20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 34

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 34, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 45

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 45, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable for imported property.

S. 72

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 72, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 82

At the request of Mr. JOHANNS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 192

At the request of Mr. DEMINT, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. HOEVEN), the Senator from Indiana (Mr. LUGAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 192, a bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

S. 219

At the request of Mr. TESTER, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S.J. RES. 3

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. RISCH) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 32

At the request of Mr. CRAPO, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 32, a resolution designating the month of February 2011 as ''National Teen Dating Violence Awareness and Prevention Month''.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. CONRAD):

S. 227. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator CONRAD to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under State law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a two-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait 11 days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care Planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners, and the Visiting Nurse Associations of America. I urge all of my colleagues to join us as cosponsors of this important legislation.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. JOHNSON of South Dakota, Mr. MANCHIN, Mr. NELSON of Nebraska, and Mr. CONRAD):

S. 231. A bill to suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes, to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President. I rise today with Senators WEBB, MCCASKILL, TIM JOHNSON, MANCHIN, BEN NELSON, and CONRAD to introduce the EPA Regulations Suspension Act of 2011. We are introducing this legislation for a simple but enormously important reason. At a time when our economy is finally headed toward a recovery, the last thing we want to do is add new burdens to American companies that could result in them cutting jobs or being less productive in the global marketplace.

In fact, I believe that the fate of our entire economy, our wide and varied manufacturing industries and our workers, especially our coal workers, rests in part on the decisions we make here in Washington. One thing we should never do is put the fate of an entire industry into the hands of the Environmental Protection Agency.

My legislation is simple and reasonable. It requires that for 2 years the EPA can take no regulatory action, regarding carbon dioxide and methane emission from stationary sources. During that time no facility can be subjected to any requirement to obtain a permit or meet a New Source Performance Standard under the Clean Air Act with respect to carbon dioxide or methane. At the same time the legislation specifically allows for the widely-supported motor vehicle emission standards to continue moving forward.

At the beginning of this year regulations came into effect that say if a company wants to retrofit an existing or build a new power plant, or factory, they now have to find ways to reduce their greenhouse gas emissions.

Later this year the EPA will propose expanding these rules to cover existing stationary sources that are not expanding their operations. The impact of these rules is that companies will sit on the sidelines and opportunities for innovation and job creation will be lost. Because of these new rules companies won't build that new factory. They won't build that new power plant. And so they won't employ some of the millions of Americans who are out of work. That is why I believe these regulations need to be suspended.

I want to make one thing perfectly clear. I believe that climate change is an important issue and Congress should and will address it working collaboratively with the administration and the private sector.

But the lead should come from Congress and not the EPA. Congress, unlike the EPA, can craft proposals that reduce greenhouse gases while simultaneously protecting our economy. Most importantly, Congress is directly accountable to the people whose lives we impact.

We are capable of tackling this great challenge in a way that supports rather than undermines our economy and our future.

But the process has to work. It has to be open. It has to be truly bipartisan. It has to acknowledge the fact that all of our States use energy in very different ways. It has to protect our economy. This will not be achieved overnight, but it is possible.

Technology can be a solution to this problem. West Virginia is poised to lead the effort on clean energy technology: because we know energy. We know coal. We know natural gas. We know Carbon Capture and Storage or CCS as few others do. We are coming to know wind and we have great potential in learning how to use our geothermal resources as well.

The fact is, we in West Virginia know and embrace what too many others either don't understand or refuse to see, which is that our Nation and countries around the world are dependent on coal. That is not something that will change when half the globe is struggling to rise out of poverty.

In this country we get almost half our electricity from coal. That will not change anytime soon. Globally countries such as China and India continue to increase their usage of coal as they develop their economies.

To fight climate change we can't just choose to stop using coal. Even if we in the United States did, the rest of the world wouldn't; and the problem would continue. Instead we must find the technological solution that allows us to use coal, while reducing its impact on the Earth and her people.

I know that there are many on the Republican side of the aisle who believe it does not go far enough. There are many on my side of the aisle who believe it goes too far in tying the EPA's hands. Ultimately I believe this is good legislation because it is an achievable compromise. Too often in this body we seek to score political points on issues rather than solve problems that the country is facing now.

And right now our Nation's manufacturing and industrial sectors are facing the prospect of overwhelming EPA regulation. Regulation that makes it harder for them to put America back to work. While many might think this is not the perfect solution it is a solution that I believe we can and should move early this year.

