



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

8 **SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL REC-**  
9 **COMMENDATIONS.**

10 (a) IN GENERAL.—The Secretary of Transportation  
11 shall implement the safety improvement recommendations  
12 provided for in report number RT–2000–069 of the In-  
13 spector General of the Department of Transportation.

14 (b) REPORTS BY THE SECRETARY.—Not later than  
15 90 days after the date of enactment of this Act, and every  
16 90 days thereafter until each of the recommendations re-  
17 ferred to in subsection (a) has been implemented, the Sec-  
18 retary shall transmit to the Committee on Commerce,  
19 Science, and Transportation of the Senate and the Com-  
20 mittee on Transportation and Infrastructure of the House  
21 of Representatives a report on the specific actions taken  
22 to implement such recommendations.

23 (c) REPORTS BY THE INSPECTOR GENERAL.—The  
24 Inspector General shall periodically transmit to the Com-  
25 mittees referred to in subsection (b) a report assessing the

1 Secretary's progress in implementing the recommenda-  
2 tions referred to in subsection (a) and identifying options  
3 for the Secretary to consider in accelerating recommenda-  
4 tion implementation.

5 **SEC. 3. NTSB SAFETY RECOMMENDATIONS AND GAO RE-**  
6 **PORT.**

7 (a) IN GENERAL.—The Secretary of Transportation,  
8 acting through the Administrator of Research and Special  
9 Program Administration and the Director of the Office of  
10 Pipeline Safety, shall comply with section 1135 of title 49,  
11 United States Code, to ensure timely responsiveness to  
12 recommendations of the National Transportation Safety  
13 Board regarding pipeline safety.

14 (b) PUBLIC AVAILABILITY.—The Secretary shall  
15 make a copy of each recommendation regarding pipeline  
16 safety of the Board and the Secretary's response to the  
17 recommendation under sections 1135(a) and 1135(b) of  
18 title 49, United States Code, available to the public by  
19 way of the Internet without charge and otherwise at a rea-  
20 sonable cost.

21 (c) REVIEW OF GAO REPORT.—Not later than 180  
22 days after the date of enactment of this Act, the Secretary  
23 shall review report number GAO/RCED–00–128 of the  
24 General Accounting Office, dated May 2000, for the pur-  
25 pose of determining the Department of Transportation's

1 position regarding the findings and recommendations in  
2 the report and make the results of the review available  
3 to the public by way of the Internet without charge and  
4 otherwise at a reasonable cost.

5 **SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.**

6 (a) **QUALIFICATION PLAN.**—Each pipeline operator  
7 or, in the case of an intrastate pipeline facility operator,  
8 the appropriate State regulatory agency, shall make avail-  
9 able to the Secretary of Transportation a plan that is de-  
10 signed to enhance the qualifications of pipeline personnel  
11 and to reduce the likelihood of accidents and injuries. The  
12 plan shall be submitted no later than April 21, 2001, and  
13 the operator shall revise or update the plan as appropriate  
14 and make this plan available to the public.

15 (b) **REQUIREMENTS.**—The enhanced qualification  
16 plan shall include, at a minimum, criteria to demonstrate  
17 the ability of an individual to safely and properly perform  
18 tasks identified under section 60102 of title 49, United  
19 States Code. The plan shall also provide for periodic train-  
20 ing and reexamination of pipeline personnel qualifications  
21 and provide for requalification as appropriate. The Sec-  
22 retary or, in the case of an intrastate pipeline facility oper-  
23 ator, the appropriate State regulatory agency, may review  
24 and certify the plans to determine if they are sufficient  
25 to provide a safe operating environment and shall periodi-

1 cally review the plans to ensure the continuation of a safe  
2 operation. The Secretary shall establish minimum stand-  
3 ards for pipeline personnel training and evaluation, which  
4 may include written examination, oral examination, work  
5 performance history review, observation during perform-  
6 ance on the job, on the job training, simulations, or other  
7 forms of assessment.

8 (c) TESTING AND CERTIFICATION.—Section  
9 60102(a)(1)(C) is amended to read as follows:

10 “(C) shall include a requirement that all indi-  
11 viduals responsible for the operation and mainte-  
12 nance of pipeline facilities be tested for qualification  
13 to perform such functions and certified as qualified  
14 by the Secretary to perform such functions and may  
15 include a requirement that those individuals obtain  
16 additional education and training to qualify to per-  
17 form such functions.”

18 (d) SUSPENSION OF CERTIFICATION.—Section  
19 60102(a) is amended by adding at the end the following:

20 “(3) SUSPENSION OF CERTIFICATION.—The  
21 Secretary may suspend or revoke the certification of  
22 an individual under paragraph (1)(C) if the Sec-  
23 retary determines, after providing notice and an op-  
24 portunity for a hearing, that the individual contrib-  
25 uted to a violation of this chapter (including any

1 regulation issued to carry out this chapter) or the  
2 individual willfully refuses to cooperate with the in-  
3 vestigation of such violation. The Secretary may only  
4 suspend or revoke a certification under this para-  
5 graph in a manner that is not inconsistent with the  
6 constitutional rights of the individual.”.

7 **SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.**

8 Section 60109 is amended by adding at the end the  
9 following:

10 “(c) INTEGRITY MANAGEMENT.—Not later than 12  
11 months after the date of enactment of this subsection, the  
12 Secretary shall issue regulations as follows:

13 “(1) For natural gas pipelines, regulations  
14 that—

15 “(A) require the operators of natural gas  
16 pipeline facilities to conduct periodic assessment  
17 of the integrity of such facilities through meth-  
18 ods, including internal inspection, pressure test-  
19 ing, or direct assessment, or other effective  
20 methods;

21 “(B) clearly define criteria for evaluating  
22 the results of the inspection or testing done  
23 under this paragraph and procedures to ensure  
24 identified problems are corrected in a timely  
25 manner; and

1           “(C) require such operators to prevent and  
2 mitigate unintended releases through such  
3 measures as leak detection, integrity evaluation,  
4 or restrictive flow devices.

