

which recognizes Agent Terry's life and service and names in his honor a Border Patrol station in Bisbee, Arizona.

With that, I reserve the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. The ranking member said a great deal of what I was going to say and he said it well. Brian Terry was, in fact, a special human being who dedicated his life to public service, first in the United States Marine Corps, then in local law enforcement, then at the Border Patrol. His only ambition was to be a Federal law enforcement servant.

He left behind a family asking a great many questions because just 10 days before Christmas a year ago, he was gunned down. In fact, we still don't have all of the answers. The ranking member, Mr. CUMMINGS, and I continue to look for those answers. We learned only last week that there is an indictment in connection with his killing. We look forward to the Terry family having full and complete resolution of all the details around his death.

But for all the ambiguity that often happens in the heat of a battle that happens in law enforcement, there's no question about who Brian Terry was, what a special human being he was and why for only the second time in Border Patrol history will a facility be named for one of their fallen heroes. It was decades after the last fallen heroes before a facility not even envisioned at the time was named for them.

In this case we believe this is appropriate to do now. This was some one who knew the risk, and he went willingly into the highest risk down on our border. Here in Congress we often have a lively debate about the border and border enforcement. Brian Terry didn't debate border enforcement. He knew his job was to see that no one got past the border that wasn't supposed to.

Whether it was human traffickers, whether it was drug smugglers, whether they had high-powered rifles, or they were simply crossing the border illegally, he knew his job was to see that our borders were respected, and he did so out of a sense of duty and patriotism.

This act is hugely bipartisan at a time in which Congress is not so bipartisan. It is so because we know that the men and women of the Border Patrol, the men and women who support and protect one of the most basic aspects of national sovereignty, do so without looking at politics. They don't make the laws. They don't decide who gets to come to our country or not. They enforce them, and they enforce them in a way that we all can respect.

Our committee has an obligation to look into and to get the details of the unnecessary loss of his life. But I want to thank today Chairman MICA and Mr. DENHAM and certainly Ranking Member RAHALL for moving this historic piece of legislation, one that brings an

honor only once before ever given to a Border Patrol and Customs agent, to this one at the very facility where, if he were still alive, he would have returned after that Christmas back home in Michigan to his friends, his colleagues, the people whose flank he protected. He didn't get that opportunity to go home for Christmas. He didn't get to serve out his years with his friends and colleagues; and for that the family has our undying gratitude for his sacrifice and our apologies and our condolences for the loss.

Today, we're doing one of the few things we can do, and that is to honor on the House floor a fallen hero, a man who didn't fall in Iraq, but did fall on the Arizona border.

With that, I want to thank Mr. DENHAM for bringing this here in a timely fashion. I want to thank the Speaker for ensuring that this becomes law.

Mr. CUMMINGS. I yield myself such time as I may consume.

Mr. Speaker, we have no further speakers.

I will say that it is so important that we pause for a moment to honor people like Officer Terry.

So often our officers, various officers throughout the Federal system, go out expecting to come home to their families and unfortunately do not come home. It is so very, very sad. We spent quite a bit of time, Mr. ISSA and I, talking to the family and trying to console them. But I think the thing they want more than anything else right now is answers. I again join him in a bipartisan way with our entire committee to find those answers because I think it is so very, very important. As I've said many times, I shall not rest until we do find those answers.

With that, Mr. Speaker, I urge all of our Members to vote for this historic piece of legislation, and I yield back the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, H.R. 2668.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1710

PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2845) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) *SHORT TITLE.*—This Act may be cited as the “Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011”.

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

(c) *DEFINITIONS.*—Any term used in this Act that is defined in chapter 601 of title 49, United States Code, shall have the meaning given that term in that chapter.

(d) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; definitions; table of contents.

Sec. 2. Civil penalties.

Sec. 3. Pipeline damage prevention.

Sec. 4. Automatic and remote-controlled shut-off valves.

Sec. 5. Integrity management.

Sec. 6. Public education and awareness.

Sec. 7. Cast iron gas pipelines.

Sec. 8. Leak detection.

Sec. 9. Accident and incident notification.

Sec. 10. Transportation-related onshore facility response plan compliance.

Sec. 11. Transportation-related oil flow lines.

Sec. 12. Cost recovery for design reviews.

Sec. 13. Biofuel pipelines.

Sec. 14. Carbon dioxide pipelines.

Sec. 15. Study of transportation of diluted bitumen.

Sec. 16. Study of non-petroleum hazardous liquids transported by pipeline.

Sec. 17. Clarifications.

Sec. 18. Maintenance of effort.

Sec. 19. Administrative enforcement process.

Sec. 20. Gas and hazardous liquid gathering lines.

Sec. 21. Authorization of appropriations.

**SEC. 2. CIVIL PENALTIES.**

(a) *GENERAL PENALTIES; PENALTY CONSIDERATIONS.*—Section 60122 is amended—

(1) in subsection (a)(1)—

(A) in the first sentence by striking “\$100,000” and inserting “\$175,000”; and

(B) in the last sentence by striking “\$1,000,000” and inserting “\$1,750,000”; and

(2) in subsection (b)(1)(B) by striking “the ability to pay.”

(b) *OPERATOR ASSISTANCE IN INVESTIGATIONS.*—Section 60118(e) is amended to read as follows:

“(e) *OPERATOR ASSISTANCE IN INVESTIGATIONS.*—

“(1) *ASSISTANCE AND ACCESS.*—If the Secretary or the National Transportation Safety Board investigates an accident involving a pipeline facility, the operator of the facility shall—

“(A) make available to the Secretary or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results); and

“(B) afford all reasonable assistance in the investigation of the accident.

“(2) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

“(A) IN GENERAL.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

“(B) DEFINITIONS.—In this paragraph, the following definitions apply:

“(i) OBSTRUCTS.—The term ‘obstructs’ includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

“(ii) GOOD CAUSE.—The term ‘good cause’ includes, at a minimum, restricting access to facilities that are not secure or safe for non-pipeline personnel or visitors.”

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: “The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.”

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) in the subsection heading by striking “AND WAIVER ORDERS” and inserting “, ORDERS, AND OTHER FINAL AGENCY ACTIONS”; and

(2) by striking “about an application for a waiver under section 60118(c) or (d) of this title” and inserting “under this chapter”.

### SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

“(a) MINIMUM STANDARDS.—

“(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program, at a minimum, shall provide for—

“(A) appropriate participation by all underground facility operators, including all government operators;

“(B) appropriate participation by all excavators, including all government and contract excavators; and

“(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

“(2) EXEMPTIONS PROHIBITED.—In order to qualify for a grant under section 6106, a State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.”

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) in paragraph (1) by striking “and” after the semicolon;

(2) in paragraph (2)(B) by striking “(b).” and inserting “(b); and”; and

(3) by adding at the end the following:

“(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(d) THIRD PARTY DAMAGE.—

(1) STUDY.—The Secretary of Transportation shall conduct a study on the impact of third party damage on pipeline safety.

(2) CONTENTS.—The study shall include—

(A) an analysis of the frequency and severity of different types of third party damage incidents;

(B) an analysis of exemptions to the one-call notification system requirements in each State;

(C) a comparison of exemptions to the one-call notification system requirements in each State to the types of third party damage incidents in that State; and

(D) an analysis of the potential safety benefits and adverse consequences of eliminating all exemptions for mechanized excavation from State one-call notification systems.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report on the results of the study.

### SEC. 4. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended—

(1) by striking subsection (j)(3); and

(2) by adding at the end the following:

“(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.—

“(1) IN GENERAL.—The Secretary may require by regulation, if determined appropriate by the Secretary, the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

“(2) FACTORS FOR CONSIDERATION.—In determining whether to proceed with a rulemaking under paragraph (1), the Secretary shall consider the factors specified in subsection (b)(2).”