One piece of the debate that is often missing in our discussions is to keep our focus on people and all the problems, including the problem of climate change, that affect their future.

My focus is on protecting the hardworking people I represent—people who changed my life when I was born anew in the coalfields of West Virginia at the age of 26. These people, their work and their lives matter. Any regulatory solution that creates more problems for them than it fixes; and causes more harm than good in their lives is no solution at all. EPA regulation of greenhouse gases does just that.

So that, Mr. President, is why I have introduced this legislation today. I hope that this body will act on it quickly, for we do not have time to waste. I yield the floor.

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By Mr. LEVIN:

S. 232. A bill to amend the Internal Revenue Code of 1986 to increase the manufacturer limitation on the number of new qualified plug-in electric drive motor vehicles eligible for credit; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I am introducing legislation that is an important step for the competitiveness of U.S. manufacturing by continuing the nurturing of the market for the next generation of electric vehicles. This bill will continue the availability of the $7,500 consumer tax credit for plug-in hybrid vehicles. Current law limits the availability of this plug-in hybrid tax credit to the first 200,000 vehicles per manufacturer, which is too small to support the revolutionary technological change that we are hopefully going to witness. Failure to provide this support risks falling short of President Obama's important goal of putting 1 million electric vehicles on the road by 2015.

The U.S. auto industry is poised for a technological explosion that promises to fundamentally change transportation here and around the world. Already, the success of GM's Volt has demonstrated that electric vehicles are not just an engineer's dream or a science fiction story. They are real, and there is plenty more innovation ready to be unleashed.

But like almost every transformational technology, from the great railroads to the Internet, this technological revolution needs support if it is to spread. President Obama last week laid out a vision of how this kind of technology can help ensure our economic future. With the proper support, we can transform transportation and create new jobs for American workers. But if we fail to support this revolution, we risk missing an opportunity that we may never get back. If we do not get it right, there is no doubt that other countries will—and their workers—in China, India, South Korea and elsewhere—will then build these vehicles instead of American workers.

So I am pleased today to be introducing this bill that is identical to one that my brother SANDY LEVIN introduced last week in the House of Representatives. This legislation will increase the cap on the number of vehicles eligible for the plug-in hybrid tax credit in current law and provide much greater certainty to our manufacturers. It says to our manufacturers that

we will support technology of great potential and it says to consumers we will continue to help make these vehicles more available and affordable. This change in law will make a difference immediately, and it is an important signal of future support for the transformation of our transportation sector.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 232

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

**SECTION 1. INCREASE IN MANUFACTURER LIMITATION ON THE NUMBER OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.**

Paragraph (2) of section 30D(e) of the Internal Revenue Code of 1986 is amended by striking ''200,000'' and inserting ''500,000''.

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By Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 234. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Strengthening Pipeline Safety and Enforcement Act of 2011, with my colleague and friend, Senator BARBARA BOXER.

This bill strengthens and expands legislation proposed by U.S. Transportation Secretary Ray LaHood, and it includes many provisions to improve pipeline safety and inspection that Senator BOXER and I proposed last year.

In addition, the bill would also mandate that natural gas pipeline operators comply with recently issued urgent recommendations of the National Transportation Safety Board, NTSB, which call on operators to create ''a traceable, verifiable and complete'' record of pipeline components in order to verify the ''maximum allowable operating pressure'' of every pipeline segment.

NTSB issued these recommendations earlier this month because it discovered very serious problems with Pacific Gas and Electric's recordkeeping during its investigation of the tragic pipeline disaster in San Bruno, California.

Pipes were mislabeled. One was labeled as a seamless 30-inch pipe. In fact, there is no such thing as a 30-inch seamless pipe. Pipes that large are manufactured with seams, according to experts.

Maximum Allowable Operating Pressures of the pipeline at issue cannot be verified.

NTSB's findings are deeply concerning to me. I believe that a utility sending explosive gas under neighborhoods must know what kind of pipe lies under that community.

If it does not know what pipe is underground, how can it operate the pipeline at a safe pressure? How can it inspect for faulty seams and welds if inspectors do not know the pipe has welds in the first place?

I am very distressed by NTSB's findings, and I call on all pipeline operators to verify their records, including Pacific Gas and Electric. The operators should do this on their own accord. In case they do not, this legislation will mandate it.

