

108TH CONGRESS
2^D SESSION

H. R. 5163

IN THE SENATE OF THE UNITED STATES

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Received

AN ACT

To amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Norman Y. Mineta
3 Research and Special Programs Improvement Act”.

4 **SEC. 2. PIPELINE AND HAZARDOUS MATERIALS SAFETY AD-**
5 **MINISTRATION.**

6 (a) IN GENERAL.—Section 108 of title 49, United
7 States Code, is amended to read as follows:

8 **“§ 108. Pipeline and Hazardous Materials Safety Ad-**
9 **ministration**

10 “(a) IN GENERAL.—The Pipeline and Hazardous
11 Materials Safety Administration shall be an administra-
12 tion in the Department of Transportation.

13 “(b) SAFETY AS HIGHEST PRIORITY.—In carrying
14 out its duties, the Administration shall consider the as-
15 signment and maintenance of safety as the highest pri-
16 ority, recognizing the clear intent, encouragement, and
17 dedication of Congress to the furtherance of the highest
18 degree of safety in pipeline transportation and hazardous
19 materials transportation.

20 “(c) ADMINISTRATOR.—The head of the Administra-
21 tion shall be the Administrator who shall be appointed by
22 the President, by and with the advice and consent of the
23 Senate, and shall be an individual with professional experi-
24 ence in pipeline safety, hazardous materials safety, or
25 other transportation safety. The Administrator shall re-
26 port directly to the Secretary of Transportation.

1 “(d) DEPUTY ADMINISTRATOR.—The Administration
2 shall have a Deputy Administrator who shall be appointed
3 by the Secretary. The Deputy Administrator shall carry
4 out duties and powers prescribed by the Administrator.

5 “(e) CHIEF SAFETY OFFICER.—The Administration
6 shall have an Assistant Administrator for Pipeline and
7 Hazardous Materials Safety appointed in the competitive
8 service by the Secretary. The Assistant Administrator
9 shall be the Chief Safety Officer of the Administration.
10 The Assistant Administrator shall carry out the duties and
11 powers prescribed by the Administrator.

12 “(f) DUTIES AND POWERS OF THE ADMINIS-
13 TRATOR.—The Administrator shall carry out—

14 “(1) duties and powers related to pipeline and
15 hazardous materials transportation and safety vested
16 in the Secretary by chapters 51, 57, 61, 601, and
17 603; and

18 “(2) other duties and powers prescribed by the
19 Secretary.

20 “(g) LIMITATION.—A duty or power specified in sub-
21 section (f)(1) may be transferred to another part of the
22 Department of Transportation or another government en-
23 tity only if specifically provided by law.”.

24 (b) TRANSFER OF DUTIES AND POWERS OF RE-
25 SEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—

1 The authority of the Research and Special Programs Ad-
2 ministration exercised under chapters 51, 57, 61, 601, and
3 603 of title 49, United States Code, is transferred to the
4 Administrator of the Pipeline and Hazardous Materials
5 Safety Administration.

6 (c) CONFORMING AMENDMENTS.—

7 (1) CHAPTER ANALYSIS.—The analysis for
8 chapter 1 of title 49, United States Code, is amend-
9 ed by striking the item relating to section 108 and
10 inserting the following:

“108. Pipeline and Hazardous Materials Safety Administration.”.

11 (2) DOT INSPECTORS.—Section 5118(b)(3)(A)
12 of title 49, United States Code, is amended by strik-
13 ing “Research and Special Programs Administra-
14 tion” and inserting “Pipeline and Hazardous Mate-
15 rials Safety Administration”.

16 (3) NTSB SAFETY RECOMMENDATIONS.—Sec-
17 tion 19(a) of the Pipeline Safety Improvement Act
18 of 2002 (49 U.S.C 1135 note; 116 Stat. 3009) is
19 amended by striking “Research and Special Pro-
20 gram Administration” and inserting “Pipeline and
21 Hazardous Materials Safety Administration”.

22 (4) NATIONAL MARITIME ENHANCEMENTS IN-
23 STITUTES.—Section 8(f)(2) of Public Law 101–115
24 (46 U.S.C. App. 1121–2(f)(2)) is amended by strik-
25 ing “Research and Special Programs Administra-

1 tion” and inserting “Research and Innovative Tech-
2 nology Administration”.