### SEC. 5. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(b) REPAIR CRITERIA.—In conducting the evaluation under subsection (a), the Secretary shall consider applying repair criteria, such as pressure reductions and special requirements for scheduling remediation, to areas that are not high consequence areas.

(c) REPORT.—Based on the evaluation to be conducted under subsection (a), the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report containing the Secretary’s analysis and findings regarding—

(1) expansion of integrity management requirements, or elements thereof, beyond high consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying the integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(d) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a).

(e) TECHNICAL CORRECTION.—Section 60109(c)(3)(B) is amended to read as follows:

“(B) Subject to paragraph (5), periodic reassessments of the facility, at a minimum of once every 7 calendar years, using methods described in subparagraph (A). Such deadline shall be extended for an additional 6 months if the operator submits written notice to the Secretary that includes an explanation of the need for the extension.”

(f) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term “review period” means the pe-

riod beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (c); or

(B) the date that is 3 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, proceed with a rulemaking to prescribe regulations described in paragraph (3).

(3) STANDARDS.—Following the review period, the Secretary may, as appropriate, prescribe regulations that—

(A) expand integrity management system requirements, or elements thereof, beyond high consequence areas; and

(B) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may proceed to a rulemaking to prescribe regulations described in paragraph (3), and may prescribe the regulations, if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the rulemaking will address the risk or hazard.

(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

(g) REPORT TO CONGRESS ON RISK-BASED PIPELINE REASSESSMENT INTERVALS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall evaluate—

(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are complete when compared to a 7-year reassessment interval;

(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and

(3) the progress made in incorporating the recommendations in GAO Report 06-945 and the current relevance of recommendations not incorporated to date.

(h) HIGH CONSEQUENCE AREA DEFINED.—In this section, the term “high consequence area” means an area described in section 60109(a) of title 49, United States Code.

### SEC. 6. PUBLIC EDUCATION AND AWARENESS.

(A) NATIONAL PIPELINE MAPPING SYSTEM.—

(1) MAP OF HIGH CONSEQUENCE AREAS.—The Secretary of Transportation shall—

(A) maintain, as part of the National Pipeline Mapping System, a map of all designated high consequence areas (as described in section 60109(a) of title 49, United States Code) in which pipelines are required to meet integrity management safety regulations, excluding any proprietary or sensitive security information; and

(B) update the map biennially.

(2) PROGRAM TO PROMOTE AWARENESS OF NATIONAL PIPELINE MAPPING SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local emergency responders and other interested parties. The program shall

include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.

(b) INFORMATION TO EMERGENCY RESPONSE AGENCIES.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue guidance to owners and operators of pipeline facilities on the importance of providing system-specific information about their pipeline facilities to emergency response agencies of the communities and jurisdictions in which those facilities are located.

(2) CONSULTATION.—Before issuing guidance under paragraph (1), the Secretary shall consult with owners and operators of pipeline facilities to determine the extent to which the owners and operators are already providing system-specific information about their pipeline facilities to emergency response agencies.

#### SEC. 7. CAST IRON GAS PIPELINES.

(a) FOLLOW-UP SURVEYS.—Section 60108(d) is amended by adding at the end the following:

“(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.”

(b) STATUS REPORT.—Not later than December 31, 2013, the Secretary of Transportation shall transmit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report that—

(1) identifies the total mileage of cast iron gas pipelines in the United States; and

(2) evaluates the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.

#### SEC. 8. LEAK DETECTION.

(a) LEAK DETECTION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines.

(2) CONTENTS.—The report shall include—

(A) an analysis of the technical limitations of current leak detection systems, including the systems' ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and

(B) an analysis of the feasibility of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.

(b) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term “review period” means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (a); or

(B) the date that is 2 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (a) and implement appropriate recommendations, the Secretary shall not, during the review period, proceed with a rulemaking to prescribe regulations described in paragraph (3).

(3) STANDARDS.—Following the review period, the Secretary may, as appropriate, prescribe regulations that—

(A) require operators of hazardous liquid pipeline facilities to use leak detection systems; and

(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may proceed to a rulemaking to prescribe regulations described in paragraph (3), and may prescribe the regulations, if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the rulemaking will address the risk or hazard.

(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

#### SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.

(a) REVISION OF REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

(b) MINIMUM REQUIREMENTS.—In revising the regulations, the Secretary, at a minimum, shall—

(1) establish time limits for telephonic or electronic notification of an accident or incident to require such notification not less than 1 hour and not more than 2 hours after discovery of the accident or incident;

(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an estimated amount of the product released, an estimated number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 24 to 48 hours of the accident or incident, to the extent practicable.

(c) UPDATING OF REPORTS.—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.

#### SEC. 10. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking “Administrator or” and inserting “Administrator, the Secretary of Transportation, or”.

(b) CONFORMING AMENDMENT.—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking “operating or” and inserting “operating, the Secretary of Transportation, or”.

#### SEC. 11. TRANSPORTATION-RELATED OIL FLOW LINES.

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

“(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

“(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transpor-

tation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

“(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.”

#### SEC. 12. COST RECOVERY FOR DESIGN REVIEWS.

(a) IN GENERAL.—Section 60117(n) is amended to read as follows:

“(n) COST RECOVERY FOR DESIGN REVIEWS.—

“(1) IN GENERAL.—

“(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline facility or liquefied natural gas pipeline facility, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this subsection, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this subsection. The Secretary shall not collect design safety review fees under this chapter and section 60301 for the same design safety review.

“(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

“(i) has design and construction costs totaling at least \$3,400,000,000, as adjusted for inflation, based on a good faith estimate developed by the person proposing the project; or

“(ii) uses new or novel technologies or design.

“(2) NOTIFICATION.—For any new pipeline facility construction project for which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. If the Secretary determines that the proposed design of the project is inconsistent with pipeline safety, the Secretary shall provide written comments, feedback, and guidance on the project on or before the 60th day following the date of receipt of the design specifications, construction plans and procedures, and related materials for the project.

“(3) PIPELINE SAFETY DESIGN REVIEW FUND.—

“(A) ESTABLISHMENT.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

“(B) DEPOSITS.—The Secretary shall deposit funds paid under this subsection into the Fund.

“(C) USE.—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

“(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection shall be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).”

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term “new or novel technologies or design” as used in section 60117(n) of title 49, United States Code, as amended by subsection (a) of this section.

#### SEC. 13. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) in subparagraph (A) by striking “and” after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) non-petroleum fuels, including biofuels, that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and”.

**SEC. 14. CARBON DIOXIDE PIPELINES.**

Section 60102(i) is amended to read as follows:

“(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—

“(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

“(2) STANDARDS APPLICABLE TO CERTAIN PIPELINES.—For pipelines that transport carbon dioxide in both a liquid and gaseous state, the Secretary shall apply standards, in effect on the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, for the transportation of carbon dioxide by pipeline in a liquid state to the transportation of carbon dioxide by pipeline in a gaseous state.”.

**SEC. 15. STUDY OF TRANSPORTATION OF DILUTED BITUMEN.**

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline facility regulations to determine whether these regulations are sufficient to regulate pipeline facilities used for the transportation of diluted bitumen. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipeline facilities transporting diluted bitumen. The Secretary shall report the results of this review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce.

**SEC. 16. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.**

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline facility for the purpose of identifying the extent to which pipeline facilities are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the pipeline facilities is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline facility across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce.

**SEC. 17. CLARIFICATIONS.**

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) OWNER AND OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

**SEC. 18. MAINTENANCE OF EFFORT.**

Section 60107(b) is amended by adding at the end the following: “For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014 and each fiscal year thereafter, the Secretary may grant such a waiver to a State if

the State can make the demonstration described in the preceding sentence.”.