On September 9th, at 6:11 p.m., a natural gas pipeline in San Bruno, California, just south of San Francisco, exploded, turning a quiet residential area into something resembling a war zone.

The blast in the Crestmoor neighborhood shook the ground like an earthquake.

The first reports suggested it was a plane crash, as the blast site was only two miles from San Francisco International Airport. But as the fire raged on it became clear that something was fueling it.

Firefighters were powerless, as the water main in the area had been burst in the blast. CalFire helicopters were brought in.

The inferno burned for 1 hour and 29 minutes before the gas to the 30-inch transmission pipe could be turned off at two different locations.

One of the valves was 1 mile from the blast, and another was 1.5 miles away.

They were both in secured locations. To shut each valve, a worker needed to drive through rush hour traffic, use a key to get into the area, and attach a handle to the valve to crank it.

It took more than 5 hours to turn off the gas distribution pipelines to the homes on fire.

The blaze damaged or destroyed 55 homes, injured 66, and killed eight people. It consumed 15 acres.

The next day I called the National Transportation Safety Board Chair. Two days later, I visited San Bruno. I walked through the devastation with Christopher Hart, vice chairman of the NTSB.

I saw homes and cars totally incinerated. It was like a bomb had struck.

The sections of pipeline that exploded—now a key part of the investigation—appeared to have ripped apart along longitudinal and circular welds, now 55 years old.

A gaping crater demonstrated the size of the initial blast.

This crater was located at the low point in the valley, where the street and pipeline, that ran down the middle of the street, dipped and rose.

This tragedy shows the heavy toll, in death and destruction, when high pressure natural gas pipelines fail. The risk is unacceptably high.

To address this risk, I join with my colleague, Senator BARBARA BOXER, to introduce the Strengthening Pipeline Safety and Enforcement Act of 2011. The legislation:

Doubles the number of Federal pipeline safety inspectors. The Pipeline and Hazardous Materials Safety Administration currently has 100 pipeline inspectors, responsible for 217,306 miles of interstate pipeline. Each inspector is responsible for 2,173 miles of pipeline—the distance from San Francisco to Chicago. NTSB has recently recommended that inspectors ''must establish an aggressive oversight program that thoroughly examines each operator's decision-making process.'' Doubling the number of inspectors will make this possible.

Verifies Maximum Allowable Operating Pressure. The bill would mandate that pipeline operators comply with NTSB's urgent recommendation to verify the accuracy of each pipeline's Maximum Allowable Operating Pressure.

Specifically, pipeline operators must establish ''a traceable, verifiable and complete'' record of pipeline components in order to verify the ''maximum allowable operating pressure,'' based on the weakest section of the pipeline. Pipelines with incomplete records must be pressure tested or replaced, and must operate at reduced pressure until testing is completed.

Requires deployment of electronic valves capable of automatically shutting off the gas in a fire or other emergency. Manual operated valves must be located, accessed, and physically turn off in an emergency. Automatic valves could dramatically reduce damage caused by a pipeline breach.

Mandates inspections by ''smart pigs,'' or the use of an inspection method certified by the Secretary of Transportation as equally effective at finding corrosion and weld defects. Accident statistics over the past decade identify corrosion as the leading cause of all reported pipeline accidents, and the NTSB has found substantial defects in weld of the pipes in San Bruno.

Prohibits natural gas pipelines from operating at high pressure if they cannot be inspected using the most effective inspection technology. This precautionary approach to pipeline operations assures that pipelines more likely to have undetected problems are operated at lower risk.

Prioritizes old pipelines in seismic areas for the highest level of safety oversight. Today, regulators consider a pipeline's proximity to homes and buildings. Other risk factors are not a defining consideration, even though pipe age and seismicity have a clear impact on the risk of a catastrophic incident.

Directs the Department of Transportation to set standards for natural gas leak detection equipment and methods. Today there are no uniform national standards for how to detect leaks.

Finally, the legislation adopts a number of common-sense provisions proposed by Secretary LaHood to improve pipeline safety, including increasing civil penalties for safety violations; expanding data collection to be

included in the national pipeline mapping system; closing jurisdictional loopholes to assure greater oversight of unregulated pipelines; and requiring consideration of a firm's safety record when considering its request for regulatory waivers.

Senator BOXER and I introduce this legislation in order to initiate quick action to make our pipeline system safer.

