-way,
4 consistent with pipeline safety.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
6 chapter 601 is amended by striking the item relating to
7 section 60127 and inserting the following:

“60127. Population encroachment and rights-of-way.”.

8 **SEC. 112. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY**
9 **RESEARCH AND DEVELOPMENT.**

10 (a) IN GENERAL.—The heads of the participating
11 agencies shall carry out a program of research, develop-
12 ment, demonstration, and standardization to ensure the
13 integrity of pipeline facilities.

14 (b) MEMORANDUM OF UNDERSTANDING.—

15 (1) IN GENERAL.—Not later than 120 days
16 after the date of enactment of this Act, the heads
17 of the participating agencies shall enter into a
18 memorandum of understanding detailing their re-
19 spective responsibilities in the program authorized
20 by subsection (a).

21 (2) AREAS OF EXPERTISE.—Under the memo-
22 randum of understanding, each of the participating
23 agencies shall have the primary responsibility for en-
24 suring that the elements of the program within its
25 expertise are implemented in accordance with this

1 section. The Department of Transportation's respon-
2 sibilities shall reflect its lead role in pipeline safety
3 and expertise in pipeline inspection, integrity man-
4 agement, and damage prevention. The Department
5 of Energy's responsibilities shall reflect its expertise
6 in system reliability, low-volume gas leak detection,
7 and surveillance technologies. The National Institute
8 of Standards and Technology's responsibilities shall
9 reflect its expertise in materials research and assist-
10 ing in the development of consensus technical stand-
11 ards, as that term is used in section 12(d)(4) of
12 Public Law 104-13 (15 U.S.C. 272 note).

13 (c) PROGRAM ELEMENTS.—The program authorized
14 by subsection (a) shall include research, development,
15 demonstration, and standardization activities related to—

16 (1) materials inspection;

17 (2) stress and fracture analysis, detection of
18 cracks, corrosion, abrasion, and other abnormalities
19 inside pipelines that lead to pipeline failure, and de-
20 velopment of new equipment or technologies that are
21 inserted into pipelines to detect anomalies;

22 (3) internal inspection and leak detection tech-
23 nologies, including detection of leaks at very low vol-
24 umes;

1 (4) methods of analyzing content of pipeline
2 throughput;

3 (5) pipeline security, including improving the
4 real-time surveillance of pipeline rights-of-way, devel-
5 oping tools for evaluating and enhancing pipeline se-
6 curity and infrastructure, reducing natural, techno-
7 logical, and terrorist threats, and protecting first re-
8 sponse units and persons near an incident;

9 (6) risk assessment methodology, including vul-
10 nerability assessment and reduction of third-party
11 damage;

12 (7) communication, control, and information
13 systems surety;

14 (8) fire safety of pipelines;

15 (9) improved excavation, construction, and re-
16 pair technologies; and

17 (10) other appropriate elements.

18 (d) PROGRAM PLAN.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary of
21 Transportation, in coordination with the Secretary
22 of Energy and the Director of the National Institute
23 of Standards and Technology, shall prepare and
24 transmit to Congress a 5-year program plan to guide
25 activities under this section. Such program plan

1 shall be submitted to the Technical Pipeline Safety
2 Standards Committee and the Technical Hazardous
3 Liquid Pipeline Safety Standards Committee for re-
4 view, and the report to Congress shall include the
5 comments of the committees. The 5-year program
6 plan shall be based on the memorandum of under-
7 standing under subsection (b) and take into account
8 related activities of other Federal agencies.

9 (2) CONSULTATION.—In preparing the program
10 plan and selecting and prioritizing appropriate
11 project proposals, the Secretary of Transportation
12 shall consult with or seek the advice of appropriate
13 representatives of the natural gas, crude oil, and pe-
14 troleum product pipeline industries, utilities, manu-
15 facturers, institutions of higher learning, Federal
16 agencies, pipeline research institutions, national lab-
17 oratories, State pipeline safety officials, labor organi-
18 zations, environmental organizations, pipeline safety
19 advocates, and professional and technical societies.

20 (e) REPORTS TO CONGRESS.—Not later than 1 year
21 after the date of enactment of this Act, and annually
22 thereafter, the heads of the participating agencies shall
23 transmit jointly to Congress a report on the status and
24 results to date of the implementation of the program plan
25 prepared under subsection (d).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) DEPARTMENT OF TRANSPORTATION.—

3 There is authorized to be appropriated to the Sec-
4 retary of Transportation for carrying out this sec-
5 tion \$10,000,000 for each of the fiscal years 2003
6 through 2006.

7 (2) DEPARTMENT OF ENERGY.—There is au-

8 thorized to be appropriated to the Secretary of En-
9 ergy for carrying out this section \$10,000,000 for
10 each of the fiscal years 2003 through 2006.

11 (3) NATIONAL INSTITUTE OF STANDARDS AND

12 TECHNOLOGY.—There is authorized to be appro-
13 priated to the Director of the National Institute of
14 Standards and Technology for carrying out this sec-
15 tion \$5,000,000 for each of the fiscal years 2003
16 through 2006.

17 (4) GENERAL REVENUE FUNDING.—Any sums

18 appropriated under this subsection shall be derived
19 from general revenues and may not be derived from
20 amounts collected under section 60301 of title 49,
21 United States Code.