**SEC. 19. ADMINISTRATIVE ENFORCEMENT PROCESS.**

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 to arrange for a transcript of that hearing, at the expense of the requesting person;

(C) ensuring expedited review of any order issued pursuant to section 60112(e);

(D) implementing a separation of functions between personnel involved with investigative and prosecutorial activities and advising the Secretary on findings and determinations; and

(E) prohibiting ex-parte communication relevant to the question to be decided in the case by parties to an investigation or hearing.

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, notices relating to civil penalty assessments, notices relating to compliance, or notices of proposed corrective actions.

(3) EXPEDITED REVIEW.—The regulations prescribed under this subsection shall define the term “expedited review” for the purposes of paragraph (1)(C).

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) A judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

**SEC. 20. GAS AND HAZARDOUS LIQUID GATHERING LINES.**

(a) REVIEW.—The Secretary of Transportation shall complete a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report on the results of the review.

(2) RECOMMENDATIONS.—The report shall include the Secretary’s recommendations with respect to—

(A) the sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;

(B) quantifying the economical and technical practicability and challenges of applying existing Federal regulations to gathering lines that are currently not subject to Federal regulation when compared to the public safety benefits; and

(C) subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.

**SEC. 21. AUTHORIZATION OF APPROPRIATIONS.**

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

“(a) GAS AND HAZARDOUS LIQUID.—

“(1) IN GENERAL.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, \$88,014,000, of which \$4,686,000 is for carrying out such section 12 and \$34,461,000 is for making grants.

“(2) TRUST FUND AMOUNTS.—In addition to the amounts authorized to be appropriated by paragraph (1), there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), \$18,905,000, of which \$2,185,000 is for carrying out such section 12 and \$4,985,000 is for making grants.”.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a) by striking “2007 through 2010.” and inserting “2012 through 2015.”;

(2) in subsection (b) by striking “2007 through 2010.” and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$1,500,000 for each of fiscal years 2012 through 2015. Such funds shall remain available until expended.”.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) in subsection (b)—

(A) by inserting “to grant recipients and their contractors” after “this section”; and

(B) by inserting “, for any type of advocacy activity for or against a pipeline construction or expansion project,” after “for lobbying”; and

(2) in subsection (d) by striking “2010” and inserting “2015”.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) in subsection (d) by adding at the end the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years.

“(B) CONSULTATION.—The Secretary of Transportation shall comply with the consultation requirements of subsection (d)(2) when preparing the program plan and in the selection and prioritization of research and development projects.

“(C) FUNDING FROM NON-FEDERAL SOURCES.—When carrying out research and development activities, the Secretary, to the greatest extent practicable, shall obtain funding for research and development projects from non-Federal sources.”; and

(2) in subsection (f) by striking “2003 through 2006.” and inserting “2012 through 2015.”.

The SPEAKER pro tempore (Mr. DENHAM). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 2845.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

This important legislation improves safety, enhances reliability, and provides the regulatory certainty necessary to create jobs.

I am very proud of the work that has gone into this bill, both across the aisle and between the committees. This legislation represents a bipartisan and bicameral agreement reached by the House Transportation Committee, the House Energy and Commerce Committee, and the Senate Commerce, Science, and Transportation Committee. I am also proud this legislation is supported by both the pipeline industry and key safety advocates.

The United States has the largest network of energy pipelines in the world, and pipelines are the energy lifelines that power nearly all of our daily activities. The hallmark of America's 2.5 million-mile pipeline network continues to be that it delivers extraordinary volumes of product reliably, safely, efficiently, and economically. Pipelines are the safest and the most cost-effective means to transport the natural gas and hazardous liquid products that fuel our economy. Since 1986, the volume of energy products transported through pipelines has increased by one-third, yet the number of reportable incidents has decreased by 28 percent. While the data show that Federal pipeline safety programs have been on the right track, recent pipeline incidents suggest there continues to be room for improvement.

H.R. 2845 builds on our strong commitment to the improved safety and enhanced reliability of the transportation of our Nation's energy products by pipeline.

Specifically, the legislation reauthorizes the Federal pipeline safety programs of the Pipeline and Hazardous Materials Safety Administration through FY 2015. It improves pipeline transportation by strengthening the enforcement of our current laws and by filling gaps in existing laws where necessary. It provides the regulatory certainty necessary for pipeline owners and operators to plan infrastructure investments and create jobs. It ensures a sensible and practical regulatory approach to improving safety that applies cost-benefit principles. It protects and preserves congressional authority, keeping regulators on a tight leash by ensuring certain key rulemakings are not finalized until Congress has an opportunity to act. It

addresses National Transportation Safety Board recommendations resulting from recent pipeline incidents with balanced and reasonable responses, including addressing the incidents in California, Michigan, Montana, and Pennsylvania.

There are a few key priority issues I want to highlight in this legislation.

During my time in Congress, I've been disappointed to see the executive branch and unelected bureaucrats attempt to take more and more control and decisionmaking authority from Congress. These actions harm Congress as an institution and make our government further and further removed from the American people.

In this bill, when we call for substantial changes to the Federal pipeline safety program, we ask the administration to consider specific factors, take into account costs and benefits, and provide Congress with recommendations on how the programs should be changed. Congress will then have an opportunity to act on those recommendations before key rulemakings are finalized. This approach preserves congressional authority and will keep regulators from overreaching.

Another issue I've highlighted on the floor in the past is damage prevention, which is the leading cause of pipeline incidents. Our legislation improves pipeline damage prevention and cracks down on third-party pipeline damage by eliminating unnecessary exemptions.

At this time I would also like to urge everybody to call before you dig and to dial 8-1-1, which is an extremely important part of this program in preventing third-party damage in this country.

In field hearings leading up to the drafting of this legislation, my colleague from Pennsylvania, JIM GERLACH, suggested ways in which we could use State and local government personnel as force multipliers to supplement Federal pipeline safety inspectors. We have built on this idea. In this bill, we have included a provision that will allow PHMSA to provide training to State and local government personnel and to potentially establish regional training centers paid for by the pipeline industry at no cost to the Federal Government.

There is great interest in this unique and permissive approach in my home State of Pennsylvania, and I will closely be following the implementation of these provisions.

I was deeply disappointed that language I had included in our committee's version of this legislation regarding pipeline permitting issues was not included in the final bill. We have big issues with the Army Corps of Engineers in Pennsylvania in the permitting of pipes. The Corps is encroaching on the Pennsylvania Department of Environmental Protection, and it has led to significant increases in permitting timelines for projects with limited environmental impacts. My colleague from West Virginia, Mr. RAHALL, has

experienced similar issues in his home State, all related to the Marcellus shale gas. In the interest of compromise and of moving this legislation forward, I was willing to withdraw my language and settle on a study on this critical issue, but I will continue to monitor this issue closely in Pennsylvania and across the United States.

I am proud of this bill and of the hard work that Chairman MICA, Ranking Member RAHALL, Subcommittee Ranking Member BROWN, and the staffs have put in on both sides of the aisle. I would especially like to point out Jim Tymon and Steve Martinko, who have logged countless hours in helping to move this bill forward. I also want to thank the Energy and Commerce Committee, Chairman FRED UPTON and Ranking Member WAXMAN, and their staffs for their efforts.

Our legislation makes a strong program even stronger by keeping in place regulatory measures that are working and by making adjustments to those that don't. I would urge all of my colleagues to support this important legislation that increases safety and creates jobs.

With that, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, November 22, 2011.

Hon. JOHN L. MICA,

Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN MICA: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology, including those amending Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 Note; Public Law 107-355).

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee. This, of course, being conditional on our mutual understanding that language negotiated with the Science, Space, and Technology Committee will be included in this or similar legislation considered on the House floor. However, agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 2845 as well as any similar or related legislation.