We have put forward our best ideas to improve inspection, address old pipes, and advance modern safety technology. We hope to improve these ideas as new information comes forward about the San Bruno tragedy.

For instance, just last week, the NTSB issued a new report, which concluded that the welded seams of the San Bruno pipe were imperfect.

Microscopic and X-ray evidence turned up 27 defects on that longitudinal seam that fell short of current day standards, including too-shallow welds and both debris and gas bubbles trapped inside welds.

For the welds running around the circumference of the pipe, investigators found 166 substandard defects.

This pipeline's weld defects were not discovered during 55 years of inspections, even though the Federal Code of Regulations clearly requires utilities to look for such defects, 49 CFR 192.917.

I hope the committee will take a serious look at how to develop an effective inspection regime to find and address flaws and weaknesses in pipeline welds.

We look forward to working with the Senate Commerce Committee to move and improve this legislation expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 234

*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 ''Strengthening Pipeline Safety and Enforcement Act of 2011''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 49, United States code.
Sec. 3. Additional resources for Pipeline and Hazardous Materials Safety Administration.
Sec. 4. Civil penalties.
Sec. 5. Collection of data on transportation-related oil flow lines.
Sec. 6. Required installation and use in pipelines of remotely or automatically controlled valves.
Sec. 7. Standards for natural gas pipeline leak detection.
Sec. 8. Verification of maximum allowable operating pressure.
Sec. 9. Considerations for identification of high consequence areas.
Sec. 10. Regulation by Secretary of Transportation of gas and hazardous liquid gathering lines.
Sec. 11. Inclusion of non-petroleum fuels and biofuels in definition of hazardous liquid.
Sec. 12. Required periodic inspection of pipelines by instrumented internal inspection devices.
Sec. 13. Minimum safety standards for transportation of carbon dioxide by pipeline.
Sec. 14. Cost recovery for pipeline design reviews by Secretary of Transportation.
Sec. 15. International cooperation and consultation on pipeline safety and regulation.
Sec. 16. Waivers of pipeline standards by Secretary of Transportation.
Sec. 17. Collection of data on pipeline infrastructure for National pipeline mapping system.
Sec. 18. Study of non-petroleum hazardous liquids transported by pipeline.
Sec. 19. Clarification of provisions of law relating to pipeline safety.

**SEC. 2. REFERENCES TO 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.

**SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees of the Pipeline and Hazardous Materials Safety Administration by not fewer than 100 compared to the number of full-time equivalent employees of the Administration employed on the day before the date of the enactment of this Act to carry out the pipeline safety program, of which—

(1) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2011;

(2) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2012;

(3) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2013; and

(4) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training pipeline enforcement personnel.

**SEC. 4. CIVIL PENALTIES.**

(a) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended by striking subsection (c) and inserting the following:

''(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

''(1) IN GENERAL.—If the Secretary determines, after written notice and an opportunity for a hearing, that a person has committed a major consequence violation of subsection (b) or (d) of section 60114, section 60118(a), or a regulation prescribed or order issued under this chapter such person shall be liable to the United States Government for a civil penalty of not more than $250,000 for each such violation.

''(2) SEPARATE VIOLATIONS.—A separate violation occurs for each day the violation continues.

''(3) MAXIMUM CIVIL PENALTY.—The maximum civil penalty under this subsection for a related series of major consequence violations is $2,500,000.

''(4) DEFINITION.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in any of the following:

''(A) One or more deaths.

''(B) One or more injuries or illnesses requiring hospitalization.

''(C) Environmental harm exceeding $250,000 in estimated damage to the environment including property loss.

''(D) A release of gas or hazardous liquid that ignites or otherwise presents a safety threat to the public or presents a threat to the environment in a high consequence area, as defined by the Secretary in accordance with section 60109.''.

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out an inspection or investigation under this chapter.''.

(c) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—Section 60120 is amended by adding at the end the following:

''(d) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—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.—

(1) IN GENERAL.—Section 60119(a)(1) is amended by striking ''about an application for a waiver under section 60118(c) or (d) of'' and inserting ''under''.

(2) CLERICAL AMENDMENT.—The heading for section 60119(a) is amended to read as follows: ''REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS''.

**SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.**

Section 60102 is amended by adding at the end the following:

''(n) COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) IN GENERAL.—The Secretary may collect geospatial, technical, or other pipeline data on transportation-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 production facility where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed.

