

NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS  
REORGANIZATION ACT

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OCTOBER 6, 2004.—Ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5163]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5163) 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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 5163, the “Norman Y. Mineta Research and Special Programs Reorganization Act”, reorganizes the current Research and Special Programs Administration (RSPA) into two new Administrations. The new Research and Innovative Technologies Administration (RITA) succeeds to all the research authority currently exercised by RSPA, and includes such other duties and powers prescribed by the Secretary that advance the research goals of RITA.

The new Pipeline and Hazardous Materials Safety Administration (PHMSA) succeeds to all the authority currently exercised by RSPA with regard to pipeline safety and will also include all current law hazardous materials authority exercised by the Office of Hazardous Materials. The powers and duties of the Administrator shall be to carry out the duties and powers related to pipeline or hazardous materials transportation and safety vested in the Secretary by chapters 51, 57, 61, 601, and 603 of title 49, United States Code.

## BACKGROUND AND NEED FOR THE LEGISLATION

Authority for research and development at the Department of Transportation is spread across several agencies and administrations, including the Research and Special Programs Administration. While each agency and administration to some large extent controls its own specific research according to its own mission, duplication and a lack of coordination can result. The by-product of such “stove-pipe” research efforts are inefficiencies and poor strategic planning. The RSPA research role in the Department has been criticized for being unclear, and confused with additional responsibilities unrelated to research such as the responsibilities for the Office of Pipeline Safety.

The need to clarify the role of RSPA with respect to both research and pipeline safety, as well as the need to avoid Department-wide research duplication and inefficiency, lead to the conclusion that RSPA should be reorganized into two new Administrations.

The RITA created by this Act succeeds to all the research authority currently exercised by RSPA, and includes such other duties and powers prescribed by the Secretary that advance the research goals of RITA. The RITA will avoid duplication of research efforts within the Department without forcing individual agencies and administrations to abandon their own unique research challenges, goals and plans. The RITA will also provide strategic clarity to the Department’s multi-modal and intermodal research efforts, while coordinating the multifaceted research agenda of the Department.

The Administrator of PHMSA created by this Act shall carry out the duties and powers related to pipeline or hazardous materials transportation and safety vested in the Secretary by chapters 51, 57, 61, 601, and 603 of title 49, United States Code. The PHMSA will improve the Department’s oversight and regulation of pipeline safety and hazardous materials.

## SUMMARY OF THE LEGISLATION

### SEC 1. SHORT TITLE

Section 1 provides that the short title for this legislation is the “Norman Y. Mineta Research and Special Programs Reorganization Act.”

### SEC 2. PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Section 2 amends Section 108 of title 49, United States Code, to establish, as a separate Administration within the Department of Transportation, the Pipeline and Hazardous Materials Safety Administration (PHMSA). This section provides that the Administrator shall consider the assignment and maintenance of safety in pipeline transportation and hazardous materials transportation as the highest priority of the Administration.

Section 2 establishes that PHMSA shall be headed by an Administrator who is appointed by the President, with the advice and consent of the Senate. The Administrator shall have professional experience in pipeline safety, hazardous materials safety, or other transportation safety. PHMSA shall also have a Deputy Administrator appointed by the Secretary and a Chief Safety Officer ap-

pointed in the competitive service by the Secretary. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to pipeline and hazardous materials transportation and safety set forth in chapters 51, 57, 61, 601, and 603 of title 49, United States Code. These duties or powers may be transferred to another part of the Department of Transportation or another government entity only if specifically provided by law.

The Committee strongly urges the Departments of Transportation and Homeland Security and the Departments of Transportation and Energy, separately, to execute Memoranda of Understanding governing the roles, responsibilities, and resources of the Departments in addressing pipeline and hazardous materials transportation security matters, upon establishment of the new Pipeline and Hazardous Materials Safety Administration.

### SEC. 3. BUREAU OF TRANSPORTATION STATISTICS

Section 3 transfers the Bureau of Transportation Statistics (BTS) to the Research and Innovative Technology Administration (RITA). The BTS is headed by a Director appointed in the competitive service by the Secretary.