22 (g) PIPELINE INTEGRITY PROGRAM.—Of the

23 amounts available in the Oil Spill Liability Trust Fund
24 established by section 9509 of the Internal Revenue Code
25 of 1986 (26 U.S.C. 9509), \$3,000,000 shall be transferred

1 to the Secretary of Transportation, as provided in appro-
2 priation Acts, to carry out programs for detection, preven-
3 tion, and mitigation of oil spills for each of the fiscal years
4 2003 through 2006.

5 (h) PARTICIPATING AGENCIES DEFINED.—In this
6 section, the term “participating agencies” means the De-
7 partment of Transportation, the Department of Energy,
8 and the National Institute of Standards and Technology.

9 **SEC. 113. PIPELINE QUALIFICATION PROGRAMS.**

10 (a) VERIFICATION PROGRAM.—

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

13 **“§ 60131. Verification of pipeline qualification pro-**
14 **grams**

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

20 “(b) STANDARDS AND CRITERIA.—

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

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

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

6 “(B) A requirement that pipeline operators
7 develop and implement written plans and proce-
8 dures to qualify individuals described in sub-
9 section (a) to a level found acceptable using the
10 methods established under subparagraph (A)
11 and evaluate the abilities of individuals de-
12 scribed in subsection (a) according to such
13 methods.

14 “(C) A requirement that the plans and
15 procedures adopted by a pipeline operator
16 under subparagraph (B) be reviewed and veri-
17 fied under subsection (e).

18 “(c) DEVELOPMENT OF QUALIFICATION PROGRAMS
19 BY PIPELINE OPERATORS.—The Secretary shall require
20 each pipeline operator to develop and adopt, not later than
21 2 years after the date of enactment of this section, a quali-
22 fication program that complies with the standards and cri-
23 teria described in subsection (b).

24 “(d) ELEMENTS OF QUALIFICATION PROGRAMS.—A
25 qualification program adopted by an operator under sub-

1 section (a) shall include, at a minimum, the following ele-
2 ments:

3 “(1) A method for examining or testing the
4 qualifications of individuals described in subsection
5 (a). The method may include written examination,
6 oral examination, observation during on-the-job per-
7 formance, on-the-job training, simulations, and other
8 forms of assessment. The method may not be limited
9 to observation of on-the-job performance, except
10 with respect to tasks for which the Secretary has de-
11 termined that such observation is the best method of
12 examining or testing qualifications. The Secretary
13 shall ensure that the results of any such observa-
14 tions are documented in writing.

15 “(2) A requirement that the operator complete
16 the qualification of all individuals described in sub-
17 section (a) not later than 18 months after the date
18 of adoption of the qualification program.

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

22 “(4) A program to provide training, as appro-
23 priate, to ensure that individuals performing covered
24 tasks have the necessary knowledge and skills to

1 perform the tasks in a manner that ensures the safe
2 operation of pipeline facilities.

3 “(e) REVIEW AND VERIFICATION OF PROGRAMS.—

4 “(1) IN GENERAL.—The Secretary shall review
5 the qualification program of each pipeline operator
6 and verify its compliance with the standards and cri-
7 teria described in subsection (b) and that it includes
8 the elements described in subsection (d). The Sec-
9 retary shall record the results of that review for use
10 in the next review of an operator’s program.

11 “(2) DEADLINE FOR COMPLETION.—Reviews
12 and verifications under this subsection shall be com-
13 pleted not later than 3 years after the date of the
14 enactment of this section.

15 “(3) INADEQUATE PROGRAMS.—If the Sec-
16 retary decides that a qualification program is inad-
17 equate for the safe operation of a pipeline facility,
18 the Secretary shall act as under section 60108(a)(2)
19 to require the operator to revise the qualification
20 program.

21 “(4) PROGRAM MODIFICATIONS.—If the oper-
22 ator of a pipeline facility significantly modifies a
23 program that has been verified under this sub-
24 section, the operator shall notify the Secretary of the
25 modifications. The Secretary shall review and verify

1 such modifications in accordance with paragraph
2 (1).

3 “(5) WAIVERS AND MODIFICATIONS.—In ac-
4 cordance with section 60118(c), the Secretary may
5 waive or modify any requirement of this section if
6 the waiver or modification is not inconsistent with
7 pipeline safety.

8 “(6) INACTION BY THE SECRETARY.—Notwith-
9 standing any failure of the Secretary to prescribe
10 standards and criteria as described in subsection (b),
11 an operator of a pipeline facility shall develop and
12 adopt a qualification program that complies with the
13 requirement of subsection (b)(2)(B) and includes the
14 elements described in subsection (d) not later than
15 2 years after the date of enactment of this section.

16 “(f) INTRASTATE PIPELINE FACILITIES.—In the
17 case of an intrastate pipeline facility operator, the duties
18 and powers of the Secretary under this section with re-
19 spect to the qualification program of the operator shall
20 be vested in the appropriate State regulatory agency, con-
21 sistent with this chapter.

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

24 “(1) with respect to a gas pipeline facility, has
25 the meaning such term has under section 192.801 of

1 title 49, Code of Federal Regulations, including any
2 subsequent modifications; and

3 “(2) with respect to a hazardous liquid pipeline
4 facility, has the meaning such term has under sec-
5 tion 195.501 of such title, including any subsequent
6 modifications.