5           “(2) For hazardous liquid pipelines, regulations  
6 that—

7           “(A) require the operators of hazardous  
8 liquid pipeline facilities (other than distribution  
9 lines) to determine periodically, but not less  
10 often than every 5 years, the integrity of such  
11 facilities to operate safely in environmentally  
12 sensitive and high-density population areas;

13           “(B) require such operators to perform  
14 periodic inspections through methods, including  
15 internal inspection, direct assessment, and peri-  
16 odic hydrostatic pressure tests on facilities that  
17 the Secretary determines are high-risk facilities  
18 or, instead of hydrostatic pressure testing,  
19 equally protective measures capable of identi-  
20 fying corrosion, mechanical damage, longitu-  
21 dinal anomalies, or other structural or oper-  
22 ational defects that could be detrimental to  
23 safety and the environment;

24           “(C) clearly define criteria for evaluating  
25 the results of the inspection or testing done

1 under this paragraph and procedures to ensure  
2 identified problems are corrected in a timely  
3 manner; and

4 “(D) require such operators to prevent and  
5 mitigate unintended releases through such  
6 measures as leak detection, integrity evaluation,  
7 or restrictive flow devices.”.

8 **SEC. 6. SHUTDOWN AUTHORITY.**

9 Section 60112 is amended by adding at the end the  
10 following:

11 “(f) SHUTDOWN AUTHORITY.—

12 “(1) IN GENERAL.—If the Secretary, or, in the  
13 case of an intrastate pipeline facility operator, the  
14 appropriate State regulatory agency, determines that  
15 allowing the continued operation of a hazardous liq-  
16 uid or natural gas pipeline creates an imminent haz-  
17 ard (as defined in section 5102), the Secretary or  
18 the State agency shall take such action as may be  
19 necessary to prevent or restrict the operation of that  
20 system for 30 days.

21 “(2) SUBSEQUENT EXTENSION AFTER NOTICE  
22 AND HEARING.—After taking action under para-  
23 graph (1), the Secretary or the State agency may ex-  
24 tend the period that action is in effect for an addi-  
25 tional period of up to 30 days if the Secretary or the

1 State agency determines, after notice and an oppor-  
 2 tunity for a hearing, that allowing the operation of  
 3 the pipeline to resume would create an imminent  
 4 hazard (as defined in section 5102).”.

5 **SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS,**  
 6 **AND COMMUNITY RIGHT TO KNOW.**

7 (a) IN GENERAL.—Section 60116 is amended to read  
 8 as follows:

9 **“§ 60116. Public education, emergency preparedness,**  
 10 **and community right to know**

11 **“(a) PUBLIC EDUCATION PROGRAMS.—**

12 **“(1) CONTINUING PROGRAM.—**Each owner or  
 13 operator of a gas or hazardous liquid pipeline facility  
 14 shall carry out a continuing program to educate the  
 15 public on the use of a one-call notification system  
 16 prior to excavation and other damage prevention ac-  
 17 tivities, the possible hazards associated with unin-  
 18 tended releases from the pipeline facility, the phys-  
 19 ical indications that such a release may have oc-  
 20 curred, what steps should be taken for public safety  
 21 in the event of a pipeline release, and how to report  
 22 such an event.

23 **“(2) REVIEW OF EXISTING PROGRAM.—**Within  
 24 12 months after the date of enactment of this para-  
 25 graph, each owner or operator of a gas or hazardous

1 liquid pipeline facility shall review its existing public  
2 education program for effectiveness and modify the  
3 program as necessary. The completed plan shall in-  
4 clude activities to advise municipalities, school dis-  
5 tricts, businesses, and residents of pipeline facility  
6 locations. The completed plans shall be submitted to  
7 the Secretary of Transportation and shall be periodi-  
8 cally reviewed by the Secretary.

9 “(3) STANDARDS; DEVELOPMENT OF MATE-  
10 RIAL.—The Secretary may issue standards pre-  
11 scribing the elements of an effective public education  
12 program. The Secretary may also develop material  
13 for use in the program.

14 “(b) EMERGENCY PREPAREDNESS.—Within 12  
15 months after the date of enactment of this subsection, an  
16 operator of a gas or hazardous liquid pipeline facility shall  
17 initiate and maintain liaison with the Office of Pipeline  
18 Safety, the Regional Emergency Response Coordinator,  
19 and the State Emergency Response Commission and local  
20 emergency planning committees in the areas of pipeline  
21 right-of way, established under section 301 of the Emer-  
22 gency Planning and Community Right-To-Know Act of  
23 1986 (42 U.S.C. 11001) in each State in which it oper-  
24 ates. In a community without a local emergency planning

1 committee, the operator shall maintain liaison with the  
2 local fire, police, and other emergency response agencies.

3 “(c) **FORMAT OF INFORMATION.**—An operator of a  
4 pipeline facility making information available under sub-  
5 section (b) shall make the information available in a for-  
6 mat integrated into a commercial off-the-shelf in-vehicle  
7 portable computer global positioning system navigation  
8 mapping software used in first responder vehicles  
9 equipped with portable computers and responding to pipe-  
10 line spills.

11 “(d) **DESIGNATION OF RETC.**—The Secretary shall  
12 designate for the purposes of subsection (e)(3) the Re-  
13 gional Emergency Transportation Coordinator with the re-  
14 sponsibility of defining the in-vehicle navigation mapping  
15 standards and contracting the outsource mapping vendor,  
16 which can provide the most cost effective first responder  
17 mapping tool, for coordinated emergency responses, in the  
18 geographic area.

19 “(e) **COMMUNITY RIGHT TO KNOW.**—Within 12  
20 months after the date of enactment of this subsection and  
21 every 5 years thereafter, each pipeline owner or operator  
22 shall conduct and submit to the Secretary and to the State  
23 or States in which the pipeline segment is located a ‘pipe-  
24 line segment safety assessment’ for each segment under  
25 its operating control. The Secretary shall within 180 days

1 of enactment of this act, establish and maintain a Na-  
2 tional Pipeline Registry to make the ‘pipeline segment  
3 safety assessments’ available free of charge on the Inter-  
4 net. The ‘pipeline segment safety assessment’ shall in-  
5 clude, but not be limited to, the following elements:

6           “(1) The business name, address, and telephone  
7           number of the owner and operator, including the  
8           parent company, a 24-hour emergency contact num-  
9           ber that is capable of identifying the material  
10          shipped through a pipeline, and the contact respon-  
11          sible for beginning a pipeline’s emergency shut-down  
12          procedure.