I would also like to take this opportunity to thank you for the positive outcome of the negotiation between our Committees resulting in provisions that seek to ensure a continued positive role for the National Institute of Standards and Technology in the area of pipeline transportation research and development.

I ask that a copy of this letter and your response be included in the report on H.R. 2845

and also be placed in the Congressional Record during consideration of this bill on the House floor.

I look forward to working with you on matters of mutual concern.

Sincerely,

RALPH M. HALL,  
*Chairman,*  
*Committee on Science, Space, and*  
*Technology.*

Enclosure.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,

*Washington, DC, November 21, 2011.*

Hon. RALPH M. HALL,  
*Chairman, Committee on Science, Space, and*  
*Technology, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2845, the "Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Science, Space, and Technology has a jurisdictional interest H.R. 2845, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters H.R. 2845 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,

*Washington, DC, June 24, 2011.*

Hon. FRED UPTON,  
*Chairman, Committee on Energy and Commerce,*  
*Washington, DC.*

DEAR CHAIRMAN UPTON: I write concerning H.R. 1938, the North American-Made Energy Security Act, which is expected to be scheduled for floor consideration the week of July 25, 2011.

As you know, the Committee on Transportation and Infrastructure was listed as the Committee of primary jurisdiction when H.R. 1938 was introduced on May 23, 2011. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee will forgo action on the bill.

The Committee on Transportation and Infrastructure takes this action with our mutual understanding that by foregoing consideration of H.R. 1938 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. Further, I request your support in the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this legislation.

As you are aware, the Committee on Transportation and Infrastructure is the Committee of primary jurisdiction on any legislation to reauthorize federal pipeline safety programs. As such, our agreement to forego consideration of H.R. 1938 is also conditional on our mutual understanding that

the Committee on Energy and Commerce will not take any Full Committee action on legislation related to the reauthorizing of the federal pipeline safety programs until the Committee on Transportation and Infrastructure has acted on such legislation.

I would appreciate your response to this letter, confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

JOHN L. MICA,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, June 18, 2011.*

Hon. JOHN L. MICA,  
*Chairman, Committee on Transportation and*  
*Infrastructure, Washington, DC.*

DEAR CHAIRMAN MICA: Thank you for your letter regarding H.R. 1938, the North American-Made Energy Security Act. The Committee on Energy and Commerce recognizes that the Committee on Transportation and Infrastructure has primary jurisdiction over H.R. 1938, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that foregoing action on H.R. 1938 does not in any way prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I will support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or related legislation.

I also concur with you that the Committee on Transportation and Infrastructure is the Committee of primary jurisdiction on legislation to reauthorize the federal pipeline safety programs and agree to not take action before September 20, 2011 at full committee on such legislation, allowing the Committee on Transportation and Infrastructure to take action on such legislation.

I appreciate your cooperation regarding this legislation and I will include our letters on H.R. 1938 in the Congressional Record during House floor consideration of the bill.

Sincerely,

FRED UPTON,  
*Chairman.*

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

Pipelines have a critical place in our Nation's infrastructure. The national pipeline network of over 2.5 million miles efficiently delivers gasoline, natural gas, oil, and other essential energy products across the country each day. Pipelines play a vital role in our daily lives. Cooking and cleaning, the daily commute, air travel, and the heating of homes and businesses are all made possible by the readily available fuels delivered through pipelines daily. However, because of the volatile nature of the products they deliver, incidents involving gas and hazardous liquid pipeline can and have had serious consequences.

On June 10, 1999, a pipeline explosion caused the release of about 237,000 gallons of gasoline into a creek that flowed through Whatcom Falls Park in Bellingham, Washington, in my dis-

trict. The gasoline ignited and tragically took the lives of two 10-year-old boys and an 18-year-old young man. Eight additional inhalation injuries occurred in a single-family residence, and the city of Bellingham's water treatment plant was severely damaged. The wildlife in Whatcom Creek was completely destroyed.

This tragedy inspired the 2002 Pipeline Safety Improvement Act. This act increased fines for negligent pipeline operators, improved pipeline testing timelines, provided protection for whistleblowers, and allowed for the State oversight of pipeline safety. In 2006, Congress reauthorized the 2002 law by passing the Pipeline Inspection, Protection, Enforcement, and Safety Act. These acts of Congress have made pipeline safety laws stronger, the construction of new pipelines better, and our existing infrastructure safer. While significant progress has been made in improving the safety of our Nation's pipelines, we must remain vigilant.

In July 2010, a 30-inch pipeline owned by Enbridge Energy Partners ruptured and released 819,000 gallons of oil into the Talmadge Creek, located near Marshall, Michigan. The oil flowed into the Kalamazoo River, a tributary to Lake Michigan. Heavy rains caused the river to overtop existing dams and carried oil 30 miles downstream on the Kalamazoo River toward a Superfund site. Almost a year and a half later, Enbridge is still cleaning up this spill along the riverbanks.

Just a few months after the Enbridge spill, in September 2010, an intrastate natural gas transmission pipeline owned by Pacific Gas and Electric Company ruptured in a residential area in San Bruno, California. The released natural gas ignited, resulting in a fire that destroyed 38 homes and damaged 70 others. As well, tragically, eight people were killed, many were injured, and many more were evacuated.

The legislation that we are considering today addresses many concerns that were raised as a result of these and other incidents. For example, following the incident in Bellingham, Washington, National Transportation Safety Board investigators found, among other things, that Olympic Pipeline had no remote-operated shut-off valves on the line, which could have helped prevent the release of hundreds of thousands of gallons of gasoline. Following the Bellingham incident, the Department of Transportation ordered the pipeline company to install an automatic shutoff valve just downstream of the rupture location so that the volume of product released would be limited in the event of a future pipeline rupture in that area.

□ 1720

H.R. 2845 addresses the issue of shut-off valves. It requires all gas and liquid pipeline operators to install automatic, remote-controlled shutoff valves on new and replaced pipelines.

The bill also doubles civil penalties for pipeline safety violations from

\$100,000 to \$200,000 per violation and from \$1 million to \$2 million for maximum penalties.

It requires the Secretary of the Department of Transportation to evaluate and then issue regulations to expand integrity management beyond high-consequence areas, to establish performance standards for leak detection systems and require hazardous liquid pipeline operators to install leak protection systems that meet such performance standards.

It requires pipeline operators, in response to San Bruno, to report to DOT anytime their facilities exceed maximum allowable operating pressure and to conduct tests to confirm the material strength of previously untested gas transmission pipelines in high-consequence areas. And finally, it increases the level of pipeline safety inspectors at DOT by 10 and increases the amount of technical assistance grants that are awarded to local communities from \$1 million to \$1.5 million annually.

H.R. 2845 is a step in the right direction when it comes to pipeline safety. This bill is supported by industry, and it is supported by pipeline safety and community groups like the Pipeline Safety Trust.

I want to thank the chairman and all the committee members for working on this legislation. I want to thank Carl Weimer, who is the executive director of the Pipeline Safety Trust in Bellingham, which formed after the 1999 pipeline explosion, as well for his continued commitment to these issues.

I strongly urge Members to support this bill, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to gentleman from Michigan (Mr. UPTON), the distinguished chairman of the Energy and Commerce Committee.

Mr. UPTON. Mr. Speaker, I rise in support of the amendment to H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

Enacting pipeline safety this year has been a personal priority of mine and a top priority of the entire Energy and Commerce Committee on a very strong bipartisan basis. This legislation is the product of collaboration between our committee, Energy and Commerce members, the Committee on Transportation and Infrastructure, and the Senate Committee on Commerce; and it reflects consensus across party lines.

With it, we make great strides to ensure our Nation's energy supplies are transported in as safe a manner as possible. Over the last couple of years, several major pipeline accidents have occurred across the country that revealed specific gaps in pipeline safety laws and regulations. It is our duty in Congress to look at these events and determine what we can do to better protect the public and the environment.