7 “(h) REPORT.—Not later than 4 years after the date
8 of enactment of this section, the Secretary shall transmit
9 to Congress a report on the status and results to date of
10 the personnel qualification regulations issued under this
11 chapter.”.

12 (2) CONFORMING AMENDMENT.—The analysis
13 for chapter 601 is amended by adding at end the fol-
14 lowing:

“60131. Verification of pipeline qualification programs.”.

15 (b) PILOT PROGRAM FOR CERTIFICATION OF CER-
16 TAIN PIPELINE WORKERS.—

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

20 (A) develop tests and other requirements
21 for certifying the qualifications of individuals
22 who operate computer-based systems for con-
23 trolling the operations of pipelines; and

24 (B) establish and carry out a pilot pro-
25 gram for 3 pipeline facilities under which the

1 individuals operating computer-based systems
2 for controlling the operations of pipelines at
3 such facilities are required to be certified under
4 the process established under subparagraph
5 (A).

6 (2) REPORT.—The Secretary shall include in
7 the report required under section 60131(h), as
8 added by subsection (a) of this section, the results
9 of the pilot program. The report shall include—

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

13 (B) an evaluation of the pilot program, in-
14 cluding the effectiveness of the process for cer-
15 tifying individuals who operate computer-based
16 systems for controlling the operations of pipe-
17 lines;

18 (C) any recommendations of the Secretary
19 for requiring the certification of all individuals
20 who operate computer-based systems for con-
21 trolling the operations of pipelines; and

22 (D) an assessment of the ramifications of
23 requiring the certification of other individuals
24 performing safety-sensitive functions for a pipe-
25 line facility.

1 (3) COMPUTER-BASED SYSTEMS DEFINED.—In
2 this subsection, the term “computer-based systems”
3 means supervisory control and data acquisition sys-
4 tems.

5 **SEC. 114. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
6 **PROGRAMS FOR GAS PIPELINES.**

7 (a) IN GENERAL.—Section 60109 is amended by
8 adding at the end the following:

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

11 “(1) REQUIREMENT.—Each operator of a gas
12 pipeline facility shall conduct an analysis of the risks
13 to each facility of the operator located in an area
14 identified pursuant to subsection (a)(1) and defined
15 in chapter 192 of title 49, Code of Federal Regula-
16 tions, including any subsequent modifications, and
17 shall adopt and implement a written integrity man-
18 agement program for such facility to reduce the
19 risks.

20 “(2) REGULATIONS.—

21 “(A) IN GENERAL.—Not later than 12
22 months after the date of enactment of this sub-
23 section, the Secretary shall issue regulations
24 prescribing standards to direct an operator’s
25 conduct of a risk analysis and adoption and im-

1 plementation of an integrity management pro-
2 gram under this subsection. The regulations
3 shall require an operator to conduct a risk anal-
4 ysis and adopt an integrity management pro-
5 gram within a time period prescribed by the
6 Secretary, ending not later than 24 months
7 after such date of enactment. Not later than 18
8 months after such date of enactment, each op-
9 erator of a gas pipeline facility shall begin a
10 baseline integrity assessment described in para-
11 graph (3).

12 “(B) AUTHORITY TO ISSUE REGULA-
13 TIONS.—The Secretary may satisfy the require-
14 ments of this paragraph through the issuance
15 of regulations under this paragraph or under
16 other authority of law.

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

21 “(A) A baseline integrity assessment of
22 each of the operator’s facilities in areas identi-
23 fied pursuant to subsection (a)(1) and defined
24 in chapter 192 of title 49, Code of Federal Reg-
25 ulations, including any subsequent modifica-

1 tions, by internal inspection device, pressure
2 testing, direct assessment, or an alternative
3 method that the Secretary determines would
4 provide an equal or greater level of safety. The
5 operator shall complete such assessment not
6 later than 10 years after the date of enactment
7 of this subsection. At least 50 percent of such
8 facilities shall be assessed not later than 5
9 years after such date of enactment. The oper-
10 ator shall prioritize such facilities for assess-
11 ment based on all risk factors, including any
12 previously discovered defects or anomalies and
13 any history of leaks, repairs, or failures. The
14 operator shall ensure that assessments of facili-
15 ties with the highest risks are given priority for
16 completion and that such assessments will be
17 completed not later than 5 years after such
18 date of enactment.

19 “(B) Subject to paragraph (5), periodic re-
20 assessment of the facility, at a minimum of
21 once every 7 years, using methods described in
22 subparagraph (A).

23 “(C) Clearly defined criteria for evaluating
24 the results of assessments conducted under sub-

1 paragraphs (A) and (B) and for taking actions
2 based on such results.

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

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

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

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

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

1 under an agreement entered into under section
2 60106.

3 “(4) TREATMENT OF BASELINE INTEGRITY AS-
4 SESSMENTS.—In the case of a baseline integrity as-
5 sessment conducted by an operator in the period be-
6 ginning on the date of enactment of this subsection
7 and ending on the date of issuance of regulations
8 under this subsection, the Secretary shall accept the
9 assessment as complete, and shall not require the
10 operator to repeat any portion of the assessment, if
11 the Secretary determines that the assessment was
12 conducted in accordance with the requirements of
13 this subsection.