13           “(2) A description of the pipeline, including  
14          pipeline diameter, the substance or substances car-  
15          ried, maximum allowable operating pressure, con-  
16          struction material, and age.

17           “(3) A map showing the location of the pipeline  
18          right-of-way, including the results (including location  
19          of significant pipeline anomalies) obtained under in-  
20          spection programs conducted under section  
21          60109(c)), identification of any portions of the pipe-  
22          line that could affect environmentally sensitive areas  
23          and high-density population areas.

24           “(4) Identify primary causes of pipeline failure  
25          for each segment.

1           “(5) A 5-year pipeline segment incident history,  
2 including any incident involving death, injury, evacu-  
3 ation, environmental contamination, or property  
4 damage, and safety-related condition reports filed by  
5 an operator under section 60102(h) and a report of  
6 a pipeline incident filed by an operator under this  
7 chapter.

8           “(6) A 5-year pipeline hazard prevention his-  
9 tory, including testing methods and dates, company  
10 inspection and testing results and repair history.

11           “(7) Pipeline segment spill mitigation tech-  
12 nologies in use, including shut-off valve distances  
13 and leak detection technologies and sensitivities.

14           “(8) 5-year inspection and enforcement his-  
15 tories.

16           “(9) Additional identification, safety, or integ-  
17 rity management information as determined by the  
18 Secretary.

19           “(f) PUBLIC OUTREACH AND TECHNICAL ASSIST-  
20 ANCE.—Not later than 12 months after the date of enact-  
21 ment of this subsection and annually thereafter, the owner  
22 or operator of each gas or hazardous liquid pipeline facility  
23 shall provide to the governing body of each municipality  
24 in which the pipeline facility is located. The Secretary may  
25 provide technical assistance to the pipeline industry on de-

1 veloping public safety and public education program con-  
2 tent and best practices for program delivery, and on evalu-  
3 ating the effectiveness of the programs. The Secretary  
4 may also provide technical assistance to State and local  
5 officials in applying practices developed in these programs  
6 to their activities.

7 “(g) PROMOTING PUBLIC AWARENESS FOR NEIGH-  
8 BORS OF PIPELINES.—Not later than 1 year after the date  
9 of enactment of this subsection, and annually thereafter,  
10 the owner or operator of each interstate gas pipeline facil-  
11 ity or interstate hazardous liquid pipeline facility shall no-  
12 tify all residents within 1000 yards, or such other distance  
13 as the Secretary determines appropriate, of the facility  
14 of—

15 “(1) the general location of the facility;

16 “(2) a request for reporting of any instances of  
17 excavation or dumping on or near the facility;

18 “(3) a phone number to use to make such re-  
19 ports; and

20 “(4) appropriate procedures for such residents  
21 to follow in response to accidents concerning such  
22 interstate pipeline facilities.

23 “(h) PIPELINE SEGMENT DEFINED.—In this section,  
24 the term ‘pipeline segment’ means a length of pipeline

1 with homogeneous construction, operational, geographic,  
2 and ownership characteristics.”.

3 (b) CONFORMING AMENDMENT.—The chapter anal-  
4 ysis for chapter 601 is amended by striking the item relat-  
5 ing to section 60116 and inserting the following:

“60116. Public education, emergency preparedness, community right to know.”.

6 **SEC. 8. CIVIL PENALTIES.**

7 (a) CIVIL PENALTIES.—Section 60122 is amended—

8 (1) by striking “\$25,000” in subsection (a)(1)  
9 and inserting “\$500,000”;

10 (2) by striking “\$500,000” in subsection (a)(1)  
11 and inserting “\$1,000,000”;

12 (3) by adding at the end of subsection (a)(1)  
13 the following: “The preceding sentence does not  
14 apply to a judicial enforcement action under section  
15 60120 or 60121.”; and

16 (4) by striking subsection (b) and inserting the  
17 following:

18 “(b) PENALTY CONSIDERATIONS.—In determining  
19 the amount of a civil penalty 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, any effect on ability to  
2 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 discount because of subse-  
8 quent damages; and

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

10 (b) EXCAVATOR DAMAGE.—Section 60123(d) is  
11 amended—

12 (1) by striking “knowingly and willfully”;

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

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

17 “(B) a pipeline facility, is aware of dam-  
18 age, and does not report the damage promptly  
19 to the operator of the pipeline facility and to  
20 other appropriate authorities; or”.

21 (c) CIVIL ACTIONS.—Section 60120(a)(1) is amended  
22 to read as follows:

23 “(1) On the request of the Secretary of Transpor-  
24 tation, the Attorney General may bring a civil action in  
25 an appropriate district court of the United States to en-

1 force this chapter, including section 60112 of this chapter,  
2 or a regulation prescribed or order issued under this chap-  
3 ter. The court may award appropriate relief, including a  
4 temporary or permanent injunction, punitive damages,  
5 and assessment of civil penalties considering the same fac-  
6 tors as prescribed for the Secretary in an administrative  
7 case under section 60122.”.

8 (d) CIVIL PENALTY ACTION FOR DISCHARGES.—

9 (1) IN GENERAL.—Any person who is the  
10 owner, operator, or person in charge of a hazardous  
11 liquid pipeline facility from which a hazardous liquid  
12 is discharged shall be subject to a civil penalty in an  
13 amount up to \$25,000 per day of violation or an  
14 amount up to \$1,000 per barrel of oil or other haz-  
15 ardous liquid discharged.

16 (2) GROSS NEGLIGENCE.—In any case in which  
17 a person is liable under paragraph (1) as the result  
18 of gross negligence or willful misconduct of such per-  
19 son, such person shall be subject to a civil penalty  
20 of not less than \$100,000, and not more than  
21 \$3,000 per barrel of oil or unit of reportable quan-  
22 tity of other hazardous liquid discharged.

23 (3) JURISDICTION.—An action to impose a civil  
24 penalty under this subsection may be brought in the  
25 district court of the United States for the district in

1 which the defendant is located, resides, or is doing  
2 business, and such court shall have jurisdiction to  
3 assess such penalty.