Among these accidents was a 20,000-barrel oil pipeline spill in a tributary

of the Kalamazoo River, just outside of my district. The spill forced dozens of families out of their homes—in many cases, permanently—and caused extensive environmental damage to a waterway many residents enjoyed for fishing and canoeing.

Unfortunately, this is not the only major accident in recent memory. The September 2010 gas pipeline explosion in San Bruno, California, killed eight people and destroyed 37 homes. Another gas line explosion last year in Allentown, Pennsylvania, killed five people as well. And this summer, an oil pipeline buried underneath the iconic Yellowstone River in Wyoming ruptured and sent over 1,000 barrels of crude oil downstream.

These incidents highlighted, certainly, shortcomings in our Nation's pipeline safety laws, and today we are here to correct that.

The legislation before us today offers historic improvements to the manner in which the Federal Government regulates energy pipelines. It accomplishes this by strengthening standards in several areas, while maintaining the continued economical delivery of vital energy supplies. For these reasons, this bill enjoys the support of a broad array of stakeholders, from the Pipeline Safety Trust to the American Gas Association, the Interstate Natural Gas Association of America, the Gas Processors Association, and the Association of Oil Pipe Lines.

The bill is several months in the making and could not have been accomplished without the hard work and dedication of a bipartisan group of Members. This is a topic many of us take very seriously, as it affected us and our constituents on a personal level. And today we can say party affiliation and politics have taken a back seat to accomplishing the people's work, and for that, I must offer my heartfelt thanks.

Congratulations to the chairman emeritus of the Energy and Commerce Committee who is on the floor tonight, JOHN DINGELL; the ranking member of the committee who is, again, on the House floor, HENRY WAXMAN; the chairman of the Transportation Committee, JOHN MICA; and the chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, BILL SHUSTER.

I urge all Members to support this legislation.

Mr. LARSEN of Washington. I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, during the last year and a half, a series of tragic failures have made it clear that we need stronger pipeline safety laws. Pipeline failures have occurred all across the country. From California and Montana to Michigan and Pennsylvania, we've seen natural gas pipeline explosions and ruptured oil pipelines spilling oil into rivers.

In July 2010, a crude oil pipeline ruptured near Marshall, Michigan. Over

800,000 gallons of oil spilled into the Talmadge Creek and then flowed into the Kalamazoo River. The river is still being cleaned up.

In September 2010, a natural gas pipeline ruptured and exploded in San Bruno, California. Eight people died; many more were injured. The gas-fed inferno spread from house to house, driven by the wind. Thirty-eight homes were destroyed and 70 more were damaged. The explosion left behind a suburban street with a massive crater and burned-out vehicles. The vice chairman of the National Transportation Safety Board described it as "an amazing scene of destruction."

This past summer, an ExxonMobil pipeline ruptured in Montana, spilling crude oil into the Yellowstone River.

Unfortunately, those are just a few of the major accidents we have seen during the past 18 months. This bill will update and strengthen our pipeline safety laws in the aftermath of these tragedies.

In response to the Michigan spill, this bill requires pipeline operators to notify the safety agency of spills more quickly and establishes a process for leak detection standards to be issued for oil pipelines.

In response to the San Bruno tragedy, this bill requires key natural gas pipelines to have their maximum safe operating pressure confirmed through records or testing. It also instructs the safety agency to require the use of automatic or remote-controlled shutoff valves so that it doesn't take an hour and a half to stop the flow of gas like it did in San Bruno.

I want to acknowledge the work of my colleague from California, Representative JACKIE SPEIER, who fought for a strong response to San Bruno, and this bill has been made a better bill by her contributions.

In light of the Yellowstone River spill, the bill requires the agency to review its regulations governing the safety of pipelines buried under rivers to ensure they are adequate. The bill includes a number of additional improvements to strengthen our pipeline safety laws.

This is a good bipartisan bill that has the support of both industry and safety advocates. The Energy and Commerce Committee and the Transportation and Infrastructure Committee have worked hard to develop a combined bill that would have broad support.

I would like to thank Chairmen UPTON, MICA, and SHUSTER, as well as Mr. DINGELL, Mr. RUSH, Mr. RAHALL, and Ms. BROWN, for their work on this legislation. I encourage all of my colleagues to support this bipartisan legislation.

Mr. SHUSTER. Mr. Speaker, at this time I would like to just note in the legislation, section 6 of H.R. 2845 includes a requirement that the Secretary of Transportation provide a person, upon written request, a copy of a pipeline company's response plan.

I think it's important to note and point out to my colleagues that these

plans often contain security-sensitive information about pipelines' operating characteristics. If this information fell into the wrong hands, it could be a real threat to public safety. In recognition of this threat, we've included a provision that directs the Secretary to redact security-sensitive information.

It is my hope that the Secretary ensures that no security-sensitive information is released to the public; and the Transportation and Infrastructure Committee will aggressively oversee the implementation of this provision to ensure that it is being implemented according to congressional intent.

With that, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and chairman emeritus of the Energy and Commerce Committee.

□ 1730

Mr. DINGELL. I thank my good friend for yielding.

Mr. Speaker, I rise in support of H.R. 2845. This is a bipartisan bill, somewhat a rarity, and the more welcome for that reason. It's going to help instill public confidence in our Nation's pipeline safety system by increasing safety standards without overly burdensome actions towards industry.

The legislation shows that bipartisanship is possible in this Congress, and that we can conduct the business of the American people if we will but sit down and work together. I first want to thank Chairman UPTON and Ranking Member WAXMAN and my friend, Mr. LARSEN of Washington, for their hard work. I also want to recognize and thank Jeff Baran and Garrett Golding of the committee staff for their hard work, as well as Greg Sundstrom of my personal staff, who worked with great diligence and skill on this matter. Chairman MICA, Chairman SHUSTER, Ranking Member RAHALL, and Mr. RUSH also deserve recognition for their hard work as the two committees have worked harmoniously together to forge an agreement on the final product we have before us today.

The inclusive process used in this case is an excellent model of how Congress should move forward on a host of other issues, and I hope that the instructive character of it is accepted by my colleagues. Recent accidents in California, Pennsylvania, Montana, and my home State of Michigan each highlighted serious deficiencies in our pipeline safety laws. H.R. 2845 incorporates the lessons learned in these incidents and strengthens laws in the areas of concern.

Specifically, the bill expands the integrity management program to improve inspections while phasing out our class location requirements, thereby putting stronger safety standards in place while taking steps to remove redundant regulations.

The leak detection, automatic or remote-controlled shut-off valve, and

maximum allowable operating pressure provisions are a step in the right direction and will do much to improve safety. Pipeline safety is not a partisan issue but, rather, is something that impacts all Americans. We have an obligation to protect the American people and the environment from harm while maintaining a system that transports our energy resources efficiently.

It is my hope that the Senate will take up this legislation promptly and that the Obama administration will implement these changes in a meaningful way. We will all be watching to make sure that this happens.

Together, we have come up with a sound piece of legislation which has the support of both industry and safety advocates, and I urge my colleagues to support this legislation.

I would also like to observe, when one of these things lets go, it's quite an event. You will see something that looks a little bit like hell with the fire and flame and explosion and blasts and dead people and scorched automobiles, homes and the environment. I am delighted to see that we are doing this because we are protecting us both from gas and oil spills, and the evil consequences of that.

Mr. SHUSTER. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the gentleman, Mr. LARSEN from Washington State, for recognizing me and sharing the time with me. I am here to express my full support for this bill, H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

Mr. Speaker, this bill represents a bipartisan effort and a good-faith compromise by Members from both sides of the aisle, from multiple committees, and of course across both Chambers of Congress.