14 “(5) WAIVERS AND MODIFICATIONS.—In ac-
15 cordance with section 60118(c), the Secretary may
16 waive or modify any requirement for reassessment of
17 a facility under paragraph (3)(B) for reasons that
18 may include the need to maintain local product sup-
19 ply or the lack of internal inspection devices if the
20 Secretary determines that such waiver is not incon-
21 sistent with pipeline safety.

22 “(6) STANDARDS.—The standards prescribed
23 by the Secretary under paragraph (2) shall address
24 each of the following factors:

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

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

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

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

11 “(E) The types of information sources that
12 must be integrated in assessing the integrity of
13 a pipeline facility as well as the manner of inte-
14 gration.

15 “(F) The nature and timing of actions se-
16 lected to address the integrity of a pipeline fa-
17 cility.

18 “(G) Such other factors as the Secretary
19 determines appropriate to ensure that the integ-
20 rity of a pipeline facility is addressed and that
21 appropriate mitigative measures are adopted to
22 protect areas identified under subsection (a)(1).

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

1 risks, and shall take into account the applicable level
2 of protection established by national consensus
3 standards organizations.

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

8 “(A) changes to valves or the establish-
9 ment or modification of systems that monitor
10 pressure and detect leaks based on the opera-
11 tor’s risk analysis; and

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

14 “(8) LACK OF REGULATIONS.—In the absence
15 of regulations addressing the elements of an integ-
16 rity management program described in this sub-
17 section, the operator of a pipeline facility shall con-
18 duct a risk analysis and adopt and implement an in-
19 tegrity management program described in this sub-
20 section not later than 24 months after the date of
21 enactment of this subsection and shall complete the
22 baseline integrity assessment described in this sub-
23 section not later than 10 years after such date of en-
24 actment. At least 50 percent of such facilities shall
25 be assessed not later than 5 years after such date

1 of enactment. The operator shall prioritize such fa-
2 cilities for assessment based on all risk factors, in-
3 cluding any previously discovered defects or anoma-
4 lies and any history of leaks, repairs, or failures.
5 The operator shall ensure that assessments of facili-
6 ties with the highest risks are given priority for com-
7 pletion and that such assessments will be completed
8 not later than 5 years after such date of enactment.

9 “(9) REVIEW OF INTEGRITY MANAGEMENT
10 PROGRAMS.—

11 “(A) REVIEW OF PROGRAMS.—

12 “(i) IN GENERAL.—The Secretary
13 shall review a risk analysis and integrity
14 management program under paragraph (1)
15 and record the results of that review for
16 use in the next review of an operator’s pro-
17 gram.

18 “(ii) CONTEXT OF REVIEW.—The Sec-
19 retary may conduct a review under clause
20 (i) as an element of the Secretary’s inspec-
21 tion of an operator.

22 “(iii) INADEQUATE PROGRAMS.—If
23 the Secretary determines that a risk anal-
24 ysis or integrity management program does
25 not comply with the requirements of this

1 subsection or regulations issued as de-
2 scribed in paragraph (2), or is inadequate
3 for the safe operation of a pipeline facility,
4 the Secretary shall act under section
5 60108(a)(2) to require the operator to re-
6 vise the risk analysis or integrity manage-
7 ment program.

8 “(B) AMENDMENTS TO PROGRAMS.—In
9 order to facilitate reviews under this paragraph,
10 an operator of a pipeline facility shall notify the
11 Secretary of any amendment made to the oper-
12 ator’s integrity management program not later
13 than 30 days after the date of adoption of the
14 amendment. The Secretary shall review any
15 such amendment in accordance with this para-
16 graph.

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

24 “(10) STATE REVIEW OF INTEGRITY MANAGE-
25 MENT PLANS.—A State authority that enters into an

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

14 “(11) APPLICATION OF STANDARDS.—Section
15 60104(b) shall not apply to this section.”.

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

19 “(d) EVALUATION OF INTEGRITY MANAGEMENT
20 REGULATIONS.—Not later than 4 years after the date of
21 enactment of this subsection, the Comptroller General
22 shall complete an assessment and evaluation of the effects
23 on public safety and the environment of the requirements
24 for the implementation of integrity management programs

1 contained in the standards prescribed as described in sub-
2 section (c)(2).”.

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

5 (1) by striking “and” at the end of paragraph
6 (2);

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

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

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

13 (d) STUDY OF REASSESSMENT INTERVALS.—

14 (1) STUDY.—The Comptroller General shall
15 conduct a study to evaluate the 7-year reassessment
16 interval required by section 60109(c)(3)(B) of title
17 49, United States Code, as added by subsection (a)
18 of this section.

19 (2) REPORT.—Not later than 4 years after the
20 date of the enactment of this Act, the Comptroller
21 General shall transmit to Congress a report on the
22 results of the study conducted under paragraph (1).

23 **SEC. 115. NATIONAL PIPELINE MAPPING SYSTEM.**

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

1 **“§ 60132. National pipeline mapping system**

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

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

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

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

17 “(b) UPDATES.—A person providing information
18 under subsection (a) shall provide to the Secretary up-
19 dates of the information to reflect changes in the pipeline
20 facility owned or operated by the person and as otherwise
21 required by the Secretary.

