



## COMMITTEE ON ENERGY AND COMMERCE

Chairman Fred Upton  
114th Congress

**Opening Statement of the Honorable Ed Whitfield  
Subcommittee on Energy and Power  
Markup of Discussion Draft of the Pipeline Safety Act of 2016  
March 16, 2016**

*(As Prepared for Delivery)*

I am pleased that we are now ready to mark up a bill to reauthorize the Pipeline and Hazardous Materials Safety Administration's pipeline safety program. We've built upon the draft that we discussed in the legislative hearing and made some significant improvements.

This committee has a proud, longstanding tradition of working together when it comes to pipeline safety. The 2011 Pipeline Safety law included 42 mandates of PHMSA and 16 of them remain incomplete well beyond the statutorily imposed deadlines. The discussion draft before us today contains targeted mandates for PHMSA to increase transparency and accountability, complete overdue regulations, and improve safety. I am particularly pleased that one of the most controversial provisions has been struck and no longer appears in this draft.

That provision would have resulted in the terrible sue-and-settle arrangement so common at the EPA. Sue-and-settle allows EPA to avoid the normal protections built into the rulemaking process such as interagency review and public comment. It would have been disastrous to replicate this process at PHMSA, so I am happy to see it struck from the draft.

With that, I look forward to working with my colleagues as we refine the bill before full committee and also with the Transportation and Infrastructure Committee as we prepare for the floor.

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