''(3) CONSTRUCTION.—Nothing in this subsection may be construed to authorize the Secretary to prescribe standards for the movement of oil through—

''(A) production, refining, or manufacturing facilities; or

''(B) oil production flow lines located on the grounds of production facilities.''.

**SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.**

Section 60102(j) is amended by striking paragraph (3) and inserting the following:

''(3) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—

''(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe regulations requiring the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

''(B) CONSULTATIONS.—In developing regulations prescribed in accordance with subparagraph (A), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.''.

**SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DETECTION.**

Section 60102, as amended by sections 5, is further amended by adding at the end the following:

''(o) NATURAL GAS LEAK DETECTION.—Not later than 1 year after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall establish standards for natural gas leak detection equipment and methods, with the goal of establishing a pipeline system in which substantial leaks in high consequence areas are identified as expeditiously as technologically possible.''.

**SEC. 8. VERIFICATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.**

Section 60102, as amended by sections 5 and 7, is further amended by adding at the end the following:

''(p) VERIFICATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

''(1) ESTABLISHMENT OF RECORDS.—

''(A) IN GENERAL.—Not later than 6 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall require pipeline operators to submit to the Secretary a traceable, verifiable, and complete record of all interstate and intrastate natural gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that have not had a maximum allowable operating pressure established through prior, verifiable pressure hydrostatic testing or an equivalent pressure testing method.

''(B) ELEMENTS.—Each traceable, verifiable, and complete record under subparagraph (A) shall include, with respect to a transmission line, the following:

''(i) As-built drawings.

''(ii) Alignment sheets.

''(iii) Specifications.

''(iv) All design, construction, inspection, testing, maintenance, and other related records relating to transmission line system components, such as pipe segments, valves, fittings, and weld seams.

''(v) Such other elements as the Secretary considers appropriate.

''(2) ESTABLISHMENT OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

''(A) IN GENERAL.—Not later than 9 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall require the operator of each natural gas transmission line described in paragraph (1)(A) to determine the maximum allowable operating pressure for the transmission line based on the weakest section of the transmission line or component thereof.

''(B) USE OF TRACEABLE, VERIFIABLE, AND COMPLETE RECORD.—In establishing the maximum allowable operating pressure of a transmission line under subparagraph (A), the operator shall use the traceable, verifiable, and complete record required for such transmissions line under paragraph (1).

''(C) LIMITATION.—A new maximum allowable operating pressure established under this paragraph for a transmission line shall not be higher than the maximum pressure at which the transmission line has operated previously.

''(3) MANDATORY PRESSURE TESTING.—For any segment of a transmission line described in paragraph (1)(A) for which a traceable, verifiable, and complete record is not available under paragraph (1) or for which a valid maximum allowable operating pressure cannot be established under paragraph (2), the Secretary shall require the operator of the transmission line to, not later than 5 years after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011—

''(A) conduct a pressure test and a pressure spike test as expeditiously as economically feasible; or

''(B) replace the transmission line segment.

''(4) ESTABLISHMENT OF INTERIM MAXIMUM ALLOWABLE OPERATING PRESSURE.—For any transmission line described in paragraph (1)(A) for which a traceable, verifiable, and complete record is not available under paragraph (1) or for which a valid maximum allowable operating pressure cannot be established under paragraph (2), the Secretary shall require the operator of the transmission line to establish an interim maximum allowable operating pressure for the transmission line that does not exceed 80 percent of the highest pressure at which the transmission line segment has previously operated, until a pressure test and a pressure spike test are completed under paragraph (3).''.

**SEC. 9. CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.**

Section 60109 is amended by adding at the end the following:

''(g) CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.—In identifying high consequence areas under this section, the Secretary shall consider—

''(1) the seismicity of the area;

''(2) the age of the pipe; and

''(3) whether the pipe at issue can be inspected using the most modern instrumented internal inspection devices.''.

**SEC. 10. REGULATION BY SECRETARY OF TRANSPORTATION OF GAS AND HAZARDOUS LIQUID GATHERING LINES.**

(a) GAS GATHERING LINES.—Paragraph (21) of section 60101(a) is amended to read as follows:

''(21) 'transporting gas' means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce.''.