It is the Committee's view that the BTS has accomplished a great deal, but has not lived up to its potential. The Committee notes that the BTS has not had a Director (in a non-acting position) for the last two years. The Committee recognizes that our transportation system depends on high quality, reliable and objective data and information, and the BTS must meet the needs of both the Secretary of Transportation and transportation decision-makers throughout the public and private sectors. Because the BTS must serve the needs of transportation decision-makers outside of the Department, it is critical that the BTS Director be given the necessary autonomy to organize and manage the Bureau in order to develop the BTS into a credible statistical agency to meet these diverse needs. The Committee urges the Secretary to quickly appoint a Director to the BTS and to empower that Director to hire staff as needed and organize the BTS so that the BTS can meet its full potential. The Committee also urges the Secretary to empower the BTS to collect and analyze information and prepare reports as the Director deems appropriate to meet the needs of, and in consultation with, the Secretary, the modal Administrators, the Advisory Council on Transportation Statistics, and other public and private transportation decision-makers.

### SEC. 4. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

Section 4 amends Section 112 of title 49, United States Code, to establish, as a separate Administration within the Department of Transportation, the Research and Innovative Technology Administration (RITA).

Section 4 establishes that RITA shall be headed by an Administrator who is appointed by the President, with the advice and consent of the Senate. RITA shall also have a Deputy Administrator appointed by the Secretary.

In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the powers and duties prescribed by the Secretary for coordination, facilitation, and review of the De-

partment's research and development programs and activities; advancement, and research and development, of innovative technologies, including intelligent transportation systems; comprehensive transportation statistics research, analysis, and reporting; education and training in transportation and transportation-related fields, including the University Transportation Centers; and activities of the Volpe National Transportation Center.

Section 4 also transfers the Department of Transportation's Office of Intermodalism to the Research and Innovative Technology Administration of the Department of Transportation.

The Committee has favorably reported a bill to create the Research and Innovative Technology Administration (RITA) combining the Research and Special Programs Administration and the Bureau of Transportation Statistics. As part of the background information, the Administration advised that it may exercise current authority to transfer the ITS Joint Program Office to the newly created RITA. Given the ongoing work to complete a multi-year reauthorization bill, the Committee expects that such a transfer will not take place until the Congress has enacted the final provisions of the ITS program, but without prejudice to the Administration's efforts to prepare for such a transfer.

#### SEC. 5. SAVINGS PROVISIONS

The savings provisions are intended to provide for the orderly transfer of personnel and property from the Research and Special Programs Administration to the new Pipeline and Hazardous Materials Safety Administration and the new Research and Innovative Technology Administration. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Research and Special Programs Administration or its employees, in their official function, continue as if this Act had not been enacted. Further, the section assures the authority of officials of the Pipeline and Hazardous Materials Safety Administration and the Research and Innovative Technology Administration to continue the functions and performances that had been previously performed by officials of the Research and Special Programs Administration, and deems any reference to the Research and Special Programs Administration, or its predecessors, to apply to the Pipeline and Hazardous Materials Safety Administration and the Research and Innovative Technology Administration.

#### SEC. 6. REPORTS

In March 2000, the Inspector General of the Department of Transportation released an audit report reviewing the Department's role in promoting and overseeing pipeline safety. In that report, the Inspector General recommended that the Office of Pipeline Safety fulfill the pipeline safety mandates from legislation enacted in 1992 and 1996 and establish timetables to implement open National Transportation Safety Board pipeline safety recommendations.

On June 14, 2004, the Inspector General released another audit report which found that of the 31 mandates from legislation en-

acted in 1992 and 1996, six mandates have not been implemented, and all are over eight years past due. Separately, seven NTSB safety recommendations remain open, two of which were identified in the March 2000 report.

Subsection (a) therefore requires the Inspector General of the Department of Transportation to submit to the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration, within 30 days after the date of enactment of the Act, a report containing a list of each statutory mandate regarding pipeline safety or hazardous materials safety that has not been implemented; and a list of each open safety recommendation made by the National Transportation Safety Board or the Inspector General regarding pipeline safety or hazardous materials safety.

Subsection (b) requires the Secretary of Transportation to transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the specific actions taken to implement such statutory mandates. The report is due no later than 90 days after the date of enactment of this Act, and every 180 days thereafter until each of the mandates has been implemented.

Subsection (b) also requires the Secretary of Transportation to transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report containing each open safety recommendation made by the National Transportation Safety Board or the Inspector General regarding pipeline safety or hazardous materials safety and a copy of the Department of Transportation's response to each such recommendation. The initial report is due by January 1, 2005.