22 “(c) TECHNICAL ASSISTANCE TO IMPROVE LOCAL
23 RESPONSE CAPABILITIES.—The Secretary may provide
24 technical assistance to State and local officials to improve
25 local response capabilities for pipeline emergencies by
26 adapting information available through the National Pipe-

1 line Mapping System to software used by emergency re-
2 sponse personnel responding to pipeline emergencies.”.

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

“60132. National pipeline mapping system.”.

6 **SEC. 116. COORDINATION OF ENVIRONMENTAL REVIEWS.**

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

9 **“§ 60133. Coordination of environmental reviews**

10 “(a) INTERAGENCY COMMITTEE.—

11 “(1) ESTABLISHMENT AND PURPOSE.—Not
12 later than 30 days after the date of enactment of
13 this section, the President shall establish an Inter-
14 agency Committee to develop and ensure implemen-
15 tation of a coordinated environmental review and
16 permitting process in order to enable pipeline opera-
17 tors to commence and complete all activities nec-
18 essary to carry out pipeline repairs within any time
19 periods specified by rule by the Secretary.

20 “(2) MEMBERSHIP.—The Chairman of the
21 Council on Environmental Quality (or a designee of
22 the Chairman) shall chair the Interagency Com-
23 mittee, which shall consist of representatives of Fed-
24 eral agencies with responsibilities relating to pipeline

1 repair projects, including each of the following per-
2 sons (or a designee thereof):

3 “(A) The Secretary of Transportation.

4 “(B) The Administrator of the Environ-
5 mental Protection Agency.

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

8 “(D) The Assistant Administrator for
9 Fisheries of the National Oceanic and Atmos-
10 pheric Administration.

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

13 “(F) The Director of the Minerals Man-
14 agement Service.

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

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

19 “(3) EVALUATION.—The Interagency Com-
20 mittee shall evaluate Federal permitting require-
21 ments to which access, excavation, and restoration
22 activities in connection with pipeline repairs de-
23 scribed in paragraph (1) may be subject. As part of
24 its evaluation, the Interagency Committee shall ex-
25 amine the access, excavation, and restoration prac-

1 tices of the pipeline industry in connection with such
2 pipeline repairs, and may develop a compendium of
3 best practices used by the industry to access, exca-
4 vate, and restore the site of a pipeline repair.

5 “(4) MEMORANDUM OF UNDERSTANDING.—

6 Based upon the evaluation required under paragraph
7 (3) and not later than 1 year after the date of enact-
8 ment of this section, the members of the Interagency
9 Committee shall enter into a memorandum of under-
10 standing to provide for a coordinated and expedited
11 pipeline repair permit review process to carry out
12 the purpose set forth in paragraph (1). The Inter-
13 agency Committee shall include provisions in the
14 memorandum of understanding identifying those re-
15 pairs or categories of repairs described in paragraph
16 (1) for which the best practices identified under
17 paragraph (3), when properly employed by a pipeline
18 operator, would result in no more than minimal ad-
19 verse effects on the environment and for which dis-
20 cretionary administrative reviews may therefore be
21 minimized or eliminated. With respect to pipeline re-
22 pairs described in paragraph (1) to which the pre-
23 ceding sentence would not be applicable, the Inter-
24 agency Committee shall include provisions to enable
25 pipeline operators to commence and complete all ac-

1 activities necessary to carry out pipeline repairs within
2 any time periods specified by rule by the Secretary.
3 The Interagency Committee shall include in the
4 memorandum of understanding criteria under which
5 permits required for such pipeline repair activities
6 should be prioritized over other less urgent agency
7 permit application reviews. The Interagency Com-
8 mittee shall not enter into a memorandum of under-
9 standing under this paragraph except by unanimous
10 agreement of the members of the Interagency Com-
11 mittee.

12 “(5) STATE AND LOCAL CONSULTATION.—In
13 carrying out this subsection, the Interagency Com-
14 mittee shall consult with appropriate State and local
15 environmental, pipeline safety, and emergency re-
16 sponse officials, and such other officials as the Inter-
17 agency Committee considers appropriate.

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

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

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

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

6 “(d) INTERIM OPERATIONAL ALTERNATIVES.—

7 “(1) IN GENERAL.—Not later than 30 days
8 after the date of enactment of this section, and sub-
9 ject to the limitations in paragraph (2), the Sec-
10 retary of Transportation shall revise the regulations
11 of the Department, to the extent necessary, to per-
12 mit a pipeline operator subject to time periods for
13 repair specified by rule by the Secretary to imple-
14 ment alternative mitigation measures until all appli-
15 cable permits have been granted.

16 “(2) LIMITATIONS.—The regulations issued by
17 the Secretary pursuant to this subsection shall not
18 allow an operator to implement alternative mitiga-
19 tion measures pursuant to paragraph (1) unless—

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

24 “(B) the operator, with respect to a par-
25 ticular repair project, has applied for and is

1 pursuing diligently and in good faith all re-
2 quired Federal, State, and local permits to
3 carry out the project; and

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

7 “(e) OMBUDSMAN.—The Secretary shall designate an
8 ombudsman to assist in expediting pipeline repairs and re-
9 solving disagreements between Federal, State, and local
10 permitting agencies and the pipeline operator during agen-
11 cy review of any pipeline repair activity, consistent with
12 protection of human health, public safety, and the environ-
13 ment.