(b) HAZARDOUS LIQUID GATHERING LINES.—Section 60101(a)(22)(B) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

**SEC. 11. INCLUSION OF NON-PETROLEUM FUELS AND BIOFUELS IN DEFINITION OF HAZARDOUS LIQUID.**

Section 60101(a)(4) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(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, corrosive, or would be harmful to the environment if released in significant quantities; and''.

**SEC. 12. REQUIRED PERIODIC INSPECTION OF PIPELINES BY INSTRUMENTED INTERNAL INSPECTION DEVICES.**

Section 60102(f) is amended by striking paragraph (2) and inserting the following:

''(2) PERIODIC INSPECTIONS.—

''(A) IN GENERAL.—Not later than 270 days after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109.

''(B) INSPECTION WITH INTERNAL INSPECTION DEVICE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the standards prescribed under subparagraph (A) shall require that an inspection shall be conducted at least once every 5 years with an instrumented internal inspection device.

''(ii) EXCEPTION FOR SEGMENTS WHERE DEVICES CANNOT BE USED.—If a device described in clause (i) cannot be used in a segment of a pipeline, the standards prescribed in subparagraph (A) shall require use of an inspection method that the Secretary certifies to be at least as effective as using the device in—

''(I) detecting corrosion;

''(II) detecting pipe stress;

''(III) detecting seam and weld stress, weakness, or defect; and

''(IV) otherwise providing for the safety of the pipeline.

''(C) OPERATION UNDER HIGH PRESSURE.—The Secretary shall prohibit a pipeline segment from operating above 80 percent of its maximum allowable operating pressure if the pipeline segment cannot be inspected—

''(i) with a device described in clause (i) of subparagraph (B) in accordance with the standards prescribed pursuant to such clause; or

''(ii) using an inspection method described in clause (ii) of such subparagraph in accordance with the standards prescribed pursuant to such clause.''.

**SEC. 13. MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE.**

Subsection (i) of section 60102 is amended to read as follows:

''(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—Not later than 5 years after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.''.

**SEC. 14. COST RECOVERY FOR PIPELINE DESIGN REVIEWS BY SECRETARY OF TRANSPORTATION.**

Subsection (n) of section 60117 is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the construction, expansion, or operation to pay the costs incurred by the Secretary relating to such reviews.

''(2) FEE STRUCTURE AND COLLECTION PROCEDURES.—If the Secretary exercises the authority under paragraph (1) with respect to conducting facility design safety reviews, the Secretary shall prescribe—

''(A) a fee structure and assessment methodology that is based on the costs of providing such reviews; and

''(B) procedures to collect fees.

''(3) ADDITIONAL AUTHORITY.—This authority is in addition to the authority provided under section 60301.

''(4) NOTIFICATION.—For any pipeline construction project beginning after the date of the enactment of this subsection in which the Secretary conducts design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials not later than 120 days prior to the commencement of such project.

''(5) PIPELINE SAFETY DESIGN REVIEW FUND.—

''(A) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Design Review Fund' (in this paragraph referred to as the 'Fund').

''(B) ELEMENTS.—There shall be deposited in the fund the following, which shall constitute the assets of the Fund:

''(i) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this subsection.

''(ii) All other amounts received by the Secretary incident to operations relating to reviews described in paragraph (1).

''(C) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to carry out the provisions of this chapter.''.

**SEC. 15. INTERNATIONAL COOPERATION AND CONSULTATION ON PIPELINE SAFETY AND REGULATION.**

Section 60117 is amended by adding at the end the following:

''(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

''(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—Subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks if the Secretary determines that such activities would benefit the United States. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

''(2) CONSULTATION.—Subject to guidance from the Secretary of State, the Secretary may, to the extent practicable, consult with interested authorities in Canada, Mexico, and other interested authorities to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

''(3) CONSTRUCTION REGARDING DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section shall be construed to require that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.''.

**SEC. 16. WAIVERS OF PIPELINE STANDARDS BY SECRETARY OF TRANSPORTATION.**

(a) NONEMERGENCY WAIVERS.—Paragraph (1) of section 60118(c) is amended to read as follows:

''(1) NONEMERGENCY WAIVERS.—

''(A) IN GENERAL.—Upon receiving an application from an owner or operator of a pipeline facility, the Secretary may, by order, waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on such terms as the Secretary considers appropriate, if the Secretary determines that such waiver is not inconsistent with pipeline safety.