4 (4) LIMITATION.—A person is not liable for a  
5 civil penalty under this subsection for a discharge if  
6 the person has been assessed a civil penalty under  
7 section 309 or 311(b) of the Federal Water Pollu-  
8 tion Control Act (33 U.S.C. 1319; 1321(b)) for the  
9 discharge.

10 (5) DETERMINATION OF AMOUNT.—In deter-  
11 mining the amount of a civil penalty under this sub-  
12 section, the Secretary of Transportation or the  
13 court, as the case may be, shall consider the serious-  
14 ness of the violation or violations, the economic ben-  
15 efit to the violator, if any, resulting from the viola-  
16 tion, the degree of culpability involved, any other  
17 penalty for the same incident, any history of prior  
18 violations, the nature, extent, and degree of success  
19 of any efforts of the violator to minimize or mitigate  
20 the effects of the discharge, the economic impact of  
21 the penalty on the violator, and any other matters  
22 as justice may require.

23 (6) DEFINITIONS.—In this section, the terms  
24 “hazardous liquid” and “hazardous liquid pipeline  
25 facility” have the meaning such terms have under

1 section 60101 of title 49, United States Code, and  
2 the term “oil” has the meaning such term has under  
3 section 311(a) of the Federal Water Pollution Con-  
4 trol Act (33 U.S.C. 1321(a)).

5 **SEC. 9. ENHANCED STATE OVERSIGHT.**

6 (a) STATE AGREEMENTS WITH CERTIFICATION.—

7 Section 60106 is amended—

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

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

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

15 “(b) AGREEMENTS WITH CERTIFICATION.—

16 “(1) IN GENERAL.—If the Secretary accepts a  
17 certification under section 60105, the Secretary may  
18 make an agreement with a State authority author-  
19 izing it to participate in the activities of interstate  
20 pipeline transportation in compliance with Federal  
21 guidelines and standards. An agreement shall in-  
22 clude a plan for the State authority to participate in  
23 additional inspections and special investigations of  
24 incidences involving violations of this title or new  
25 construction.

1           “(2) ADDITIONAL STATE AUTHORITY.—An  
2 agreement under paragraph (1) may also include a  
3 program allowing for participation by the State au-  
4 thority in other activities involving interstate pipe-  
5 line transportation that are consistent with the Sec-  
6 retary’s program and address issues of local concern  
7 or allowing the State authority to assume additional  
8 inspection or investigatory duties if the Secretary de-  
9 termines that—

10           “(A) there are no significant gaps in the  
11 regulatory jurisdiction of the State authority  
12 over intrastate pipeline transportation;

13           “(B) implementation of the agreement will  
14 not adversely affect the oversight of intrastate  
15 pipeline transportation by the State authority;

16           “(C) the program allowing participation of  
17 the State authority is consistent with the Sec-  
18 retary’s program for inspection;

19           “(D) the State promotes preparedness and  
20 prevention activities that enable communities to  
21 live safely with pipelines; and

22           “(E) the State meets the minimum stand-  
23 ards for State one-call notification set forth in  
24 chapter 61.

1           “(3) EXISTING AGREEMENTS.—Except as pro-  
2           vided in subsection (e), an agreement between the  
3           Secretary and a State authority that is in effect on  
4           the date of enactment of this paragraph shall remain  
5           in effect until the Secretary determines that the  
6           State meets the requirements for a determination  
7           under paragraph (2).”.

8           (b) ENDING AGREEMENTS.—Section 60106(e), as re-  
9           designated by subsection (a) of this section, is amended  
10          to read as follows:

11          “(e) ENDING AGREEMENTS.—

12                 “(1) PERMISSIVE TERMINATION.—The Sec-  
13                 retary may end an agreement under this section  
14                 when the Secretary finds that the State authority  
15                 has not complied with any provision of the agree-  
16                 ment.

17                 “(2) MANDATORY TERMINATION OF AGREE-  
18                 MENT.—The Secretary shall end an agreement for  
19                 the oversight of interstate pipeline transportation if  
20                 the Secretary finds that—

21                         “(A) implementation of such agreement  
22                         has resulted in a gap in the oversight respon-  
23                         sibilities of intrastate pipeline transportation by  
24                         the State authority;

1           “(B) the State actions under the agree-  
2           ment have failed to meet the requirements  
3           under subsection (b); or

4           “(C) continued participation by the State  
5           authority in the oversight of interstate pipeline  
6           transportation is not promoting pipeline safety.

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

18          (c) CONTINUATION OF INTERSTATE AGREE-  
19          MENT AUTHORITY.—

20                 (1) IN GENERAL.—If an agreement was in ef-  
21                 fect in 1999 between the Secretary of Transpor-  
22                 tation or one of its agencies and a State to permit  
23                 that State to oversee interstate pipeline transpor-  
24                 tation, the Secretary shall continue to permit that  
25                 State to carry out activities under the agreement, in-

1 including inspection responsibilities and other actions  
2 to ensure compliance with Federal pipeline safety  
3 regulations.

4 (2) TERMINATION.—Notwithstanding para-  
5 graph (1), the Secretary may terminate an agree-  
6 ment described in that paragraph if—

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

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

13 (C) the State’s oversight actions under the  
14 agreement have had an adverse impact on pipe-  
15 line safety or impeded interstate commerce.

16 (3) PROCEDURAL REQUIREMENTS FOR TERMI-  
17 NATION.—Before terminating an agreement de-  
18 scribed in paragraph (1), the Secretary shall give  
19 notice and an opportunity for a hearing to the State,  
20 and provide an opportunity for the State to correct  
21 any deficiencies. The Secretary shall publish the de-  
22 cision to terminate such an agreement and the rea-  
23 sons therefore in the Federal Register not less than  
24 15 days before the termination is effective, unless

1 the Secretary finds that continuation of an agree-  
2 ment poses an imminent hazard.

3 **SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.**

4 (a) PLAN.—Within 12 months after the date of en-  
5 actment of this Act, the Secretary of Transportation shall  
6 develop and implement a comprehensive plan for the col-  
7 lection and use of gas and hazardous liquid pipeline data  
8 to revise the causal categories on the accident report forms  
9 to eliminate overlapping and confusing categories and in-  
10 clude subcategories. The plan shall include components to  
11 provide the capability to perform sound accident trend  
12 analysis and evaluations of pipeline operator performance  
13 using normalized accident data.

