

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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