''(B) CONSIDERATIONS.—In determining whether to grant a waiver under subparagraph (A), the Secretary shall consider—

''(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

''(ii) the applicant's compliance history;

''(iii) the applicant's accident history; and

''(iv) any other information the Secretary considers relevant to making the determination.

''(C) EFFECTIVE PERIOD.—

''(i) OPERATING REQUIREMENTS.—A waiver of 1 or more pipeline operating requirements under subparagraph (A) shall be effective for an initial period of not longer than 5 years and may be renewed by the Secretary upon application for successive periods of not longer than 5 years each.

''(ii) DESIGN OR MATERIALS REQUIREMENT.—If the Secretary determines that a waiver of a design or materials requirement is warranted under subparagraph (A), the Secretary may grant the waiver for any period the Secretary considers appropriate.

''(D) PUBLIC NOTICE AND HEARING.—The Secretary may waive compliance under subparagraph (A) only after public notice and hearing, which may consist of—

''(i) publication of notice in the Federal Register that an application for a waiver has been filed; and

''(ii) providing the public with the opportunity to review and comment on the application.

''(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a recipient of a waiver under subparagraph (A) and opportunity to show cause, the Secretary may modify, suspend, or revoke such waiver for—

''(i) failure of the recipient to comply with the terms or conditions of the waiver;

''(ii) intervening changes in Federal law;

''(iii) a material change in circumstances affecting safety; including erroneous information in the application; and

''(iv) such other reasons as the Secretary considers appropriate.''.

(b) FEES.—Section 60118(c) is amended by adding at the end the following:

''(4) FEES.—

''(A) IN GENERAL.—The Secretary shall establish reasonable fees for processing applications for waivers under this subsection that are based on the costs of activities relating to waivers under this subsection. Such fees may include a basic filing fee, as well as fees to recover the costs of technical studies or environmental analysis for such applications.

''(B) PROCEDURES.—The Secretary shall prescribe procedures for the collection of fees under subparagraph (A).

''(C) ADDITIONAL AUTHORITY.—The authority provided under subparagraph (A) is in addition to the authority provided under section 60301.

''(D) PIPELINE SAFETY SPECIAL PERMIT FUND.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Special Permit Fund' (in this subparagraph referred to as the 'Fund').

''(ii) ELEMENTS.—There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

''(I) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this paragraph.

''(II) All other amounts received by the Secretary incident to operations relating to activities described in subparagraph (A).

''(iii) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to process applications for waivers under this subsection.''.

**SEC. 17. COLLECTION OF DATA ON PIPELINE INFRASTRUCTURE FOR NATIONAL PIPELINE MAPPING SYSTEM.**

Section 60132 is amended—

(1) in the matter before paragraph (1), by striking ''Not later than 6 months after the date of the enactment of this section, the'' and inserting ''Each'';

(2) in subsection (a), by adding at the end the following:

''(4) Such other geospatial, technical, or other pipeline data, including design and material specifications, as the Secretary considers necessary to carry out the purposes of this chapter, including preconstruction design reviews and compliance inspection prioritization.''; and

(3) by adding at the end the following:

''(d) NOTICE.—The Secretary shall give reasonable notice to the operator of a pipeline facility of any data being requested under this section.''.

**SEC. 18. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.**

(a) AUTHORITY TO CARRY OUT ANALYSIS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation shall conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines 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 shall identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation.

(b) REPORT.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the Secretary with respect to the analysis conducted pursuant to subsection (a).

**SEC. 19. CLARIFICATION OF PROVISIONS OF LAW RELATING TO PIPELINE SAFETY.**

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

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

(c) ONE CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: ''This limitation shall not apply to proceedings against persons who are pipeline operators.''.

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By Mr. ROCKEFELLER (for himself, Mr. JOHNSON of South Dakota, Mr. LEAHY, Ms. SNOWE, Mr. KERRY, and Mr. WYDEN):

S. 242. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

Mr. ROCKEFELLER. Mr. President, I rise before you today with Senators SNOWE, LEAHY, WYDEN, JOHNSON and KERRY to introduce important legislation—the Guardians of Freedom Act of 2011—which will make the Chief of the National Guard Bureau a member of

the Joint Chiefs of Staff. This legislation will strengthen our national security both abroad and here at home.

The Joint Chiefs of Staff does an outstanding job providing support to the Secretary of Defense and performing oversight of military personnel and resources within the Department of Defense. However, it lacks the voice of the Chief of the National Guard Bureau who represents more than twenty percent of the uniformed service members.