14 (b) REPORT OF RELEASES EXCEEDING 5 GAL-  
15 LONS.—Section 60117(b) is amended—

16 (1) by inserting “(1)” before “To”;

17 (2) by redesignating paragraphs (1) and (2) as  
18 subparagraphs (A) and (B);

19 (3) by inserting before the last sentence the fol-  
20 lowing:

21 “(2) A person owning or operating a hazardous liquid  
22 pipeline facility shall report to the Secretary each release  
23 to the environment greater than 5 gallons of the haz-  
24 ardous liquid or carbon dioxide. This paragraph applies  
25 to releases from pipeline facilities regulated under this

1 chapter and from rural gathering lines not regulated  
2 under this chapter. A report must include the location of  
3 the release, fatalities and personal injuries, type of prod-  
4 uct, amount of product release, causes of the release, ex-  
5 tent of damage to property and the environment, and the  
6 response undertaken to clean up the release.

7 “(3) During the course of an incident investigation,  
8 a person owning or operating a pipeline facility shall make  
9 records, reports, and information required under para-  
10 graph (1) or other reasonably described records, reports,  
11 and information relevant to the incident investigation  
12 available to the Secretary within the time limits prescribed  
13 in a written request.”; and

14 (4) by striking “The Secretary” and inserting  
15 the following:

16 “(4) The Secretary”.

17 **SEC. 11. SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOP-**  
18 **MENT.**

19 (a) IN GENERAL.—As part of the Department’s re-  
20 search and development program, the Secretary of Trans-  
21 portation shall direct research attention to the develop-  
22 ment of alternative technologies—

23 (1) to expand the defect detection capabilities of  
24 internal inspection devices;

1           (2) to inspect pipelines that cannot accommo-  
2           date internal inspection devices available on the date  
3           of enactment;

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

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

8           (5) to develop and study the effectiveness of  
9           double-walled pipelines for the purposes of pre-  
10          venting ruptures and leaks, containing releases, and  
11          improving leak detection capabilities.

12          (b) COOPERATIVE.—The Secretary may participate  
13          in additional technological development through coopera-  
14          tive agreements with trade associations, academic institu-  
15          tions, or other qualified organizations.

16          **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

17          (a) GAS AND HAZARDOUS LIQUID.—Section  
18          60125(a) is amended to read as follows:

19               “(a) GAS AND HAZARDOUS LIQUID.—To carry out  
20          this chapter and other pipeline-related damage prevention  
21          activities of this title (except for section 60107), there are  
22          authorized to be appropriated to the Department of  
23          Transportation—

24                       “(1) \$26,000,000 for fiscal year 2001, of which  
25                       \$20,000,000 is to be derived from user fees for fis-

1 cal year 2001 collected under section 60301 of this  
2 title; and

3 “(2) \$30,000,000 for each of the fiscal years  
4 2002 and 2003 of which \$23,000,000 is to be de-  
5 rived from user fees for fiscal year 2002 and fiscal  
6 year 2003 collected under section 60301 of this  
7 title.”.

8 (b) STATE GRANTS.—Section 60125(c) is amended  
9 to read as follows:

10 “(c) STATE GRANTS.—Not more than the following  
11 amounts may be appropriated to the Secretary to carry  
12 out section 60107—

13 “(1) \$17,000,000 for fiscal year 2001, of which  
14 \$15,000,000 is to be derived from user fees for fis-  
15 cal year 2002 collected under section 60301 of this  
16 title; and

17 “(2) \$20,000,000 for the fiscal years 2002 and  
18 2003 of which \$18,000,000 is to be derived from  
19 user fees for fiscal year 2002 and fiscal year 2003  
20 collected under section 60301 of this title.”.

21 (c) OIL SPILL LIABILITY TRUST FUND.—Sections  
22 60525 is amended by redesignating subsections (d), (e),  
23 and (f) as subsections (e), (f), and (g), respectively, and  
24 by inserting after subsection (c) the following:

1       “(d) OIL SPILL LIABILITY TRUST FUND.—Of the  
2 amounts available in the Oil Spill Liability Trust Fund,  
3 \$8,000,000 shall be transferred to carry out programs au-  
4 thorized in this Act for fiscal year 2001, fiscal year 2002,  
5 and fiscal year 2003.”.

6 **SEC. 13. STUDY OF RIGHTS-OF-WAY.**

7       The Secretary of Transportation is authorized to con-  
8 duct a study on how best to preserve environmental re-  
9 sources in conjunction with maintaining pipeline rights-  
10 of-way. The study shall recognize pipeline operators’ regu-  
11 latory obligations to maintain rights-of-way and to protect  
12 public safety.

13 **SEC. 14. REGIONAL ADVISORY COUNCIL PILOT PROGRAM.**

14       (a) ESTABLISHMENT.—

15           (1) STATE DESIGNATION.—Within 120 days  
16 after the date of enactment of this Act, the Sec-  
17 retary of Transportation shall designate 1 or more  
18 States the Governor of each of which may establish  
19 a Regional Advisory Council in accordance with this  
20 section.

21           (2) STATE SELECTION CRITERIA.—The Sec-  
22 retary shall make the designation of a State to par-  
23 ticipate in the pilot program under this section  
24 based on the following criteria:

1           (A) The State experienced an accident in-  
2           volving a hazardous liquid pipeline during which  
3           1 or more persons were killed or involving a dis-  
4           charge of more than 100,000 gallons of haz-  
5           ardous liquid into the environment in the 24-  
6           month period ending on the date of enactment  
7           of this Act.

8           (B) The Governor of the State requests the  
9           designation.

10          (C) The legislative body of the State has  
11          passed legislation indicating its desire to involve  
12          the State in hazardous liquid pipeline regulation  
13          or oversight in such 24-month period.

14          (b) PURPOSE.—Each Regional Advisory Council  
15          under this section shall be responsible for safety and envi-  
16          ronmental oversight of hazardous liquid pipeline facilities  
17          that may impact the State in which the Regional Advisory  
18          Council does business.

19          (c) SUITS BARRED.—No Regional Advisory Council  
20          created by this section may sue any person or entity, pub-  
21          lic or private, concerning any matter arising under this  
22          section except for the performance of contracts.

