

While Ray's military service alone warrants this dedication, his commitment to his country and community since leaving the military justifies it as well. For the last 65 years, Ray has made Spokane his home—first working as an air traffic controller and still to this day volunteering his time to educate others about the Honor Flight Program for World War II veterans.

This recognition not only commemorates Ray's sacrifices and accomplishments, but also those made by the greatest generation, whose sacrifices to our country will never be forgotten.

I urge all of my colleagues to support H.R. 5591 and join me in thanking Ray Daves and those like him for his life of service.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. SCHAUER. 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 Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 5591, as amended.

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

The title was amended so as to read: "A bill to designate airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the 'Ray Daves Air Traffic Control Tower'."

A motion to reconsider was laid on the table.

## CORPORATE LIABILITY AND EMERGENCY ACCIDENT NOTIFICATION ACT

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6008) to amend title 49, United States Code, to ensure telephonic notice of certain incidents, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6008

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Corporate Liability and Emergency Accident Notification Act" or "CLEAN Act".

### SEC. 2. NOTIFICATION OF INCIDENTS.

(a) TELEPHONIC NOTICE OF CERTAIN INCIDENTS.—

(1) IN GENERAL.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:

#### "§60138. Telephonic notice of certain incidents

"(a) IN GENERAL.—An owner or operator of a pipeline facility shall provide immediate telephonic notice of—

"(1) a release of hazardous liquid or another substance regulated under part 195 of title 49, Code of Federal Regulations, resulting in an event for which notice is required under section 195.50 of such title; and

"(2) a release of gas resulting in an incident, as defined in section 191.3 of such title.

"(b) IMMEDIATE TELEPHONIC NOTICE DEFINED.—In subsection (a), the term 'immediate telephonic notice' means telephonic notice, as described in section 191.5 of such title, to the Secretary and the National Response Center at the earliest practicable moment following discovery of a release of gas or hazardous liquid and not later than one hour following the time of such discovery.

"(c) REFERENCES.—Any reference to a regulation in this section means the regulation as in effect on the date of enactment of this section."

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"60138. Telephonic notice of certain incidents."

(b) GUIDANCE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidance to clarify the meaning of the term "discovery" as used in section 60138(b) of title 49, United States Code, as added by subsection (a) of this section.

### SEC. 3. TRANSPARENCY OF ACCIDENTS AND INCIDENTS.

Not later than December 31, 2010, the Secretary of Transportation shall maintain on the Department of Transportation's Internet Web site a database of all reportable incidents involving gas or hazardous liquid pipelines and allow the public to search the database for incidents by owner or operator of a pipeline facility.

### SEC. 4. CIVIL PENALTIES.

Section 60122(a)(1) of title 49, United States Code, is amended—

(1) in the first sentence—

(A) by inserting ", or has obstructed or prevented the Secretary from carrying out an inspection or investigation under this chapter," after "under this chapter"; and

(B) by striking "\$100,000" and inserting "\$250,000"; and

(2) in the last sentence by striking "\$1,000,000" and inserting "\$2,500,000".

### SEC. 5. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 6008.

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

There was no objection.

Mr. SCHAUER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, after the BP Deepwater Horizon oil spill, I never could have

imagined that my community too could have been impacted by such an oil spill, but it happened.

On July 26, 2010, Enbridge Energy Partners reported a ruptured pipeline that spilled an estimated 1 million gallons of heavy Canadian crude oil into Talmadge Creek south of Marshall, Michigan, in my district. Oil-covered wildlife, a river and creek flowing black with oil for miles, and citizens were evacuated from their homes—these were all images from this oil spill that my constituents will not soon forget.

According to the National Transportation Safety Board, on Sunday, July 25, 2010, at 5:58 p.m., alarms began sounding in Enbridge Energy Partner's control room in Edmonton, Alberta, Canada, on Line 6B of Enbridge's Lakehead Pipeline. For more than 13 hours, alarms continued in Enbridge's control room. Enbridge did not know what was wrong with their 6B pipeline until 11:18 a.m. the following day when another company's technician reported to Enbridge that there was oil in Talmadge Creek. The leak was confirmed by Enbridge personnel at 11:45 a.m. on July 26, and they began laying boom immediately but did not report the spill until 1:29 p.m., nearly 2 hours later, to the National Response Center.

Another recent incident in San Bruno, California, the tragic PG&E rupture, took the lives of four people—three more are still missing—injured numerous others, destroyed 37 homes and damaged 11 others. This occurred at 6:11 p.m. on September 9, 2010. It wasn't reported to the National Response Center until 11:35 p.m., over 5 hours later.