This is important because each member of the Joint Chiefs of Staff is a military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. In that role, they may offer their advice and opinions to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. And, as we all know, the National Guard has important homeland security responsibilities in addition to national defense responsibilities.

As the former Governor of West Virginia, I cannot say enough about the importance of the National Guard. The National Guard is always there. Whether it is flooding, snow storms, tornadoes, or other disasters, the National Guard comes to the rescue of communities in every State throughout our Nation. And, I would bet that there is a member of the National Guard living in every single congressional district and every single community in our country. These citizen-soldiers are our Governors' emergency force.

Unlike our active-duty forces, the National Guard has both a State and Federal mission. Now I'm not taking anything away from our active-duty or reserve forces as they have always performed, and will continue to perform, in an outstanding fashion. However, the National Guard is unique in that it serves each State's Governor in addition to the President and Commander-in-Chief.

The National Guard's State mission includes responding to natural and man-made disasters as well as domestic emergencies. They have been called to respond to hurricanes, floods and snow storms. They serve next door to each of us.

Among the National Guard's Federal responsibilities is providing homeland defense and defense support to civil authorities. The National Guard accomplishes its Federal mission through a variety of programs. One of those programs is the Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Teams, which respond to incidents and support local, State, and Federal agencies as they conduct decontamination, medical support, and casualty search and extraction.

Last year's Quadrennial Defense Review acknowledged that the Department of Defense must be prepared to provide appropriate support to civil authorities. One key finding of the Quadrennial Defense Review was the recognition of the need to field faster, more flexible chemical, biological, radiological, nuclear, and high-yield explosives events consequence management response forces. As a result of this finding, the National Guard will build a Homeland Response Force in each of the 10 Federal Emergency Management Agency regions. These 10 Homeland Response Forces will provide the needed response capability. These are just two of the many ways in which the National Guard works directly with the homeland security community as the central connection between the Federal Government and State and local officials. And, I would be remiss if I did not mention that a primary training unit for these Homeland Response Forces is the West Virginia National Guard's Joint Interagency Training & Education Center.

These Federal programs, along with the National Guard's State mission, clearly illustrate the National Guard's unequivocal role in protecting our home front. And, it goes without saying that our Guard members make tremendous contributions to military operations outside of the United States.

Today, tens of thousands of Guard members train with first responders and protect life and property here at home, while also engaging in combat operations in far-off, dangerous locations—including Iraq and Afghanistan.

Since September 11, 2001, our National Guardsmen have been called upon to deploy abroad at a higher rate than ever before. At the same time their domestic and State missions have expanded. Given the National Guard's role in defending our country, it is important that the National Guard be resourced and equipped to fulfill its dual mission.

Our Guard members must be assured of the ability to meet their obligations to their Governors, their next door neighbors, and to our Nation as a whole. In order to do that, the National Guard's voice must be heard at the highest levels of our government.

By making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff, the Guardians of Freedom Act of 2011 will guarantee that the National Guard is a part of the discussion as the Nation responds to threats both foreign and domestic. It also makes certain that the concerns of the Nation's Governors are considered when resources are scarce. And it will build upon the relationship developed between the active-duty forces and the National Guard, a bond has been strengthened as a result of the ongoing operations.

Before I end my remarks, I want to acknowledge Major General Allen Tackett, the Adjutant General of the West Virginia National Guard for the last 15 years and the longest serving Adjutant General in the country. Major General Tackett is retiring today after enlisting in the Army more than 45 years ago. He has been a great partner and visionary over the years. He led the transformation of the West Virginia National Guard and, according to General McKinley, Chief of the National Guard Bureau, is leaving West Virginia with the Nation's finest National Guard. I can honestly say that we are better off as a Nation because he chose to dedicate his life to defending ours. Thank you, Major General Tackett. God smiled on West Virginia the day he gave us you, and we are eternally grateful.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 34—DESIGNATING THE WEEK OF FEBRUARY 7 THROUGH 11, 2011, AS ''NATIONAL SCHOOL COUNSELING WEEK''

Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LEVIN, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 34

Whereas the American School Counselor Association has designated the week of February 7 through 11, 2011, as ''National School Counseling Week'';

Whereas the importance of school counseling has been recognized through the inclusion of elementary and secondary school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 457-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it