23          (d) MEMBERSHIP.—Each Council shall be composed  
24          of voting members and nonvoting members, as follows:

1           (1) VOTING MEMBERS.—Each Council shall  
2           have 11 voting members who shall be residents of  
3           the State wherein the Council will do business with  
4           representatives appointed by the Governor of the  
5           State participating in the pilot program to represent  
6           as appropriate the following interests, taking into  
7           consideration the need for regional balance on the  
8           Council:

9                   (A) Emergency responders, with jurisdic-  
10                  tion over public safety or environmental protec-  
11                  tion.

12                  (B) To the extent practicable, fish and  
13                  wildlife organizations the members of which de-  
14                  pend on fisheries and wildlife resources at risk,  
15                  directly or indirectly, from pipeline ruptures  
16                  and spills.

17                  (C) Environmental organizations.

18                  (D) At least 2 representatives selected by  
19                  1 or more statewide associations of local gov-  
20                  ernments.

21                  (E) Native American tribes.

22                  (F) Pipeline right-of-way property owners,  
23                  except that a member appointed under this sub-  
24                  paragraph may not be a representative of any  
25                  other category under this paragraph.

1 (G) The general public, except that a mem-  
2 ber appointed under this subparagraph may not  
3 be a representative of any other category under  
4 this paragraph.

5 (2) NONVOTING MEMBERS.—1 ex-officio, non-  
6 voting representative shall be designated by, and  
7 represent, each of the following:

8 (A) The Environmental Protection Agency.

9 (B) Each State agency with jurisdiction  
10 over pipeline safety and environmental protec-  
11 tion.

12 (C) The State fire marshal or other State  
13 official with similar duties in States where there  
14 is no State fire marshal.

15 (D) The State agency with jurisdiction  
16 over pipeline spill response.

17 (E) The pipeline industry.

18 (e) TERMS.—

19 (1) DURATION OF COUNCILS.—The term of the  
20 Councils shall continue throughout the life of the op-  
21 eration of the pipeline facilities that each Council  
22 oversees.

23 (2) 3 YEARS.—The voting members of each  
24 Council shall serve for a term of 3 years.

1 (f) SELF-GOVERNING.—Each Council shall elect its  
2 own chairperson, select its own staff, and make policies  
3 with regard to its internal operating procedures.

4 (g) DUTIES.—Each Council shall—

5 (1) provide advice and recommendations to the  
6 Secretary of Transportation and the Governor on  
7 policies, permits, and regulations relating to the op-  
8 eration and maintenance of hazardous liquid pipeline  
9 facilities which affect or may affect that State’s en-  
10 vironment;

11 (2) monitor the environmental impacts of the  
12 operation of hazardous liquid pipeline facilities;

13 (3) review the adequacy of the integrity man-  
14 agement plan developed by each hazardous liquid  
15 pipeline operator;

16 (4) review the adequacy of hazardous liquid  
17 pipeline spill prevention and contingency plans for  
18 hazardous liquid pipeline facilities;

19 (5) review and comment on proposals for new  
20 hazardous liquid pipeline facilities, including issues  
21 of public need, safety, and environmental impact;

22 (6) periodically review the respective hazardous  
23 liquid pipeline spill prevention and contingency  
24 plans, in light of new technological developments and  
25 changed circumstances;

1           (7) monitor developments in pipeline spill pre-  
2           vention, leak detection, pipeline inspection, operator  
3           training, spill containment, response, and cleanup  
4           technology;

5           (8) ensure that each meeting of the Council is  
6           open to the public;

7           (9) maintain minutes of each meeting;

8           (10) make its recommendations available upon  
9           request to other interested persons; and

10          (11) recommend to the Secretary, Governor,  
11          and, where appropriate, the operator—

12                 (A) standards and stipulations for permits  
13                 intended to minimize the impact of hazardous  
14                 liquid pipeline facilities which could impact the  
15                 State wherein the Council does business;

16                 (B) modifications of hazardous liquid pipe-  
17                 line facility operations and maintenance in-  
18                 tended to minimize the risk and mitigate the  
19                 impact of hazardous liquid pipeline facility op-  
20                 erations and to minimize the risk of hazardous  
21                 liquid pipeline spills;

22                 (C) modifications of operators' and integ-  
23                 rity management plans;

24                 (D) modifications of the hazardous liquid  
25                 pipeline spill prevention and contingency plans

1 for such pipeline facilities intended to enhance  
2 the ability to prevent and respond to such a  
3 spill; and

4 (E) standards, statutes, and regulations to  
5 improve hazardous liquid pipeline safety, spill  
6 response, emergency preparedness, and efforts  
7 to help the public live safely with pipelines.

8 (h) NO ESTOPPEL.—No Council shall be held liable  
9 under State or Federal law for costs or damages as a re-  
10 sult of rendering advice under this section, nor shall any  
11 advice given by a voting member of a Council, or program  
12 representative or agent, be grounds for estopping the in-  
13 terests represented by the voting Council members from  
14 seeking damages or other appropriate relief.

15 (i) AGENCY COOPERATION.—On and after establish-  
16 ment of a Council by the Governor pursuant to this sec-  
17 tion, each Federal department, agency, or other instru-  
18 mentality shall, with respect to all permits, site-specific  
19 regulations, and other matters governing the activities and  
20 actions of the pipeline facilities, consult with the appro-  
21 priate Council prior to taking substantive action with re-  
22 spect to the permit, site-specific regulation, or other mat-  
23 ter. This consultation shall be carried out with a view to  
24 enabling the appropriate Council to review the permit,  
25 site-specific regulation, or other matters and make appro-

1 p r i a t e recommendations regarding operations, policy or  
2 agency actions. Prior consultation shall not be required  
3 if an authorized Federal agency representative reasonably  
4 believes that an emergency exists requiring action without  
5 delay.

6 (j) RECOMMENDATIONS OF THE COUNCIL.—In the  
7 event that the Secretary, Governor, or operator does not  
8 adopt, or significantly modifies before adoption, any rec-  
9 ommendation of the Council made pursuant to the author-  
10 ity granted to the Council in subsection (i), the Secretary,  
11 Governor or operator shall provide to the Council, in writ-  
12 ing, within 5 days of its decision, notice of its decision  
13 and a written statement of reasons for its rejection or sig-  
14 nificant modification of the recommendation.