When public's safety and health are at risk, every second counts. In the time Enbridge and PG&E waited to report these spills, Federal agencies and government emergency responders could have been en route or at the sites to help.

Congress directed that "a pipeline facility shall provide immediate telephonic notice of a release of hazardous liquid." In 2002, the Pipeline and Hazardous Materials Safety Administration's predecessor determined "immediately" to be defined as between 1 and 2 hours after discovery. Congress said a reportable spill incident needs to be reported immediately. Five hours is not immediately. Two hours is not even immediately.

My bipartisan bill, H.R. 6008, the Corporate Liability and Emergency Accident Notification Act, the CLEAN Act, clarifies the congressional intent of the term "immediately" in reporting a spill incident to the National Response Center and defines "immediately" to be no more than 1 hour after the discovery of an incident. My bill also increases penalties for any violation of a Federal pipeline safety regulation, including failure to report a spill incident in a timely manner. Additionally, the CLEAN Act seeks to increase transparency by directing the U.S. Department of Transportation to create a

searchable public database of all reportable hazardous liquids incidents.

I urge Members to support H.R. 6008, the CLEAN Act, to hold companies accountable to reporting spill releases “immediately,” as Congress intended, and to increase transparency of spill incidents to the public. With the proper spill reporting standards, we can work toward preventing devastating spills in the future for safety and protection of our communities and our environment.

Mr. Speaker, I reserve the balance of my time.

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

The gentleman from Michigan has adequately described the critical importance of this bill on pipeline safety. We support the bill.

H.R. 6008—the Corporate Liability and Emergency Accident Notification Act—makes three changes to the Federal pipeline safety law.

The bill requires that the Department of Transportation maintain a database on its website of all reportable pipeline incidents and make the database available to the public.

The bill also increases the civil liability caps for violations of pipeline safety laws.

H.R. 6008 also requires that pipeline operators notify the National Response Center not later than 1 hour after the discovery of a release of natural gas or hazardous liquids. Pipeline operators are currently required to notify the NRC not later than 2 hours after the discovery of a leak.

The Federal pipeline safety programs are set to expire in one week. Recent pipeline accidents in San Bruno, California; Romeoville, Illinois; and Marshall, Michigan have brought pipeline safety to the forefront. While this bill addresses some of the issues that should be addressed in a comprehensive pipeline safety reauthorization bill, it does not address all of them.

I hope that Congress considers a comprehensive pipeline safety reauthorization bill that addresses all of the relevant pipeline safety issues in the very near future.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6008, as amended, the “Corporate Liability and Emergency Accident Notification Act,” introduced by the gentleman from Michigan (Mr. SCHAUER).

Last week, the Committee on Transportation and Infrastructure held a hearing on the rupture of Enbridge’s Line 6B pipeline, which released more than one million gallons of crude 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.

I recall vividly in 1986, as Congress prepared for reauthorization of the pipeline safety program, a massive rupture that occurred on the Williams Pipe Line in Mounds View, Minnesota. Corrosion was the culprit. Unleaded gasoline spilled from a 7.5-foot long opening along the longitudinal seam of the pipe. Gasoline vapors combined with air and liquid gasoline flowed along neighborhood streets for

about an hour and a half—until the manually operated gate valve was shut off. About 30 minutes into the release, the gasoline vapor was ignited when a car entered the area, its loose tailpipe struck the pavement, sparked and ignited the vapor. An inferno engulfed three full blocks of the neighborhood: a woman and her daughter were burned severely when the fireball rolled over them, later taking their lives. Another person suffered serious burns.

I have talked about that incident during debate on every pipeline safety bill that has come before this House because I will never forget where I was and what I was doing when I heard about the devastation that rupture had caused; it will be with me for the rest of my life. Congressman SCHAUER, I assure you, will never forget where he was when he learned of the Enbridge spill in Marshall, Michigan. Nor will Congressman RICK LARSEN ever blot out the memory of the gasoline spill in a creek that flowed through Whatcom Falls Park in Bellingham, Washington, that claimed the lives of two 10-year-old boys and a young man of 18 celebrating high school graduation by fishing in that creek.