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

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 601 is amended by adding at the end the fol-
24 lowing:

 “60133. Coordination of environmental reviews.”.

1 **SEC. 117. NATIONWIDE TOLL-FREE NUMBER SYSTEM.**

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

9 **SEC. 118. IMPLEMENTATION OF INSPECTOR GENERAL REC-**
10 **COMMENDATIONS.**

11 (a) IN GENERAL.—Except as otherwise required by
12 this title, the Secretary of Transportation shall implement
13 the safety improvement recommendations provided for in
14 the Department of Transportation Inspector General's Re-
15 port (RT-2000-069).

16 (b) REPORTS BY THE SECRETARY.—Not later than
17 90 days after the date of enactment of this Act, and every
18 90 days thereafter until each of the recommendations re-
19 ferred to in subsection (a) has been implemented, the Sec-
20 retary shall transmit to the Committee on Commerce,
21 Science, and Transportation of the Senate and the Com-
22 mittees on Transportation and Infrastructure and Energy
23 and Commerce of the House of Representatives a report
24 on the specific actions taken to implement such rec-
25 ommendations.

1 (c) REPORTS BY THE INSPECTOR GENERAL.—The
2 Inspector General shall periodically transmit to the com-
3 mittees referred to in subsection (b) a report assessing the
4 Secretary's progress in implementing the recommenda-
5 tions referred to in subsection (a) and identifying options
6 for the Secretary to consider in accelerating recommenda-
7 tion implementation.

8 **SEC. 119. NTSB SAFETY RECOMMENDATIONS.**

9 (a) IN GENERAL.—The Secretary of Transportation,
10 the Administrator of Research and Special Program Ad-
11 ministration, and the Director of the Office of Pipeline
12 Safety shall fully comply with section 1135 of title 49,
13 United States Code, to ensure timely responsiveness to
14 National Transportation Safety Board recommendations
15 about pipeline safety.

16 (b) PUBLIC AVAILABILITY.—The Secretary, Adminis-
17 trator, or Director, respectively, shall make a copy of each
18 recommendation on pipeline safety and response, as de-
19 scribed in subsections (a) and (b) of section 1135, title
20 49, United States Code.

21 (c) REPORTS TO CONGRESS.—The Secretary, Admin-
22 istrator, or Director, respectively, shall submit to Congress
23 by January 1 of each year a report containing each rec-
24 ommendation on pipeline safety made by the Board during

1 the prior year and a copy of the response to each such
2 recommendation.

3 **SEC. 120. MISCELLANEOUS AMENDMENTS.**

4 (a) GENERAL AUTHORITY AND PURPOSE.—

5 (1) IN GENERAL.—Section 60102(a) is
6 amended—

7 (A) by redesignating paragraph (2) as
8 paragraph (3);

9 (B) by striking “(a)(1)” and all that fol-
10 lows through “The Secretary of Transpor-
11 tation” and inserting the following:

12 “(a) PURPOSE AND MINIMUM SAFETY STAND-
13 ARDS.—

14 “(1) PURPOSE.—The purpose of this chapter is
15 to provide adequate protection against risks to life
16 and property posed by pipeline transportation and
17 pipeline facilities by improving the regulatory and
18 enforcement authority of the Secretary of Transpor-
19 tation.

20 “(2) MINIMUM SAFETY STANDARDS.—The Sec-
21 retary”;

22 (C) by moving the remainder of the text of
23 paragraph (2) (as so redesignated), including
24 subparagraphs (A) and (B) but excluding sub-
25 paragraph (C), 2 ems to the right; and

1 (D) in paragraph (3) (as so redesignated)
2 by inserting “QUALIFICATIONS OF PIPELINE
3 OPERATORS.—” before “The qualifications”.

4 (2) CONFORMING AMENDMENTS.—Chapter 601
5 is amended—

6 (A) by striking the heading for section
7 60102 and inserting the following:

8 **“§ 60102. Purpose and general authority”; and**

9 (B) in the analysis for such chapter by
10 striking the item relating to section 60102 and
11 inserting the following:

“60102. Purpose and general authority.”.

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

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

17 **SEC. 121. TECHNICAL AMENDMENTS.**

18 Chapter 601 is amended—

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

23 (2) in section 60114 by redesignating sub-
24 section (d) as subsection (c);

1 (3) in section 60122(a)(1) by striking “section
2 60114(c)” and inserting “section 60114(b)”; and
3 (4) in section 60123(a) by striking “60114(c)”
4 and inserting “60114(b)”.

5 **SEC. 122. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) **GAS AND HAZARDOUS LIQUID.**—Section
7 60125(a) is amended to read as follows:

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

12 “(1) \$45,800,000 for fiscal year 2003, of which
13 \$31,900,000 is to be derived from user fees for fis-
14 cal year 2003 collected under section 60301 of this
15 title.

16 “(2) \$46,800,000 for fiscal year 2004, of which
17 \$35,700,000 is to be derived from user fees for fis-
18 cal year 2004 collected under section 60301 of this
19 title.

20 “(3) \$47,100,000 for fiscal year 2005, of which
21 \$41,100,000 is to be derived from user fees for fis-
22 cal year 2005 collected under section 60301 of this
23 title.