During negotiations on the final bill language, I was very fortunate to have Administrator Cynthia Quarterman of the Pipeline and Hazardous Materials Safety Agency accept my invitation to come out to my State and to discuss pipeline safety with representatives from the Illinois Commerce Commission, as well as with officials from Will County, which accounts for a larger percentage of pipelines than any other county in my home State.

Mr. Speaker, many of the same serious issues regarding pipeline safety that were discussed in these meetings are addressed in this piece of legislation. I am very pleased with the final product.

Mr. Speaker, I also would like to thank Members from both sides of the aisle, chairman emeritus of the full committee and dean of the House, JOHN DINGELL; Energy and Commerce Chairman UPTON; and Ranking Member WAXMAN, as well as Energy and Power Subcommittee Chairman WHITFIELD, for working with my office to include language that will require a com-

prehensive report examining the levels of engagement and participation of minority-owned, women-owned and disadvantaged business enterprises and contractors involved in the construction and the operations of pipelines in this country.

Additionally, this report will look at the methods for facilitating this type of involvement in order to increase the participation of minorities and women in the very lucrative pipeline industry. This study will be a first step in a process to make sure that the builders and contractors in charge of rebuilding America's aging and expanding pipeline system will represent the variety of groups and businesses that are here in our Nation, including those who are most desperate for jobs and economic opportunity.

I'm pleased to support this legislation, and I urge all of my colleagues to join with me in voting for it.

Mr. SHUSTER. Mr. Speaker, I yield 8 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman of the Transportation and Infrastructure Subcommittee.

Mr. MICA. I thank the gentleman from Pennsylvania for his leadership in helping to guide this legislation and important measure through Congress. I want to take this opportunity to thank folks on both sides of the aisle: Mr. UPTON, who chairs the Energy and Commerce Committee; I particularly want to thank Ms. BROWN, Mr. RAHALL, Mr. WAXMAN; and of course others who have helped on the Senate side.

This legislation is being done really the way Congress is intended to work, to try to reach a bicameral, bipartisan consensus. We don't have to go to conference. We have worked out some of the issues, and this is not an easy piece of legislation to pass. This is a very important piece of legislation for the American people as far as our energy resources and transporting them safely across the land, as far as an industry that is so important to creating jobs and opportunity and keeping the cost of energy down for men and women, consumers and people hit by difficult times right now, looking for reasonable energy costs and keeping the U.S. competitive and providing reasonably costed energy and transporting it safely.

This is probably one of the four main jobs bills, too, that we will pass from our committee. We have today the pipeline safety legislation. Our committee has also passed the Coast Guard authorization, and we are hoping we can reach a consensus on that. We have finished and are preconfereing with the Senate the FAA bill which is 4½ years overdue. We inherited that 4 years late, and we are basically finished. There are a few items that must be resolved by leadership. Then, finally, time did not allow us to finish a major transportation bill, sometimes referred to as the highway bill, but this will be more than a highway bill. We plan to have that up as soon as we return.

□ 1740

So those are our four major pieces of legislation, and this represents, again, a concerted effort by a number of key players in dual committees and in both the House and the Senate.

What's important about this legislation is it does make some changes, and you have heard from Members who have had horrendous pipeline incidents in their communities and their States, people have lost their lives, there's been extreme property damage, and we have also impacted in a negative fashion the environment.

And what we do here in this legislation are some simple things. First, we enhance the inspections. We set standards of better inspections for pipelines. We hold pipeline operators accountable, and that's important. People must be responsible for their actions, and we double the fines if there is negligence. There will be a penalty to pay because the damage has been incurred. And, again, we have seen some of the bad results. What we hope for is good results from this, again, that we can keep energy flowing and provide it for consumers.

That's good news for consumers, that's good news for the industry at a time when we should be hiring and employing people in this important energy activity, and it's good news for, again, safe transport and safe jobs in an important industry in our country.

So I'm pleased that we've come together. We have, I think, achieved and set an example for the Congress when Congress's reputation is, oh, very low, and that's giving us high marks. And when people express their disappointment in the inability of Congress to act, we are acting. Because this is being resolved without conflict and without, again, huge disruption in the congressional process, it probably won't get much attention. But it is in fact, and it is indeed a very important step forward.

I'm grateful for all of those who have come together and worked and made this an example of how Congress can and should work for the benefit of the American people.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentleman from Washington State for yielding me time.

Fifteen months ago, in my district, a gas pipeline exploded and killed eight of my constituents. Thirty-eight homes were destroyed, many more were severely damaged, and many were victims that sat in burn centers for months; and I visited them. It was a horrific scene. It destroyed that community in so many respects; and yet like a phoenix, it has risen above it. This bill is really very personal to me because I lived with those experiences with all of those constituents.

There are a couple of things that must be said today. The chairwoman of the NTSB, the National Transportation

Safety Board, said in their final report: Our investigation revealed that for years, the operator exploited weaknesses in a lax system of oversight. We also identified regulators that placed a blind trust in the companies that they were charged with overseeing to the detriment of public safety.

As a result of their report, they made 30 safety recommendations, many of them identified as urgent, to address issues in recordkeeping, information sharing, and pipeline testing. The NTSB report said it highlighted the fact that the problem has been under-regulation, not over-regulation, of the pipeline industry. For too long the pipeline operators have essentially written the rules for their industry.

Well, this bill takes a very important step forward in improving pipeline safety regulation, and I endorse it; but there is more that must be done. And ironically, now in California, because of this horrific accident, the residents in California will have better safeguards than any other State in this country because of actions taken by the State legislature and the California Public Utilities Commission that will require, moving forward, that automatic and remote shutoff valves be placed in high-consequence areas and in seismic areas, not just on new pipeline and not just on new pipeline that they find economically feasible to place these automatic and remote shutoff valves. This is a key component that was not included in the legislation.

And I must tell you, when you saw that ball of fire raging for 90 minutes, an hour and a half, before they were able to turn off the gas, that is something that has to be addressed on a national basis. It's been addressed now in California; and I urge us, as we move forward, to address it on a national level, as well.

The NTSB also recommended requiring all pipelines be configured to allow for inline inspection tools called "smart pigs." I didn't know what a smart pig was before this happened, but I do now. They are also recommending requiring that older pipeline, in particular, be subject to smart pigging. This is critical to make sure that they have not endured corrosion, that they have not been spiked and the like.

So moving forward I hope that we will take the steps necessary not just to support this measure and to have it signed into law but to make it clear that our work is still not done.

Mr. SHUSTER. I have no further speakers; so I will continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, in closing, just let me say a few words.

First off, I want to be sure I thank Ms. BROWN of Florida, the ranking member of the subcommittee, as well as Mr. RAHALL, the ranking member of the full Committee on Transportation and Infrastructure, as well as my colleagues on the majority side of the

aisle on the committee, and, of course, on the Energy and Commerce Committee for the work that we all did to make this bill happen.

This is the third version of the pipeline safety bill that I personally have worked on going back to 2001. Each time Congress has reauthorized the pipeline safety bill, we have done so by learning lessons from the previous 4 years, incorporating those lessons into the legislation and taking forward steps to make the use of pipelines and the transportation of liquid fuel and gas safer.

The third thing I just want to point out is that each year—2002, 2006 and 2011—each year of the passage of the pipeline safety bill, the bills have been bipartisan and garnered much support both in the House and in the Senate. We are likely to see that in the House, and I certainly urge the Senate to take this bill up this week and pass it with bipartisan support, as well.

Finally, let me just say to this body that I would urge this body to support this bill and to pass H.R. 2845. I want to thank Mr. SHUSTER for his cooperation in this effort as well.

With that, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I want to associate myself with the words of the gentleman from Washington. He is really one of the experts in Congress when it comes to pipeline safety, and it has been my pleasure to work with him on this bill.