#### SEC. 7. DEADLINE FOR TRANSFERS

This section provides for the orderly transfer of duties and powers under this Act, including the amendments made by this Act, as soon as practicable but not later than 90 days after the date of its enactment.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 5163 was introduced on September 29, 2004 by Chairman Young and Ranking Minority Member Oberstar and referred to Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

The Transportation and Infrastructure Committee's subcommittee on Highways, Transit and Pipelines was discharged from further consideration of the bill on September 29, 2004. On September 29, 2004, the Transportation and Infrastructure Committee marked up the bill and ordered it reported by voice vote.

## ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no roll call votes in Transportation and Infrastructure Committee on this bill.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to improve the efficiency of the Department of Transportation's research efforts, and to improve the safety regulation of pipeline and hazardous materials.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 5163 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 5, 2004.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5163, the Norman Y. Mineta Research and Special Programs Reorganization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg.

Sincerely,

ELIZABETH M. ROBINSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 5163—Norman Y. Mineta Research and Special Programs Reorganization Act*

Under current law, the Research and Special Programs Administration (RSPA) within the Department of Transportation (DOT) conducts research into a variety of transportation issues, and regulates the operation of pipelines and the transportation of hazardous materials. H.R. 5163 would divide RSPA into two new agencies. One agency would be called the Pipeline and Hazardous Materials Safety Administration, and it would continue the regulation of pipelines and the transportation of hazardous materials. The other agency would be called the Research and Innovative Technology Administration, and it would conduct research programs. The bill also would move two existing parts of the department—the Bureau of Transportation Statistics and the Office of Intermodalism—into the new research agency.

Based on information from DOT, and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 5163 would cost less than \$1 million each year beginning in fiscal year 2005. Such amounts would be used to hire additional staff to administer the new agencies and to cover the costs of reconfiguring some of the offices space. Enacting the bill would not affect direct spending or revenues.

H.R. 5163 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or other tribal governments.

The CBO staff contact for this estimate is Rachel Milberg. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 5163 does not preempt any state, local, or tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

## APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1).

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**TITLE 49, UNITED STATES CODE****Subtitle I—Department of Transportation****CHAPTER 1—ORGANIZATION**

Sec.

101. Purpose.

\* \* \* \* \*

§ 108. Coast Guard.

108. *Pipeline and Hazardous Materials Safety Administration.*

\* \* \* \* \*

§ 112. Research and Special Programs Administration.

112. *Research and Innovative Technology Administration.*

\* \* \* \* \*

**§ 108. Coast Guard**

§ (a)(1) The Coast Guard is a part of the Department of Transportation. The Secretary of Transportation exercises all duties and powers related to the Coast Guard vested in the Secretary of the Treasury, and other officers and offices of the Department of Treasury, immediately before April 1, 1967.

§ (2) Notwithstanding paragraph (1) of this subsection, the Coast Guard, together with the duties and powers of the Coast Guard, shall operate as a service in the Navy as provided under section 3 of title 14.

§ (b) The Commandant is the Chief of the Coast Guard. In addition to carrying out the duties and powers specified by law, the Commandant shall carry out duties and powers prescribed by the Secretary of Transportation. The Commandant reports directly to the Secretary.



**§ 108. Pipeline and Hazardous Materials Safety Administration**

(a) *IN GENERAL.*—The Pipeline and Hazardous Materials Safety Administration shall be an administration in the Department of Transportation.

(b) *SAFETY AS HIGHEST PRIORITY.*—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in pipeline transportation and hazardous materials transportation.

(c) *ADMINISTRATOR.*—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in pipeline safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

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

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

(f) *DUTIES AND POWERS OF THE ADMINISTRATOR.*—The Administrator shall carry out—

(1) duties and powers related to pipeline and hazardous materials transportation and safety vested in the Secretary by chapters 51, 57, 59, 61, 601, and 603; and

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

(g) *LIMITATION.*—A duty or power specified in subsection (f)(1) may be transferred to another part of the Department of Transportation or another government entity only if specifically provided by law.

\* \* \* \* \*

**§ 111. Bureau of Transportation Statistics**

(a) *ESTABLISHMENT.*—There is established  $\epsilon$  in the Department of Transportation *in the Research and Innovative Technology Administration* a Bureau of Transportation Statistics.

(b) *DIRECTOR.*—

$\epsilon$ (1) *APPOINTMENT.*—The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(1) *APPOINTMENT.*—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary.

