



Legislative Bulletin.....July 23, 2002

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H.R. 3609—Pipeline Infrastructure Protection To Enhance Security and Safety Act

H.R. 3609—Pipeline Infrastructure Protection To Enhance Security and Safety Act (Young, Don)

Order of Business: The bill is scheduled to be considered on Tuesday, July 23, 2002, under a motion to suspend the rules and pass the bill. Under GOP Conference Rules, measures may not be considered under the suspension calendar if they exceed a cost of \$100 million. This rule may be waived by a majority vote of the elected leadership, and consideration of H.R. 3609 required such a vote, which has been approved.

Summary: H.R. 3609 amends Title 49 of the U.S. Code regarding Pipelines. The following are some of the changes made in the 67-page bill:

Section 2: Changes a study of one-call system “best practices” to a new \$2 million, 4-year grant program to implement best practices for one-call notification programs (which are systems operated by an organization that has “as one of its purposes” to send information to the appropriate people to mark underground facilities before someone digs or excavates.)

The bill notes that funding for this new program must be from general revenues and “not be derived” from pipeline user funds. Also the bill reauthorizes for an additional four years grants to states for one-call programs funded at total of \$4 million and reauthorizes administrative expenses at “such sums” as may be necessary.

Section 3: H.R. 3069 adds a new criminal penalty if a pipeline facility knows or has reason to know of damage, but does not report it.

Section 4: Adds a new whistleblower provision to protect employees who report pipeline safety information, and establishes procedures for the Labor Secretary to follow in the event of a report. H.R. 3069 allows a person to appeal the Labor Secretary’s determination may appeal to the U.S. Court of Appeals. **The bill creates a right to sue for the whistleblower, in a civil action in district court, to force compliance with the Secretary’s determination.** Furthermore, the person who violates this whistleblower section is “liable to the Government” for a civil penalty of up to \$1,000 for each violation.

Section 5: Adds a new section **allowing the Secretary of Labor to force private companies** to take appropriate action, including replacing equipment, if the Secretary decides that a pipeline facility has a “*potentially* unsafe condition.”

Section 7: Authorizes \$4 million to the Secretary of Transportation for pipeline safety information grants to communities for FY'03-'06. Again, the bill stipulates that the funding cannot come from user fees.

Section 8: changes current law from a provision where the Secretary of Transportation had to distribute land use recommendations from the Transportation Research Board, to a new study of encroachment on pipeline rights-of-way, and a new report to Congress and States.

Section 9: **authorizes \$100 million over 5-years to create a new cooperative research, development, demonstration, and standardization program** for “integrity of energy pipelines and next-generation pipelines, an interim Congressional report, a one-time report with a 5-year program plan, a 9-member pipeline advisory committee, an annual reporting requirement

Section 10: **creates a new federal accrediting requirement for pipeline operators** with standards and criteria, a Transportation Secretary sign-off on “each pipeline operator[’s]” qualification program, and a Congressional report on this program. Creates a new federal 3-facility pilot program for certifying pipeline workers.

Section 11: Creates risk analysis and integrity management programs

Section 12: The Transportation Secretary is authorized to write regulations requiring “effective security measures” regarding liquefied natural gas plants and tankers.

Section 13: Creates a new requirement that pipeline facilities must provide the Transportation Secretary information to create a national pipeline mapping system.

Section 14: establishes a new interagency committee to coordinate environmental reviews to enable the necessary pipeline repairs in a timely manner. This section specifically notes that it shall not be construed to preempt Federal, State, or local environmental law.

Section 15: creates the authority to establish a new 3-digit nationwide toll-free telephone number system to be used by state one-call notification systems.

Section 19: **reauthorizes Gas and Hazardous Liquid safety program at \$190 million over 4 years** (\$45.8 million for FY03—a \$23.6 million increase from FY02 funding—up to \$50 million in FY06), **reauthorizes state grants at \$92.6 million over 4 years, and a new emergency response grant of \$18 million over 3 years.**

Cost to Taxpayers: Though a CBO cost estimate of the bill is unavailable, the text of H.R. 3609 authorizes at least \$406.6 million (and one “such sums as may be necessary”), subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates new programs, reauthorizes existing programs, and creates new studies and new committees.

Constitutional Authority: A Transportation Committee report citing constitutional authority is unavailable

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