15 (k) FUNDING.—Each Regional Advisory Council shall  
16 be funded by the Secretary from the Oil Spill Liability  
17 Trust Fund. Such amount—

18 (1) shall be at least \$750,000 and sufficient to  
19 fund the Council’s work and, after the Council’s ini-  
20 tial year of operations, shall be based on a budget  
21 and work plan developed by the Council and ap-  
22 proved by the Governor; and

23 (2) may be adjusted periodically upon the con-  
24 sent of the Governor, the Secretary, and the Council.

1 (l) REPORTS.—Prior to the expiration of the 36-  
2 month period following the date of enactment of this sec-  
3 tion, each Council established pursuant to this section  
4 shall report to the President and Congress concerning its  
5 activities under this section, together with its rec-  
6 ommendations.

7 (m) TERMINATION.—The Secretary, with the concur-  
8 rence of the Governor of the State in which the Regional  
9 Advisory Council is operating, may terminate the Council  
10 after the last day of the 36-month beginning on the date  
11 of the establishment of the Council.

12 (n) SAVINGS CLAUSE.—Nothing in this section shall  
13 be construed as modifying, repealing, superseding, or pre-  
14 empting any municipal, State or Federal law or regula-  
15 tion, or in any way affecting litigation arising from pipe-  
16 line spills or the rights and responsibilities of the United  
17 States or any State, or municipalities thereof, to preserve  
18 and protect the environment through regulation of land,  
19 air, and water uses, of safety, and of related development.

20 **SEC. 15. WHISTLEBLOWER PROTECTION.**

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

23 **“§ 60129. Whistleblower protection**

24 **“(a) DISCRIMINATION AGAINST EMPLOYEES.—**

1           “(1) IN GENERAL.—No employer, may dis-  
2 charge any employee or otherwise discriminate  
3 against any employee with respect to his or her com-  
4 pensation, terms, conditions, or privileges of employ-  
5 ment because the employee (or any person acting  
6 pursuant to a request of the employee)—

7           “(A) notified or is about to notify the  
8 United States Government or the employer of  
9 the employee of an alleged violation of this  
10 chapter, or any State or Federal statute, indus-  
11 try code, or compliance requirement addressing  
12 pipeline safety or environmental protection, or  
13 both;

14           “(B) refused to engage in any practice  
15 made unlawful by this chapter or any State or  
16 Federal statute, industry code, or compliance  
17 requirement addressing pipeline safety or envi-  
18 ronmental protection, if the employee has iden-  
19 tified the alleged illegality to the employer;

20           “(C) testified before Congress or at any  
21 Federal or State proceeding regarding any pro-  
22 vision (or proposed provision) of this chapter or  
23 any State or Federal statute, industry code, or  
24 compliance requirement addressing pipeline  
25 safety or environmental protection;

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           State or Federal statute, industry code, or com-  
5           pliance requirement addressing pipeline safety  
6           or environmental protection, or a proceeding of  
7           the administration or enforcement of any re-  
8           quirement imposed under this chapter;

9           “(E) testified or is about to testify in any  
10          such proceeding; or

11          “(F) assisted or participated or is about to  
12          assist or participate in any manner in such a  
13          proceeding or in any other manner in such a  
14          proceeding or in any other action to carry out  
15          the purposes of this chapter.

16          “(2) EMPLOYER DEFINED.—In this section, the  
17          term ‘employer’ includes—

18                 “(A) any licensee, owner, operator, or des-  
19                 ignated agent of a pipeline facility;

20                 “(B) an applicant for a license to operate  
21                 a pipeline facility from any State or local gov-  
22                 ernment;

23                 “(C) a contractor or subcontractor of such  
24                 a licensee or applicant, owner, operator or des-  
25                 ignated agent; and

1                   “(D) a contractor or subcontractor of the  
2                   Office of Pipeline Safety.

3           “(b) TIME PERIOD FOR FILING COMPLAINT.—Any  
4 employee of an employer who believes that he or she has  
5 been discharged or otherwise discriminated against by any  
6 person in violation of subsection (a) may, within 180 days  
7 after the date on which such violation occurs, file (or have  
8 any person file on his behalf) a complaint with the Sec-  
9 retary of Labor alleging such discharge or discrimination.  
10 Upon receipt of such a complaint, the Secretary shall no-  
11 tify, in writing, of the filing of the complaint the person  
12 named in the complaint of the filing of the complaint, the  
13 Secretary of Transportation, and a designated State offi-  
14 cial responsible for pipeline safety of each State through  
15 which the pipeline operated.

16           “(c) INVESTIGATION AND INTERIM RELIEF.—

17           “(1) IN GENERAL.—Upon receipt of a com-  
18 plaint filed under subsection (b), the Secretary of  
19 Labor shall conduct an investigation of the violation  
20 alleged in the complaint. Within 30 days of the re-  
21 ceipt of such complaint, the Secretary of Labor shall  
22 complete such investigation and shall notify in writ-  
23 ing the complainant (and any person acting in be-  
24 half of the complainant) and the person alleged to  
25 have committed such violation of the results of the

1 investigation conducted pursuant to this paragraph.  
2 Within 90 days of the receipt of such complaint the  
3 Secretary of Labor shall, unless the proceeding on  
4 the complaint is terminated by the Secretary of  
5 Labor on the basis of a settlement entered into by  
6 the Secretary of Labor and the person alleged to  
7 have committed such violation, issue an order either  
8 providing the relief prescribed by paragraph (3) or  
9 denying the complaint.

10 “(2) PROCEDURE.—An order of the Secretary  
11 of Labor shall be made on the record after notice  
12 and opportunity for public hearing. Upon the conclu-  
13 sion of such hearing and the issuance of a rec-  
14 ommended decision that the complaint has merit,  
15 the Secretary of Labor shall issue a preliminary  
16 order providing the relief prescribed in paragraph  
17 (3), but may not order compensatory damages pend-  
18 ing a final order. The Secretary of Labor may not  
19 enter into a settlement terminating a proceeding on  
20 a complaint without the participation and consent of  
21 the complainant.