\* \* \* \* \*

$\epsilon$ (3) *REPORTING.*—The Director shall report directly to the Secretary.

⌚(4) TERM.—The term of the Director shall be 4 years. The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.

\* \* \* \* \*

## ⌚§ 112. Research and Special Programs Administration

⌚(a) ESTABLISHMENT.—There is established in the Department of Transportation a Research and Special Programs Administration.

### § 112. Research and Innovative Technology Administration

(a) ESTABLISHMENT.—*The Research and Innovative Technology Administration shall be an administration in the Department of Transportation.*

\* \* \* \* \*

⌚(d) RESPONSIBILITIES OF ADMINISTRATOR.—The Administrator of the Administration shall be responsible for carrying out the following:

⌚(1) HAZMAT TRANSPORTATION SAFETY.—Duties and powers vested in the Secretary of Transportation with respect to hazardous materials transportation safety, except as otherwise delegated by the Secretary.

⌚(2) PIPELINE SAFETY.—Duties and powers vested in the Secretary with respect to pipeline safety.

⌚(3) ACTIVITIES OF VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER.—Duties and powers vested in the Secretary with respect to activities of the Volpe National Transportation Systems Center.

⌚(4) OTHER.—Such other duties and powers as the Secretary shall prescribe, including such multimodal and intermodal duties as are appropriate.

⌚(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall affect any delegation of authority, regulation, order, approval, exemption, waiver, contract, or other administrative act of the Secretary with respect to laws administered through the Research and Special Programs Administration of the Department of Transportation on October 24, 1992.

(d) POWERS AND DUTIES OF THE ADMINISTRATOR.—*The Administrator shall carry out—*

(1) *the responsibilities of the Secretary for—*

(A) *coordination, facilitation, and review of the Department's research and development programs and activities;*

(B) *advancement of innovative technologies, including intelligent transportation systems projects and products;*

(C) *comprehensive transportation statistics research, analysis, and reporting;*

(D) *education and training in transportation and transportation-related fields; and*

(E) *activities of the Volpe National Transportation Center; and*

(2) *other duties and powers prescribed by the Secretary.*

\* \* \* \* \*

## Subtitle III—General and Intermodal Programs

\* \* \* \* \*

### CHAPTER 51—TRANSPORTATION OF HAZARDOUS MATERIAL

\* \* \* \* \*

#### § 5118. Inspectors

(a) \* \* \*

(b) ALLOCATION TO PROMOTE SAFETY IN TRANSPORTING RADIOACTIVE MATERIAL.—(1) \* \* \*

\* \* \* \* \*

(3) Those 10 additional inspectors shall be allocated as follows:  
(A) one to the <sup>¿</sup>Research and Special Programs Administration *Pipeline and Hazardous Materials Safety Administration*.

\* \* \* \* \*

### CHAPTER 55—INTERMODAL TRANSPORTATION

\* \* \* \* \*

#### § 5503. Office of Intermodalism

<sup>¿</sup>(a) ESTABLISHMENT.—The Secretary of Transportation shall establish in the Office of the Secretary an Office of Intermodalism.

(a) ESTABLISHMENT.—*There is established in the Research and Innovative Technology Administration an Office of Intermodalism.*

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## SECTION 19 OF THE PIPELINE SAFETY IMPROVEMENT ACT OF 2002

### SEC. 19. NTSB SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of <sup>¿</sup>Research and Special Program Administration *Pipeline and Hazardous Materials Safety Administration*, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

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## SECTION 8 OF THE ACT OF OCTOBER 13, 1989

(Public Law 101-115)

AN ACT To authorize appropriations for fiscal year 1990 for the Maritime Administration, and for other purposes.

### NATIONAL MARITIME ENHANCEMENT INSTITUTES

#### SEC. 8. (a) \* \* \*

\* \* \* \* \*

#### (f) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

##### (1) \* \* \*

(2) ADVICE AND CONSULTATION OF MARAD.—In making a grant under the authority of paragraph (1), the Secretary, through the *Research and Special Programs Administration* *Research and Innovative Technology Administration*, shall advise the Maritime Administration concerning the availability of funds for the grants, and consult with the Administration on the making of the grants.