24 “(4) \$50,000,000 for fiscal year 2006, of which
25 \$45,000,000 is to be derived from user fees for fis-

1 cal year 2006 collected under section 60301 of this
2 title.”.

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

4 (1) by striking subsections (b), (d), and (f) and
5 redesignating subsection (c) as subsection (b); and

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

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

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

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

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

1 (c) OIL SPILLS; EMERGENCY RESPONSE GRANTS.—
2 Section 60125 is amended by inserting after subsection
3 (b) (as redesignated by subsection (b)(1) of this section)
4 the following:

5 “(c) OIL SPILL LIABILITY TRUST FUND.—Of the
6 amounts available in the Oil Spill Liability Trust Fund,
7 \$8,000,000 shall be transferred to the Secretary of Trans-
8 portation, as provided in appropriation Acts, to carry out
9 programs authorized in this chapter for each of fiscal
10 years 2003 through 2006.

11 “(d) EMERGENCY RESPONSE GRANTS.—

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

17 “(2) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated \$6,000,000
19 for each of fiscal years 2003 through 2006 to carry
20 out this subsection.”.

21 (d) CONFORMING AMENDMENT.—Section 60125(e) is
22 amended by striking “or (b) of this section”.

23 **SEC. 123. INSPECTIONS BY DIRECT ASSESSMENT.**

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

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

6 **SEC. 124. STATE PIPELINE SAFETY ADVISORY COMMIT-**
7 **TEES.**

8 Within 90 days after receiving recommendations for
9 improvements to pipeline safety from an advisory com-
10 mittee appointed by the Governor of any State, the Sec-
11 retary of Transportation shall respond in writing to the
12 committee setting forth what action, if any, the Secretary
13 will take on those recommendations and the Secretary’s
14 reasons for acting or not acting upon any of the rec-
15 ommendations.

16 **SEC. 125. PIPELINE BRIDGE RISK STUDY.**

17 (a) IN GENERAL.—The Secretary of Transportation
18 shall conduct a study to determine whether cable-suspen-
19 sion pipeline bridges pose structural or other risks war-
20 ranting particularized attention in connection with pipe-
21 line operators risk assessment programs and whether par-
22 ticularized inspection standards need to be developed by
23 the Department of Transportation to recognize the pecu-
24 liar risks posed by such bridges.

1 (b) PUBLIC PARTICIPATION AND COMMENTS.—In
2 conducting the study, the Secretary shall provide, to the
3 maximum extent practicable, for public participation and
4 comment and shall solicit views and comments from the
5 public and interested persons, including participants in the
6 pipeline industry with knowledge and experience in inspec-
7 tion of pipeline facilities.

8 (c) COMPLETION AND REPORT.—Within 2 years
9 after the date of enactment of this Act, the Secretary shall
10 complete the study and transmit to Congress a report de-
11 tailing the results of the study.

12 (d) FUNDING.—The Secretary may carry out this
13 section using only amounts that are specifically appro-
14 priated to carry out this section.

15 **TITLE II—PRICE-ANDERSON ACT** 16 **AMENDMENTS**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Price-Anderson
19 Amendments Act of 2002”.

20 **SEC. 202. EXTENSION OF INDEMNIFICATION AUTHORITY.**

21 (a) INDEMNIFICATION OF NUCLEAR REGULATORY
22 COMMISSION LICENSEES.—Section 170 c. of the Atomic
23 Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

24 (1) in the subsection heading, by striking “LI-
25 CENSES” and inserting “LICENSEES”; and

1 (2) by striking “August 1, 2002” each place it
2 appears and inserting “August 1, 2017”.

3 (b) INDEMNIFICATION OF DEPARTMENT OF ENERGY
4 CONTRACTORS.—Section 170 d.(1)(A) of the Atomic En-
5 ergy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended
6 by striking “August 1, 2002” and inserting “August 1,
7 2017”.

8 (c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL
9 INSTITUTIONS.—Section 170 k. of the Atomic Energy Act
10 of 1954 (42 U.S.C. 2210(k)) is amended by striking “Au-
11 gust 1, 2002” each place it appears and inserting “August
12 1, 2017”.

13 **SEC. 203. MAXIMUM ASSESSMENT.**

14 Section 170 of the Atomic Energy Act of 1954 (42
15 U.S.C. 2210) is amended—

16 (1) in the second proviso of the third sentence
17 of subsection b.(1)—

18 (A) by striking “\$63,000,000” and insert-
19 ing “\$94,000,000”; and

20 (B) by striking “\$10,000,000 in any 1
21 year” and inserting “\$15,000,000 in any 1 year
22 (subject to adjustment for inflation under sub-
23 section t.)”; and

24 (2) in subsection t.(1)—

1 (A) by inserting “total and annual” after
2 “amount of the maximum”;

3 (B) by striking “the date of the enactment
4 of the Price-Anderson Amendments Act of
5 1988” and inserting “July 1, 2002”; and

6 (C) by striking “such date of enactment”
7 and inserting “July 1, 2002”.