3 (5) OIL POLLUTION RESEARCH AND DEVELOP-
4 MENT PROGRAM.—Section 7001 of the Oil Pollution
5 Act of 1990 (33 U.S.C. 2761) is amended—

6 (A) in subsection (a)(3) by striking “Re-
7 search and Special Projects Administration”
8 and inserting “Pipeline and Hazardous Mate-
9 rials Safety Administration”; and

10 (B) in subsection (c)(11) by striking “Re-
11 search and Special Programs Administration”
12 and inserting “Pipeline and Hazardous Mate-
13 rials Safety Administration”.

14 (6) PENALTIES.—Section 844(g)(2)(B) of title
15 18, United State Code, is amended by striking “Re-
16 search and Special Projects Administration” and in-
17 serting “Pipeline and Hazardous Materials Safety
18 Administration”.

19 (d) EXECUTIVE SCHEDULE PAY RATE.—Section
20 5314 of title 5, United States Code, is amended by adding
21 at the end the following:

22 “Administrator, Pipeline and Hazardous Mate-
23 rials Safety Administration.”.

1 **SEC. 3. BUREAU OF TRANSPORTATION STATISTICS.**

2 (a) ESTABLISHMENT.—Section 111(a) of title 49,
3 United States Code, is amended by striking “in the De-
4 partment of Transportation” and inserting “in the Re-
5 search and Innovative Technology Administration”.

6 (b) APPOINTMENT OF DIRECTOR.—Section 111(b) of
7 title 49, United States Code, is amended—

8 (1) by striking paragraph (1) and inserting the
9 following:

10 “(1) APPOINTMENT.—The Bureau shall be
11 headed by a Director who shall be appointed in the
12 competitive service by the Secretary.”; and

13 (2) by striking paragraphs (3) and (4).

14 (c) EXECUTIVE SCHEDULE PAY RATE.—Section
15 5316 of title 5, United States Code, is amended by strik-
16 ing the undesignated paragraph relating to the Director,
17 Bureau of Transportation Statistics.

18 **SEC. 4. RESEARCH AND INNOVATIVE TECHNOLOGY ADMIN-**
19 **ISTRATION.**

20 (a) IN GENERAL.—Section 112 of title 49, United
21 States Code, is amended—

22 (1) by striking the section heading and insert-
23 ing the following:

1 **“§ 112. Research and Innovative Technology Adminis-**
2 **tration”;**

3 (2) by striking subsection (a) and inserting the
4 following:

5 “(a) ESTABLISHMENT.—The Research and Innova-
6 tive Technology Administration shall be an administration
7 in the Department of Transportation.”;

8 (3) by striking subsection (d) and inserting the
9 following:

10 “(d) POWERS AND DUTIES OF THE ADMINIS-
11 TRATOR.—The Administrator shall carry out—

12 “(1) powers and duties prescribed by the Sec-
13 retary for—

14 “(A) coordination, facilitation, and review
15 of the Department’s research and development
16 programs and activities;

17 “(B) advancement, and research and devel-
18 opment, of innovative technologies, including in-
19 telligent transportation systems;

20 “(C) comprehensive transportation statis-
21 tics research, analysis, and reporting;

22 “(D) education and training in transpor-
23 tation and transportation-related fields; and

24 “(E) activities of the Volpe National
25 Transportation Center; and

1 “(2) other powers and duties prescribed by the
2 Secretary.”; and

3 (4) by striking subsection (e).

4 (b) CLARIFICATION.—

5 (1) IN GENERAL.—Nothing in this Act shall
6 grant any authority to the Research and Innovative
7 Technology Administration over research and other
8 programs, activities, standards, or regulations ad-
9 ministered by the Secretary of Transportation
10 through the National Highway Traffic Safety Ad-
11 ministration.

12 (2) APPLICABILITY.—Paragraph (1) shall not
13 apply to the research and other programs, activities,
14 standards, or regulations provided for in highway
15 and traffic safety programs, administered by the
16 Secretary through the National Highway Traffic
17 Safety Administration, in title 23, United States
18 Code, and chapter 303 of title 49, United States
19 Code, as in effect on the date of enactment of this
20 Act.

