



Legislative Bulletin.....July 16, 2013

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H.R. 2576 — To Amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes (Denham, R-CA)

Order of Business: [H.R. 2576](#) is [scheduled](#) to be considered on Tuesday, July 16, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: The bill is a technical correction to a provision of [P.L. 112-90](#), the “Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011”, which was passed by Congress in December 2011. The legislation removes the requirement of posting private sector standards on the Internet. The requirement to post standards has caused concern that copyrights would be infringed upon. Access to the information is still maintained free of charge by other means. The legislation also delays enactment of the mandate from one year to three years.

Additional Background: The requirement to post standards online has impeded the ability of the Pipeline and Hazardous Materials Safety Administration (PHMSA)¹ to rely on technical standards written by Standards Developing Organizations (SDOs). SDOs are nonprofits that create technical standards and charge a fee for this service. The requirement under P.L. 112-90 that the PHMSA incorporate any standards by reference and post them online potentially removes the incentive for SDOs to develop standards. In addition, there is a possibility that international competitors would gain access to the SDOs’ intellectual property since it would be readily available, free of charge, on the Internet. A fact sheet prepared by the House Committee on Transportation and the Infrastructure can be viewed [here](#).

¹ More information about the PHMSA can be viewed [here](#).

Committee Action: The bill was introduced on June 28, 2013, and referred to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce. On July 10, 2013, the full Committee held a [markup](#) of the bill, where it was favorably reported by a voice vote.

Administration Position: No Statement of Administration Policy (SAP) was available at time of press.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate was available at time of press.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).” Congressman Denham’s statement in the Congressional Record can be viewed [here](#).

Outside Organizations In Support: The American Society of Mechanical Engineers

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H.R. 1848 — Small Airplane Revitalization Act of 2013 (Pompeo, R-KY)

Order of Business: [H.R. 1848](#) is [scheduled](#) to be considered on Tuesday, July 16, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: The legislation requires the Administrator of the Federal Aviation Administration (FAA) to issue a final rule based on the Part 23 Rulemaking Committee recommendations by

December 2015. The final rule is designed to streamline the approval and certification requirements for the development of small airplanes. The final rule must:

- “Create a regulatory regime for small airplanes that will improve safety and decrease certification costs.
- Set broad, outcome driven safety objectives that will spur innovation and technology adoption.
- Replace current, prescriptive requirements contained in FAA rules with performance based regulations.
- Use FAA-accepted consensus standards to clarify how the Part 23 safety objectives may be met by specific designs and technologies.”

Additional Background: A fact sheet prepared by the Transportation and the Infrastructure Committee can be viewed [here](#). Congressman Pompeo’s introductory remarks on the bill can be viewed [here](#).

Committee Action: The bill was introduced on May 7, 2013, and was referred to the House Committee on Transportation and the Infrastructure. The Committee held a [markup](#) of the bill on July 10, 2013, where it was favorably reported by a voice vote.

Administration Position: No Statement of Administration Position (SAP) was available at time of press.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate was available at time of press.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3.” Congressman Pompeo’s statement in the Congressional Record can be viewed [here](#).

Outside Organizations in Support of H.R. 1848: The following groups issued a joint letter in support of the bill:

- Aircraft Owners and Pilots Association (AOPA)
- Experimental Aircraft Association (EAA)
- General Aviation Manufacturers Association (GAMA)

- National Air Transportation Association (NATA)
- National Business Aviation Association (NBAA)

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H.R. 2611 — To designate the headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr. Avenue Southeast in the District of Columbia as the “Douglas A. Munro Coast Guard Headquarters Building”, and for other purposes (Norton, D-DC)

Order of Business: [H.R. 2611](#) is [scheduled](#) to be considered on Tuesday, July 16, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This legislation names a Coast Guard building after Douglas A. Munroe, the Coast Guard’s only recipient of the Congressional Medal of Honor.

Additional Background: Coast Guard Signalmen Munro was killed in battle by enemy fire on September 27, 1942, as he helped around five-hundred Marines evacuate. Douglas A. Munro was posthumously awarded the Purple Heart Medal. Delegate Norton’s introductory statement provides much background material on Douglas A. Munro. Her statement can be viewed [here](#).

Committee Action: H.R. 2611 was introduced on July 8, 2013, and referred to the House Committee on Transportation and the Infrastructure. The Committee held a [markup](#) on the bill on July 10, 2013, where it was favorably reported by a voice vote.

Administration Position: No Statement of Administration Position (SAP) was available at time of press.

Cost to Taxpayers: No Congressional Budget Office cost estimate was available at time of press.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the Constitution.” Delegate Norton’s statement in the Congressional Record can be viewed [here](#).

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