As I said earlier, I'm very, very proud of the work that's gone into this bill on both sides of the aisle. This truly is a bipartisan agreement and a bicameral agreement, and I think we can all be proud of the product we've produced and look forward to it being passed into law, because pipelines are the safest way to move the gas and the hazardous products that this Nation needs to fuel the economy. And this important legislation does improve safety. It enhances the reliability and provides the regulatory certainty so that the owners and operators of pipelines will make the investments in their systems that will create jobs across America.

So I urge all my colleagues to support H.R. 2845; and with that, I yield back the balance of my time.

Mr. HALL. Mr. Speaker, I rise in support of H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

This legislation, which enjoys broad bipartisan support in both Chambers of Congress, seeks to improve the safety of our nation's pipeline infrastructure, an issue that is important to all Americans.

I want to call attention to the pipeline safety research and development portions of this bill—specifically a small but important inter-agency program that I worked on in my capacity as longstanding Member of and current Chairman of the House Science, Space, and Technology Committee.

Focused R&D aimed at accident prevention and protecting the integrity of our pipeline infrastructure is critical to ensuring that our nation's energy supplies are transported safely.

As an original co-sponsor of the 2002 pipeline safety legislation, I led efforts to establish the existing R&D program. This program has been productive and efficient in carrying out pipeline safety R&D. In particular, the public-private partnership model that the Department of Transportation uses to administer the program has served to leverage both Federal agency and private sector resources and expertise.

I want to thank my colleagues for working with me on this legislation to make modest—but important—changes to the current program.

In particular, I want to thank Chairman MICA for working with me to ensure that the program maintains its historical public-private cost-sharing structure, and recognizes the important contributions of the National Institute of Standards and Technology in pipeline safety research, development, and standards.

With respect to cost-sharing, I was particularly concerned with a recent decision by the Secretary of Transportation that sought to eliminate non-Federal sources of funding toward pipeline safety R&D.

This decision threatened to undermine the program's ability to leverage taxpayer dollars to advance new pipeline safety technologies, and in doing so would have also prevented the government from taking advantage of the highly specialized pipeline expertise that is found only in industry.

I am pleased that H.R. 2845 requires a thirty percent, program-wide, cost share from non-Federal sources, which will help ensure that this program continues to achieve its purpose without placing an unnecessary burden on the taxpayer.

I thank my colleagues again for their efforts and urge passage of this valuable legislation.

Mr. RAHALL. Mr. Speaker, I rise today in support of H.R. 2845, the "Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011".

This legislation will make significant improvements to pipeline safety, and is a prime example of how good public policy is formed when all sides come together and work toward producing a strong package from day one.

Pipelines have a critical place in our nation's infrastructure; more than 2.5 million miles of pipelines deliver energy to homes and businesses across America. From the gasoline that fills the cars we drive to the diesel that fuels the trucks that deliver food to local grocery stores to the natural gas that heats our homes, pipelines make it possible.

Unfortunately, due to the volatile nature of the products that pipelines deliver, incidents involving gas and hazardous liquid pipelines can and have had disastrous consequences.

On July 26, 2010, a 30-inch pipeline owned by Enbridge Energy Partners LLP ruptured and released more than one million gallons of oil into Talmadge Creek and the Kalamazoo River just one mile south of Marshall, Michigan. The Kalamazoo River flows into Lake Michigan. The spill devastated the local environment and wildlife, uprooted homeowners that live near the creek and river, and exposed local communities to noxious and toxic substances before Enbridge even raised alarm. Nearly a year and one-half later, Enbridge is still excavating oil-contaminated soil and weathered oil from the river banks; submerged oil recovery work has been suspended for the winter but will resume in 2012.

A little over a month after the Enbridge spill, on September 9, 2010, an intrastate natural gas transmission pipeline owned by the Pacific Gas and Electric Company, ruptured in a residential area in San Bruno, California. The released natural gas ignited, resulting in a fire that destroyed 38 homes and damaged 70 others. Eight people were killed, many were injured, and many more were evacuated from the area.

The bill before us today addresses many of the recommendations that were issued by the National Transportation Safety Board in accident reports that followed these and other pipeline incidents. For example, the bill holds pipeline operators accountable to a maximum of one hour to report a release of hazardous liquid or gas resulting in an incident. As the natural gas disaster in San Bruno, California underscores—every minute that passes following a release of hazardous liquid or gas from a pipeline is one less minute that responders have to protect the community and the surrounding environment. In fact, CNN was reporting the incident six hours before PG&E reported it to the National Response Center and Federal investigators.

Additionally, the bill raises civil penalties for each pipeline safety violation from \$100,000 to \$200,000 and the maximum civil penalty from \$1,000,000 to \$2,000,000. The maximum penalties for violations of pipeline safety regulations under current law have not been increased in almost a decade. Adequate levels of penalties are necessary to deter unsafe operating practices by the pipeline industry, particularly in serious cases involving injuries, fatalities, and significant environmental damage. The bill further clarifies that civil penalties are applicable to obstruction of an investigation.

The bill also:

Requires pipeline operators to install automatic shut-off valves on all new and replaced pipeline so that the volume of product released as a result of a rupture would be limited;

Requires the Secretary of Transportation to evaluate and then issue regulations to expand integrity management beyond high-consequence areas; establish performance standards for leak detection systems; and require hazardous liquid pipeline operators to install leak detection systems that meet those performance standards;

Requires pipeline operators, in response to the San Bruno incident, to report to the Department of Transportation any time their facilities exceed maximum allowable operating pressure, and to conduct tests to confirm the material strength of previously untested gas transmission pipelines in high-consequence areas;

Prevents States that receive one-call grants from exempting municipalities, State agencies, or their contractors from one-call (damage prevention) notification requirements;

Requires the Secretary to ensure offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico are subject to the same safety standards and regulations as other hazardous liquid gathering lines;

Beginning one year after the date of enactment, prohibits the Secretary from issuing guidance or a regulation that incorporates by reference any documents or portions thereof unless those documents or portions thereof are made available to the public, free of charge, on an Internet Web site;

Requires the Department of Transportation, DOT, to develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines; and

Increases the level of pipeline safety inspectors at DOT.

In sum, H.R. 2845 is a step in the right direction when it comes to pipeline safety, and I urge its adoption.

Ms. BROWN of Florida. Mr. Speaker, I rise to express my strong support for H.R. 2845, the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011.

I want to thank Chairmen MICA and SHUSTER and Ranking Member RAHALL for their bipartisan effort in bringing a good bill to the Floor today that will truly improve the safety of our nation's pipeline systems and the communities they serve.

Bipartisan bills are not easy to come by these days in Washington, and I'm proud to say that we worked with both sides on the Energy & Commerce Committee and our counterparts in the Senate to develop a compromise bill. This legislation accomplishes our goal of improving safety and education without limiting the industry's ability to serve its customers.

Our Subcommittee held numerous hearings over the last two Congresses with all the stakeholders in the pipeline industry to see what we could be doing better to detect and prevent spills. Our strong oversight of PHMSA and the pipeline industry helped develop the bill we have on the floor today.

This legislation makes numerous positive changes to the regulation of the pipeline industry and addresses many of the problems we've discovered with recent devastating spills.

The Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011 makes major improvements to pipeline safety by increasing penalties for safety violations, mandating new shut-off valve installation for all new and repaired pipes, limiting exemptions to call before you dig requirements, updating the national pipeline mapping system, evaluating current integrity management plans, providing important pipeline information to the public free of charge, training state and local government personnel, adding ten PHMSA inspectors, and studying pipeline permitting, transporting non-hazardous liquids, and the integrity of cast iron gas pipelines.

As we continue to debate the construction of the Keystone XL Pipeline, implementation of this legislation will help ensure that the construction and operation of this new pipeline will be held to the highest safety standards.