21 (c) OFFICE OF INTERMODALISM.—Section 5503(a) of
22 title 49, United States Code, is amended to read as fol-
23 lows:

1 “(a) ESTABLISHMENT.—There is established in the
2 Research and Innovative Technology Administration an
3 Office of Intermodalism.”.

4 (d) TRANSFER OF POWERS AND DUTIES OF RE-
5 SEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—
6 The authority of the Research and Special Programs Ad-
7 ministration, other than authority exercised under chap-
8 ters 51, 57, 61, 601, and 603 of title 49, United States
9 Code, is transferred to the Administrator of the Research
10 and Innovative Technology Administration.

11 (e) CONFORMING AMENDMENT.—The analysis for
12 chapter 1 of title 49, United States Code, is amended by
13 striking the item relating to section 112 and inserting the
14 following:

“112. Research and Innovative Technology Administration.”.

15 (f) EXECUTIVE SCHEDULE PAY RATE.—Section
16 5314 of title 5, United States Code, is amended by strik-
17 ing the undesignated paragraph relating to the Adminis-
18 trator, Research and Special Programs Administration
19 and inserting the following:

20 “Administrator, Research and Innovative Tech-
21 nology Administration.”.

22 (g) REPORT.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the date of enactment of this Act, the Adminis-
25 trator of the Research and Innovative Technology

1 Administration shall submit to the Committee on
2 Transportation and Infrastructure and the Com-
3 mittee on Science of the House of Representatives
4 and the Committee on Commerce, Science, and
5 Transportation of the Senate a report on the re-
6 search activities of the Department of Transpor-
7 tation.

8 (2) CONTENTS.—The report shall include—

9 (A) a summary of the mission and stra-
10 tegic goals of the Administration;

11 (B) a prioritized list of the research and
12 development activities that the Department in-
13 tends to pursue over the next 5 years;

14 (C) a description of the primary purposes
15 for conducting such research and development
16 activities, such as reducing traffic congestion,
17 improving mobility, and promoting safety;

18 (D) an estimate of the funding levels need-
19 ed to implement such research and development
20 activities for the current fiscal year; and

21 (E) any additional information the Admin-
22 istrator considers appropriate.

23 (3) DEVELOPMENT.—In developing the report,
24 the Administrator shall—

1 (A) solicit input from a wide range of
2 stakeholders;

3 (B) take into account how the research
4 and development activities of other Federal,
5 State, private sector, and not-for-profit institu-
6 tions contribute to the achievement of the pur-
7 poses identified under paragraph (2)(C); and

8 (C) address methods to avoid unnecessary
9 duplication of efforts in achieving such pur-
10 poses.

11 **SEC. 5. SAVINGS PROVISIONS.**

12 (a) TRANSFER OF ASSETS AND PERSONNEL.—Per-
13 sonnel, property, and records employed, used, held, avail-
14 able, or to be made available in connection with functions
15 transferred within the Department of Transportation by
16 this Act shall be transferred for use in connection with
17 the functions transferred, and unexpended balances of ap-
18 propriations, allocations, and other funds (including funds
19 of any predecessor entity) shall also be transferred accord-
20 ingly.

21 (b) LEGAL DOCUMENTS.—All orders, determinations,
22 rules, regulations, permits, grants, loans, contracts, settle-
23 ments, agreements, certificates, licenses, and privileges—

24 (1) that have been issued, made, granted, or al-
25 lowed to become effective by any officer or employee,

1 or any other Government official, or by a court of
2 competent jurisdiction, in the performance of any
3 function that is transferred by this Act; and

4 (2) that are in effect on the effective date of
5 such transfer (or become effective after such date
6 pursuant to their terms as in effect on such effective
7 date),

8 shall continue in effect according to their terms until
9 modified, terminated, superseded, set aside, or revoked in
10 accordance with law by the Department, any other author-
11 ized official, a court of competent jurisdiction, or operation
12 of law.

13 (c) PROCEEDINGS.—The provisions of this Act shall
14 not affect any proceedings, including administrative en-
15 forcement actions, pending before this Act takes effect, in-
16 sofar as those functions are transferred by this Act; but
17 such proceedings, to the extent that they relate to func-
18 tions so transferred, shall proceed in accordance with ap-
19 plicable law and regulations. Nothing in this subsection
20 shall be deemed to prohibit the conclusion or modification
21 of any proceeding described in this subsection under the
22 same terms and conditions and to the same extent that
23 such proceeding could have been concluded or modified if
24 this Act had not been enacted. The Secretary of Transpor-

1 tation is authorized to provide for the orderly transfer of
2 pending proceedings.