22 “(3) CONTENTS OF ORDER.—If, in response to  
23 a complaint filed under subsection (b), the Secretary  
24 of Labor determines that a violation of subsection  
25 (a) has occurred, the Secretary of Labor shall order

1 the person who committed such violation, to (A)  
2 take affirmative action to abate the violation, and  
3 (B) reinstate the complainant to his or her former  
4 position together with the compensation (including  
5 back pay), terms, conditions, and privileges of his  
6 or her employment, and the Secretary of Labor may  
7 order such person to provide compensatory damages  
8 to the complainant. If an order issued under this  
9 paragraph, the Secretary of Labor, at the request  
10 of the complainant shall assess against the person  
11 against whom the order is issued a sum equal to  
12 the aggregate amount of all costs and expenses (in-  
13 cluding attorney and expert witness fees) reasonably  
14 incurred or advanced, without regard to whether the  
15 complainant has actually paid the fees and expenses,  
16 as determined by the Secretary of Labor, by the  
17 complainant for, or in connection with, the bringing  
18 of the complaint upon which the order was issued.

19 “(4) AVOIDANCE OF FRIVOLOUS COM-  
20 PLAINTS.—

21 “(A) PRIMA FACIE SHOWING.—The Sec-  
22 retary shall dismiss a complaint filed under  
23 subsection (b), and shall not conduct the inves-  
24 tigation required under paragraph (1), unless  
25 the complainant has made a prima facie show-

1           ing that any behavior described in subpara-  
2           graphs (A) through (F) of subsection (a)(1)  
3           was a contributing factor in the unfavorable  
4           personnel action or adverse action alleged in the  
5           complaint, or both.

6           “(B) EMPLOYEE PROTECTION.—Notwith-  
7           standing a finding by the Secretary that the  
8           complainant has made the showing required by  
9           subparagraph (A), no investigation required  
10          under paragraph (1) and no relief may be or-  
11          dered under paragraph (3) shall be conducted if  
12          the employer demonstrates, by clear and con-  
13          vincing evidence, that it would have taken the  
14          same unfavorable personnel action in the ab-  
15          sence of such behavior.

16          “(5) STANDARD.—The Secretary of Labor may  
17          determine that a violation of subsection (a) has oc-  
18          curred only if the complainant has demonstrated  
19          that any behavior described in subparagraphs (A)  
20          through (F) of subsection (a)(1) was a contributing  
21          factor in the unfavorable personnel action or adverse  
22          action alleged in the complaint.

23          “(d) REVIEW.—

24          “(1) IN GENERAL.—Any person adversely af-  
25          fected or aggrieved by an order issued under sub-

1 section (c) may obtain review of the order in the  
2 United States court of appeals for the circuit in  
3 which the violation, with respect to which the order  
4 was issued, allegedly occurred. The petition for re-  
5 view must be filed within 60 days from the issuance  
6 of the final order of the Secretary of Labor. Review  
7 shall conform to chapter 7 of title 5 of the United  
8 States Code. The commencement of proceedings  
9 under this subparagraph shall not, unless ordered by  
10 the court, operate as a stay of the Secretary of La-  
11 bor's order.

12 “(2) LIMITATION ON COLLATERAL ATTACK.—  
13 An order of the Secretary of Labor with respect to  
14 which review could have been obtained under para-  
15 graph (1) shall not be subject to judicial review in  
16 any criminal or other civil proceeding.

17 “(e) ENFORCEMENT OF ORDER BY SECRETARY OF  
18 LABOR.—Whenever a person has failed to comply with an  
19 order issued under subsection (c)(3), the Secretary of  
20 Labor may file a civil action in the United States district  
21 court for the district in which the violation was found to  
22 occur to enforce such order. In actions brought under this  
23 subsection, the district courts shall have jurisdiction to  
24 grant all appropriate relief including, but not limited to,  
25 injunctive relief, compensatory and exemplary damages.

1 “(f) ENFORCEMENT OF ORDER BY PARTIES.—

2 “(1) COMMENCEMENT OF ACTION.—Any person  
3 on whose behalf an order was issued under sub-  
4 section (c) may commence a civil action against the  
5 person to whom such order was issued to require  
6 compliance with such order. The appropriate United  
7 States district court shall have jurisdiction, without  
8 regard to the amount in controversy or the citizen-  
9 ship of the parties, to enforce such order.

10 “(2) COSTS OF LITIGATION.—The court, in  
11 issuing any final order under this subsection, may  
12 award costs of litigation (including reasonable attor-  
13 ney and expert witness fees) to any party whenever  
14 the court determines such award is appropriate.

15 “(g) MANDAMUS.—Any nondiscretionary duty im-  
16 posed by this section shall be enforceable in a mandamus  
17 proceeding brought under section 1361, title 28, United  
18 States Code.

19 “(h) NONAPPLICABILITY TO DELIBERATE VIOLA-  
20 TIONS.—Subsection (a) shall not apply with respect to any  
21 employee who, acting without direction from his or her  
22 employer (or the employer’s agent), deliberately causes a  
23 violation of any requirement of this chapter.

24 “(i) NONPREEMPTION.—This section may not be con-  
25 strued to expand, diminish, or otherwise affect any right

1 otherwise available to an employee under Federal or State  
2 law to redress the employee's discharge or other discrimi-  
3 natory action taken by the employer against the employee.

4 “(j) POSTING REQUIREMENT.—The provisions of the  
5 section shall be prominently posted in any place of employ-  
6 ment to which this section applies.

7 “(k) DUTY OF THE SECRETARY TO INVESTIGATE  
8 SUBSTANTIVE ALLEGATIONS.—

9 “(1) IN GENERAL.—The Secretary shall not  
10 delay taking appropriate action with respect to an  
11 allegation of a substantial safety hazard on the basis  
12 of—

13 “(A) the filing of a complaint under sub-  
14 section (b) arising from such allegation; or

15 “(B) any investigation by the Secretary of  
16 Labor, or other action, under this section in re-  
17 spect to such complaint.

18 “(2) EFFECT OF SECRETARIAL DETERMINA-  
19 TION.—A determination by the Secretary of Labor  
20 under this section that a violation of subsection (a)  
21 has not occurred shall not be considered by the Sec-  
22 retary of Transportation in the Secretary's deter-  
23 mination of whether a substantial safety hazard ex-  
24 ists.”.

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

“601. Whistleblower protection.”

○