8 **SEC. 204. DEPARTMENT OF ENERGY LIABILITY LIMIT.**

9 (a) INDEMNIFICATION OF DEPARTMENT OF ENERGY
10 CONTRACTORS.—Section 170 d. of the Atomic Energy Act
11 of 1954 (42 U.S.C. 2210(d)) is amended by striking para-
12 graph (2) and inserting the following:

13 “(2) In an agreement of indemnification entered into
14 under paragraph (1), the Secretary—

15 “(A) may require the contractor to provide and
16 maintain financial protection of such a type and in
17 such amounts as the Secretary shall determine to be
18 appropriate to cover public liability arising out of or
19 in connection with the contractual activity; and

20 “(B) shall indemnify the persons indemnified
21 against such liability above the amount of the finan-
22 cial protection required, in the amount of
23 \$10,000,000,000 (subject to adjustment for inflation
24 under subsection t.), in the aggregate, for all per-
25 sons indemnified in connection with the contract and

1 for each nuclear incident, including such legal costs
2 of the contractor as are approved by the Secretary.”.

3 (b) CONTRACT AMENDMENTS.—Section 170 d. of the
4 Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further
5 amended by striking paragraph (3) and inserting the fol-
6 lowing:

7 “(3) All agreements of indemnification under which
8 the Department of Energy (or its predecessor agencies)
9 may be required to indemnify any person under this sec-
10 tion shall be deemed to be amended, on the date of enact-
11 ment of the Price-Anderson Amendments Act of 2002, to
12 reflect the amount of indemnity for public liability and any
13 applicable financial protection required of the contractor
14 under this subsection.”.

15 (c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the
16 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is
17 amended—

18 (1) by striking “the maximum amount of finan-
19 cial protection required under subsection b. or”; and

20 (2) by striking “paragraph (3) of subsection d.,
21 whichever amount is more” and inserting “para-
22 graph (2) of subsection d.”.

23 **SEC. 205. INCIDENTS OUTSIDE THE UNITED STATES.**

24 (a) AMOUNT OF INDEMNIFICATION.—Section 170
25 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C.

1 2210(d)(5)) is amended by striking “\$100,000,000” and
2 inserting “\$500,000,000”.

3 (b) LIABILITY LIMIT.—Section 170 e.(4) of the
4 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is
5 amended by striking “\$100,000,000” and inserting
6 “\$500,000,000”.

7 **SEC. 206. REPORTS.**

8 Section 170 p. of the Atomic Energy Act of 1954 (42
9 U.S.C. 2210(p)) is amended by striking “August 1, 1998”
10 and inserting “August 1, 2013”.

11 **SEC. 207. INFLATION ADJUSTMENT.**

12 Section 170 t. of the Atomic Energy Act of 1954 (42
13 U.S.C. 2210(t)) is amended—

14 (1) by redesignating paragraph (2) as para-
15 graph (3); and

16 (2) by adding after paragraph (1) the following:

17 “(2) The Secretary shall adjust the amount of indem-
18 nification provided under an agreement of indemnification
19 under subsection d. not less than once during each 5-year
20 period following July 1, 2002, in accordance with the ag-
21 gregate percentage change in the Consumer Price Index
22 since—

23 “(A) that date, in the case of the first adjust-
24 ment under this paragraph; or

1 “(B) the previous adjustment under this para-
2 graph.”.

3 **SEC. 208. TREATMENT OF MODULAR REACTORS.**

4 Section 170 b. of the Atomic Energy Act of 1954 (42
5 U.S.C. 2210(b)) is amended by adding at the end the fol-
6 lowing:

7 “(5)(A) For purposes of this section only, the Com-
8 mission shall consider a combination of facilities described
9 in subparagraph (B) to be a single facility having a rated
10 capacity of 100,000 electrical kilowatts or more.

11 “(B) A combination of facilities referred to in sub-
12 paragraph (A) is 2 or more facilities located at a single
13 site, each of which has a rated capacity of 100,000 elec-
14 trical kilowatts or more but not more than 300,000 elec-
15 trical kilowatts, with a combined rated capacity of not
16 more than 1,300,000 electrical kilowatts.”.

17 **SEC. 209. APPLICABILITY.**

18 The amendments made by sections 203, 204, and 205
19 do not apply to a nuclear incident that occurs before the
20 date of the enactment of this Act.

21 **SEC. 210. CIVIL PENALTIES.**

22 (a) REPEAL OF AUTOMATIC REMISSION.—Section
23 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C.
24 2282a(b)(2)) is amended by striking the last sentence.

1 (b) LIMITATION FOR NOT-FOR-PROFIT INSTITU-
2 TIONS.—Subsection d. of section 234A of the Atomic En-
3 ergy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read
4 as follows:

5 “d.(1) Notwithstanding subsection a., in the case of
6 any not-for-profit contractor, subcontractor, or supplier,
7 the total amount of civil penalties paid under subsection
8 a. may not exceed the total amount of fees paid within
9 any one-year period (as determined by the Secretary)
10 under the contract under which the violation occurs.

11 “(2) For purposes of this section, the term ‘not-for-
12 profit’ means that no part of the net earnings of the con-
13 tractor, subcontractor, or supplier inures, or may lawfully
14 inure, to the benefit of any natural person or for-profit
15 artificial person.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall not apply to any violation of the Atomic
18 Energy Act of 1954 occurring under a contract entered
19 into before the date of enactment of this section.