This legislation is government at its best. It was developed in a bipartisan manner through comprehensive committee hearings and oversight, and close collaboration with the industry and other stakeholders, including states and advocacy groups.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 2845, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 49 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PAULSEN) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to suspend the rules and pass H.R. 3220; motion to suspend the rules and pass H.R. 2158; and approval of the Journal.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## MASTER SERGEANT DANIEL L. FEDDER POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3220) to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office", on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 351, nays 0, not voting 82, as follows:

[Roll No. 913]

YEAS—351

Ackerman	Bishop (GA)	Capito
Adams	Bishop (UT)	Capps
Aderholt	Black	Capuano
Akin	Blackburn	Carnahan
Alexander	Blumenauer	Carney
Altmire	Bonner	Carson (IN)
Amash	Bono Mack	Carter
Amodei	Boren	Cassidy
Andrews	Boswell	Castor (FL)
Baca	Boustany	Chabot
Bachus	Brady (PA)	Chaffetz
Barletta	Brady (TX)	Chu
Barrow	Brooks	Clarke (MI)
Bartlett	Buchanan	Clay
Barton (TX)	Bucshon	Cleaver
Bass (NH)	Buerkle	Clyburn
Benishek	Burgess	Coffman (CO)
Berg	Calvert	Cohen
Berkley	Camp	Cole
Biggert	Campbell	Conaway
Bilbray	Canseco	Connolly (VA)
Bilirakis	Cantor	Conyers

Cooper	Johnson (GA)	Reyes
Courtney	Johnson (OH)	Ribble
Cravaack	Johnson, E. B.	Richardson
Crawford	Johnson, Sam	Richmond
Crenshaw	Jones	Rigell
Critz	Keating	Rivera
Crowley	Kelly	Roby
Cuellar	Kildee	Roe (TN)
Culberson	King (IA)	Rogers (AL)
Cummings	King (NY)	Rogers (KY)
Davis (CA)	Kingston	Rogers (MI)
Davis (KY)	Kinzinger (IL)	Rooney
DeFazio	Kissell	Ros-Lehtinen
DeGette	Kline	Roskam
DeLauro	Kucinich	Ross (AR)
Denham	Labrador	Ross (FL)
Dent	Lance	Rothman (NJ)
DesJarlais	Landry	Roybal-Allard
Deutch	Langevin	Royce
Dicks	Lankford	Runyan
Dingell	Larsen (WA)	Ruppersberger
Doggett	Larson (CT)	Rush
Dold	Latham	Ryan (WI)
Doyle	LaTourette	Sánchez, Linda
Dreier	Latita	T.
Duncan (SC)	Lee (CA)	Sanchez, Loretta
Duncan (TN)	Levin	Sarbanes
Edwards	Lewis (CA)	Scalise
Ellison	LoBiondo	Loeb
Ellmers	Loeb	Loeb
Emerson	Lofgren, Zoe	Loeb
Eshoo	Long	Loeb
Farenthold	Lucas	Loeb
Farr	Luetkemeyer	Loeb
Fattah	Luján	Loeb
Fincher	Lummis	Loeb
Fitzpatrick	Lynch	Loeb
Flake	Maloney	Loeb
Fleischmann	Manzullo	Loeb
Fleming	Markey	Loeb
Flores	Matheson	Loeb
Forbes	Matsui	Loeb
Fortenberry	McCarthy (CA)	Loeb
Fox	McCarthy (NY)	Loeb
Frank (MA)	McCaul	Loeb
Franks (AZ)	McClintock	Loeb
Frelinghuysen	McCollum	Loeb
Fudge	McDermott	Loeb
Gallely	McGovern	Loeb
Gardner	McHenry	Loeb
Garrett	McIntyre	Loeb
Gibbs	McKinley	Loeb
Gibson	McMorris	Loeb
Gohmert	Rodgers	Loeb
Gonzalez	McNerney	Loeb
Gonzalez	Meehan	Loeb
Goodlatte	Meeke	Loeb
Graves (GA)	Mica	Loeb
Green, Al	Michaud	Loeb
Green, Gene	Miller (FL)	Loeb
Griffin (AR)	Miller (NC)	Loeb
Grimm	Miller, Gary	Loeb
Guinta	Mulvaney	Loeb
Guthrie	Murphy (CT)	Loeb
Hahn	Murphy (PA)	Loeb
Hall	Nadler	Loeb
Hanabusa	Neal	Loeb
Harper	Neugebauer	Loeb
Harris	Noem	Loeb
Hartzler	Noem	Loeb
Hastings (FL)	Nugent	Loeb
Hastings (WA)	Nunes	Loeb
Hayworth	Oliver	Loeb
Heck	Owens	Loeb
Hensarling	Palazzo	Loeb
Herger	Pallone	Loeb
Herrera Beutler	Pascrell	Loeb
Higgins	Paulsen	Loeb
Himes	Payne	Loeb
Hinche	Pearce	Loeb
Hinojosa	Perlmutter	Loeb
Hirono	Peters	Loeb
Hirono	Peterson	Loeb
Hochul	Petri	Loeb
Holden	Pingree (ME)	Loeb
Holt	Pitts	Loeb
Honda	Poe (TX)	Loeb
Hoyer	Pompeo	Loeb
Huelskamp	Pompeo	Loeb
Huizenga (MI)	Pompeo	Loeb
Hultgren	Pompeo	Loeb
Hunter	Price (GA)	Loeb
Hultgren	Price (NC)	Loeb
Hurt	Quayle	Loeb
Israel	Quigley	Loeb
Issa	Rahall	Loeb
Issa	Rangel	Loeb
Jackson (IL)	Reed	Loeb
Jackson Lee	Rehberg	Loeb
(TX)	Reichert	Loeb
Jenkins	Reichert	Loeb

## NOT VOTING—82

Austria	Gingrey (GA)	Moore
Bachmann	Gosar	Moran
Baldwin	Gowdy	Myrick
Bass (CA)	Granger	Napolitano
Becerra	Graves (MO)	Nunnelee
Berman	Griffith (VA)	Olson
Bishop (NY)	Grijalva	Pastor (AZ)
Braley (IA)	Gutierrez	Paul
Broun (GA)	Hanna	Pelosi
Brown (FL)	Heinrich	Pence
Burton (IN)	Insee	Platts
Butterfield	Johnson (IL)	Polis
Cardoza	Jordan	Renacci
Chandler	Kaptur	Rohrabacher
Cicilline	Kind	Rokita
Clarke (NY)	Lamborn	Ryan (OH)
Coble	Lewis (GA)	Schock
Costa	Lipinski	Schwarz
Costello	Lowe	Sewell
Davis (IL)	Lungren, Daniel	Shimkus
Diaz-Balart	E.	Shuler
Donnelly (IN)	Mack	Stearns
Duffy	Marchant	Tiberi
Engel	Marino	Tierney
Filner	McCotter	Towns
Garamendi	McKeon	Walsh (IL)
Gerlach	Miller (MI)	Webster
Giffords	Miller, George	

□ 1856

Ms. ROS-LEHTINEN changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Monday, December 12, 2011, I was absent during rollcall vote No. 913. Had I been present, I would have voted "yea" on agreeing to H.R. 3220—to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office."

## WAYNE GRISHAM POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2158) to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the "Wayne Grisham Post Office", on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 353, nays 1, not voting 79, as follows:

[Roll No. 914]

YEAS—353

Ackerman	Barletta	Bilirakis
Adams	Barrow	Bishop (GA)
Aderholt	Bartlett	Bishop (UT)
Akin	Barton (TX)	Black
Alexander	Bass (CA)	Blackburn
Altmire	Bass (NH)	Blumenauer
Amash	Benishek	Bonner
Amodei	Berg	Bono Mack
Andrews	Berkley	Boren
Baca	Biggert	Boswell
Bachus	Bilbray	Boustany