3 (d) SUITS.—

4 (1) IN GENERAL.—This Act shall not affect
5 suits commenced before the date of enactment of
6 this Act, except as provided in paragraphs (2) and
7 (3). In all such suits, proceedings shall be had, ap-
8 peals taken, and judgments rendered in the same
9 manner and with the same effect as if this Act had
10 not been enacted.

11 (2) SUITS BY OR AGAINST DEPARTMENT.—Any
12 suit by or against the Department begun before the
13 date of enactment of this Act, shall proceed in ac-
14 cordance with applicable law and regulations, insofar
15 as it involves a function retained and transferred
16 under this Act.

17 (3) PROCEDURES FOR REMANDED CASES.—If
18 the court in a suit described in paragraph (1) re-
19 mands a case, subsequent proceedings related to
20 such case shall proceed under procedures that are in
21 accordance with applicable law and regulations as in
22 effect at the time of such subsequent proceedings.

23 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
24 CERS.—No suit, action, or other proceeding commenced

1 by or against any officer in his or her official capacity
2 shall abate by reason of the enactment of this Act.

3 (f) EXERCISE OF AUTHORITIES.—An officer or em-
4 ployee of the Department, for purposes of performing a
5 function transferred by this Act, may exercise all authori-
6 ties under any other provision of law that were available
7 with respect to the performance of that function to the
8 official responsible for the performance of the function im-
9 mediately before the effective date of the transfer of the
10 function by this Act.

11 (g) REFERENCES.—A reference relating to an agen-
12 cy, officer, or employee affected by this Act in any Federal
13 law, Executive order, rule, regulation, or delegation of au-
14 thority, or in any document pertaining to an officer or em-
15 ployee, is deemed to refer, as appropriate, to the agency,
16 officer, or employee who succeeds to the functions trans-
17 ferred by this Act.

18 (h) DEFINITION.—In this section, the term “this
19 Act” includes the amendments made by this Act.

20 **SEC. 6. REPORTS.**

21 (a) REPORTS BY THE INSPECTOR GENERAL.—Not
22 later than 30 days after the date of enactment of this Act,
23 the Inspector General of the Department of Transpor-
24 tation shall submit to the Secretary of Transportation and
25 the Administrator of the Pipeline and Hazardous Mate-

1 rials Safety Administration a report containing the fol-
2 lowing:

3 (1) A list of each statutory mandate regarding
4 pipeline safety or hazardous materials safety that
5 has not been implemented.

6 (2) A list of each open safety recommendation
7 made by the National Transportation Safety Board
8 or the Inspector General regarding pipeline safety or
9 hazardous materials safety.

10 (b) REPORTS BY THE SECRETARY.—

11 (1) STATUTORY MANDATES.—Not later than 90
12 days after the date of enactment of this Act, and
13 every 180 days thereafter until each of the mandates
14 referred to in subsection (a)(1) has been imple-
15 mented, the Secretary shall transmit to the Com-
16 mittee on Transportation and Infrastructure and the
17 Committee on Energy and Commerce of the House
18 of Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate a report
20 on the specific actions taken to implement such
21 mandates.

22 (2) NTSB AND INSPECTOR GENERAL REC-
23 OMMENDATIONS.—Not later than January 1st of
24 each year, the Secretary shall transmit to the Com-
25 mittee on Transportation and Infrastructure and the

1 Committee on Energy and Commerce of the House
2 of Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a report
4 containing each recommendation referred to in sub-
5 section (a)(2) and a copy of the Department of
6 Transportation response to each such recommenda-
7 tion.

8 **SEC. 7. DEADLINE FOR TRANSFERS.**

9 The Secretary shall provide for the orderly transfer
10 of duties and powers under this Act, including the amend-
11 ments made by this Act, as soon as practicable but not
12 later than 90 days after the date of enactment of this Act.

Passed the House of Representatives October 7 (leg-
islative day, October 6), 2004.

Attest:

JEFF TRANDAHL,

Clerk.