## SECTION 7001 OF THE OIL POLLUTION ACT OF 1990

### SEC. 7001. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

#### (a) INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—

##### (1) \* \* \*

\* \* \* \* \*

(3) MEMBERSHIP.—The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the United States Coast Guard, the Maritime Administration, and the *Research and Special Projects Administration Pipeline and Hazardous Materials Safety Administration*), the Department of Defense (including the Army Corps of Engineers and the Navy), the Environmental Protection Agency, the National Aeronautics and Space Administration, and the United States Fire Administration in the Federal Emergency Management Agency, as well as such other Federal agencies as the President may designate.

\* \* \* \* \*

#### (c) OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.—

##### (1) \* \* \*

\* \* \* \* \*

(11) In carrying out research under this section, the Department of Transportation shall continue to utilize the resources of the *Research and Special Programs Administration Pipeline and Hazardous Materials Safety Administration* of the De-

partment of Transportation, to the maximum extent practicable.

\* \* \* \* \*

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## SECTION 844 OF TITLE 18, UNITED STATES CODE

### § 844. Penalties

(a) \* \* \*

\* \* \* \* \*

(g)(1) \* \* \*

(2) The provisions of this subsection shall not be applicable to—

(A) \* \* \*

\* \* \* \* \*

(B) the possession of an explosive in an airport if the packaging and transportation of such explosive is exempt from, or subject to and in accordance with, regulations of the <sup>2</sup>Research and Special Projects Administration *Pipeline and Hazardous Materials Safety Administration* for the handling of hazardous materials pursuant to chapter 51 of title 49.

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## TITLE 5, UNITED STATES CODE

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### PART III—EMPLOYEES

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#### CHAPTER 53—PAY RATES AND SYSTEMS

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##### Subchapter II—Executive Schedule Pay Rates

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### § 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

\* \* \* \* \*

<sup>2</sup>Administrator, Research and Special Programs Administration.

*Administrator, Research and Innovative Technology Administration.*

\* \* \* \* \*

*Administrator, Pipeline and Hazardous Materials Safety Administration.*

\* \* \* \* \*

**§ 5316. Positions at level V**

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

\* \* \* \* \*  
 2 Director, Bureau of Transportation Statistics.  
 \* \* \* \* \*

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON SCIENCE,  
*Washington, DC, October 5, 2004.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,*  
*Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN YOUNG: I write regarding H.R. 5163, the Norman Y. Mineta Research and Special Programs Reorganization Act.

Our Committee recognizes the importance of H.R. 5163 and the need for the legislation to move expeditiously. Therefore, despite our receiving an original referral of this bill because of our jurisdiction over the creation of the Research and Innovative Technology Administration (RITA), I will waive our right of referral. This is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a referral waives the jurisdiction of the Committee on Science. Further, I request that a copy of this letter and of your response acknowledging our valid jurisdictional interest over RITA will be included as part of the Committee Report for this bill.

The Committee on Science also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration regarding this matter.

Sincerely,

SHERWOOD BOEHLERT,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC, October 6, 2004.*

Hon. SHERWOOD BOEHLERT,  
*Chairman, Committee on Science,*  
*Rayburn Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of October 5, 2004 regarding H.R. 5163, the Norman Y. Mineta Research and Special Programs Reorganization Act, and for your willingness to

waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 5163 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 5163 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation.

Thank you for your cooperation in moving this legislation to the House Floor.

Sincerely,

DON YOUNG,  
*Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
*Washington, DC, October 6, 2004.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. YOUNG: I am writing regarding H.R. 5163, "Norman L. Mineta Research and Special Programs Improvement Act." As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform. Specifically, the Committee has jurisdiction over the Executive Schedule Pay Rate in Title 5 of the U.S. Code.

In the interests of moving this important legislation forward, I will agree to waive sequential consideration of this bill by the Committee on Government Reform. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or other similar legislation. I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar Senate bill be considered in conference with the Senate.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the committee report and in the Congressional Record during floor consideration. Thank you for your assistance and cooperation in this matter.

Sincerely,

TOM DAVIS,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC, October 6, 2004.*

Hon. TOM DAVIS,  
*Chairman, Committee on Government Reform,  
Rayburn Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of October 6, 2004 regarding H.R. 5163, the Norman Y. Mineta Research and Special Programs Reorganization Act, and for your willingness to waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 5163 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 5163 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation and the Congressional Record.

Thank you for your cooperation in moving this legislation to the House Floor.

Sincerely,

DON YOUNG,  
*Chairman.*