While we do not yet know the cause of the Michigan incident, we do know that the spill likely occurred sometime the day before Enbridge reported it to the National Response Center. We know that, contrary to Enbridge’s claims at our hearing, the Enbridge control center did not even realize that a massive rupture had occurred on the pipeline until a utility worker from an unrelated company, Consumers Energy, called Enbridge to report that oil was spilling into Talmadge Creek. We know that Enbridge personnel at the control center experienced an abrupt pressure drop on the line, that they experienced multiple volume balance alarms over the course of 13 hours before sending a technician to the pump station, located just three-quarters of a mile from the rupture. We know that Enbridge reported that the technician did not see any problems or smell any odors at the pump station, even though numerous residents in the immediate vicinity of the pump station (and others living nine miles away) reported to Committee staff that they smelled strong odors the day before. We also know that Enbridge knew about hundreds of defects in the line, and we know that the Pipeline and Hazardous Materials Safety Administration was made aware of them and failed to do anything to address Enbridge’s inaction.

The bill before you today holds pipeline operators accountable to a maximum of one hour to telephonically report a release of hazardous liquid or gas resulting in an incident. As the Enbridge oil disaster in Marshall, Michigan, 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.

The bill also increases the maximum civil penalty for each pipeline safety violation from \$100,000 to \$250,000 and the maximum civil penalty per incident from \$1 million to \$2.5 million, the same amounts proposed by the Obama administration in its pipeline safety reauthorization bill. 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 includes a requirement that the Secretary of Transportation maintain a Website that depicts all reportable incidents involving hazardous liquid and gas pipelines and allows the public to search the database for incidents by the owner or operator of a pipeline facility.

Over the coming weeks, I intend to work in a bipartisan manner to develop a comprehensive pipeline safety reauthorization bill. In the interim, I feel that this bill strengthens the accountability of pipeline operators.

I urge my colleagues to join me in supporting H.R. 6008.

Ms. RICHARDSON. Mr. Speaker, as a member of the Committee on Transportation and Infrastructure I rise today in strong support of H.R. 6008, the Corporate Liability and Emergency Accident Notification Act. This legislation enhances public safety by requiring an owner or operator of a pipeline facility to notify the Secretary of Transportation, DOT, and the National Response Center, NRC, within one hour upon discovering the leak of hazardous material. Timely notification is an essential component of an effective response. This legislation will help ensure that DOT and NRC have the information needed to act in order to save lives and protect property.

I thank my colleague, Congressman SCHAUER, for his leadership in introducing this legislation and Chairman OBERSTAR for his skillful leadership in shepherding this bill to the floor.

Mr. Speaker, it was only a short time ago on July 26, 2010 in Marshall, Michigan when the Enbridge Pipeline oil spill transpired. Roughly 1 million barrels of crude oil were dumped into the Talmadge Creek and Kalamazoo River. This incident negatively impacted the environmental and public health of the surrounding areas. Similar subsequent incidents occurred earlier this month in Romeoville, Illinois and San Bruno, California. These episodes vividly illustrate the urgent need for action.

In addition, H.R. 6008 instructs the Secretary of Transportation to maintain an online database on the Department of Transportation website, which will record all reportable releases involving gas or hazardous liquid pipelines. The public will be able to view and search the database for incidents by pipeline facility owner or operator. This bill also increases the maximum civil penalties per violation and incident to further dissuade such incidents from occurring. These important measures will strive to decrease the response time, the overall damage, and the number of leaks.

I am particularly concerned by reports of pipeline spills and explosions because my district, the 37th Congressional District of California, contains over 643 total pipeline miles in the National Pipeline Mapping System. More than 558 of these miles are hazardous liquid pipelines. The map of pipelines in my district looks like a spaghetti bowl with pipelines crossing in every direction. Not a single one of my constituents can possibly live more than a mile or so away from a pipeline carrying hazardous material. Unfortunately, from 2000 to 2008 there were 21 incidents in my district significant enough to be reported to the DOT’s Pipelines and Hazardous Materials Safety Administration.

The new notification requirements imposed by H.R. 6008 will help decrease the time required to respond to pipeline leaks, thereby lessening the damage caused by such leaks. Moreover, the increased penalties for violations of Federal pipeline safety laws will provide incentives for pipeline owners and operators to follow guidelines and aid responsibility. All in all, this is a very good bill and I strongly support it.

I urge my colleagues to join me in supporting H.R. 6008.

Mr. LOBIONDO. I yield back the balance of my time.

Mr. SCHAUER. 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 Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 6008, as amended.

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

The title was amended so as to read: "A bill to ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes."

A motion to reconsider was laid on the table.

## NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4714) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4714

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2010".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Definitions.
- Sec. 4. General organization.
- Sec. 5. Administrative.
- Sec. 6. Disclosure, availability, and use of information.
- Sec. 7. Training.
- Sec. 8. Reports and studies.
- Sec. 9. Authorization of appropriations.
- Sec. 10. Accident investigation authority.
- Sec. 11. Marine casualty investigations.
- Sec. 12. Inspections and autopsies.
- Sec. 13. Discovery and use of cockpit and surface vehicle recordings and transcripts.
- Sec. 14. Family assistance.
- Sec. 15. Notification of marine casualties.
- Sec. 16. Use of board name, logo, initials, and seal.

### SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or re-

peal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

#### SEC. 3. DEFINITIONS.

Section 1101 is amended to read as follows:

##### "§ 1101. Definitions

"(a) ACCIDENT DEFINED.—In this chapter, the term 'accident'—

"(1) means an event associated with the operation of a vehicle, aircraft, or pipeline, which results in damage to or destruction of the vehicle, aircraft, or pipeline, or which results in the death of or serious injury to any person, regardless of whether the initiating event is accidental or otherwise; and

"(2) may include an incident that does not involve destruction or damage of a vehicle, aircraft, or pipeline, but affects transportation safety, as the Board prescribes by regulation.

"(b) APPLICABILITY OF DEFINITIONS IN OTHER LAWS.—The definitions contained in section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter."

#### SEC. 4. GENERAL ORGANIZATION.

The last sentence of section 1111(d) is amended by striking "absent" and inserting "unavailable".

#### SEC. 5. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 1113(a) is amended—

(1) in paragraph (1)—

(A) by inserting "and depositions" after "hearings"; and

(B) by striking "subpena" and inserting "subpoena"; and

(2) in paragraph (2) by inserting before the first sentence the following: "In the interest of promoting transportation safety, the Board shall have the authority by subpoena to summon witnesses and obtain evidence relevant to an accident investigation conducted under this chapter."

(b) ADDITIONAL POWERS.—

(1) AUTHORITY OF BOARD TO ENTER INTO CONTRACTS AND OTHER AGREEMENTS WITH NON-PROFIT ENTITIES.—Section 1113(b)(1)(H) is amended by inserting "and other agreements" after "contracts".

(2) AUTHORITY OF BOARD TO ENTER INTO AND PERFORM CONTRACTS, AGREEMENTS, LEASES, OR OTHER TRANSACTIONS.—Section 1113(b) is amended—

(A) by striking paragraph (1)(I) and inserting the following:

"(I) negotiate, enter into, and perform contracts, agreements, leases, or other transactions with individuals, private entities, departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries on such terms and conditions as the Chairman of the Board considers appropriate to carry out the functions of the Board and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board."; and

(B) by adding at the end the following:

"(3) LEASE LIMITATION.—The authority of the Board to enter into leases shall be limited to the provision of special use space related to an accident investigation, or for general use space, at an average annual rental cost of not more than \$300,000 for any individual property."

(3) AUTHORITY OF OTHER FEDERAL AGENCIES.—Section 1113(b)(2) is amended to read as follows:

"(2) AUTHORITY OF OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the head of a Federal department, agency, or instrumentality may transfer to or receive from the Board, with or without

reimbursement, supplies, personnel, services, and equipment (other than administrative supplies and equipment)."

#### (c) CRITERIA ON PUBLIC HEARINGS.—

(1) IN GENERAL.—Section 1113 is amended by adding at the end the following:

"(i) PUBLIC HEARINGS.—

"(1) DEVELOPMENT OF CRITERIA.—The Board shall establish by regulation criteria to be used by the Board in determining, for each accident investigation and safety study undertaken by the Board, whether or not the Board will hold a public hearing on the investigation or study.

"(2) FACTORS.—In developing the criteria, the Board shall give priority consideration to the following factors:

"(A) Whether the accident has caused significant loss of life.

"(B) Whether the accident has caused significant property damage.

"(C) Whether the accident may involve a national transportation safety issue.

"(D) Whether a public hearing may provide needed information to the Board.

"(E) Whether a public hearing may offer an opportunity to educate the public on a safety issue.

"(F) Whether a public hearing may increase both the transparency of the Board's investigative process and public confidence that such process is comprehensive, accurate, and unbiased.

"(G) Whether a public hearing is likely to significantly delay the conclusion of an investigation and whether the possible adverse effects of the delay on safety outweigh the benefits of a public hearing."

(2) ANNUAL REPORT.—Section 1117 is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) an analysis of the Board's implementation of the criteria established pursuant to section 1113(i) during the prior calendar year, including an explanation of any instance in which the Board did not hold a public hearing for an investigation of an accident that has caused significant loss of life or property damage or that may involve a national transportation safety issue."

(d) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—Section 1113 is further amended by adding at the end the following:

"(j) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

"(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

"(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

"(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

"(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or