



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

September 17, 2004

The Honorable J. Dennis Hastert
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Enclosed for the consideration of Congress is draft legislation entitled the--

“Research and Special Programs Reorganization Act.”

The goal of the enclosed legislative proposal is to ensure the Department of Transportation (DOT) is best organized to coordinate and manage its transportation research, innovative technology, and statistical responsibilities effectively, as well as its pipeline and hazardous materials safety programs. The assessment underlying this proposal follows the transfer of two major DOT agencies to the Department of Homeland Security (DHS) in accordance with the Homeland Security Act of 2002, and is intended to increase the value of our budgetary, human capital, and managerial resources.

The proposed legislation reorganizes the existing Research and Special Programs Administration (RSPA) and establishes two, more focused organizations: the Research and Innovative Technology Administration (RITA), to coordinate research-driven innovative technology and transportation statistics; and the Pipeline and Hazardous Materials Safety Administration (PHMSA), to continue effective management of these operational programs.

The new RITA would be responsible for research and development functions and the integration of the Intelligent Transportation Systems Joint Program Office, currently located within the Federal Highway Administration, and all of the functions, statistical and research, currently assigned by statute to the Bureau of Transportation Statistics. Additionally, RITA would continue to bring its innovative capabilities to bear and offer a strong coordination, analysis and review function for all of the Department’s other research and development programs, progress, and products.

PHMSA would continue to carry out the pipeline and hazardous materials transportation regulatory responsibilities currently administered by RSPA as authorized by chapters 51 and 601 of title 49, United States Code. The proposed legislation would ensure high visibility within the Department of the pipeline and hazardous materials safety programs by establishing an operating administration solely focused on successful execution of pipeline and hazardous materials safety activities. The "savings provisions"

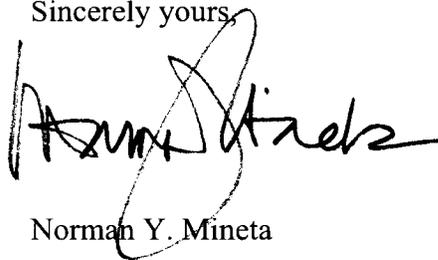
in section 4 of the bill would authorize the transfers of relevant duties and pending activities from RSPA to the proposed new entity. Title 5, United States Code (Government Organization and Employees), would be amended to provide for the new position of Administrator of the Pipeline and Hazardous Materials Safety Administration, a Presidential appointee subject to Senate confirmation.

The operation of RSPA's Crisis Management Center (CMC) and Office of Emergency Transportation would be moved from RSPA to the Office of Intelligence and Security (OIS) within the Office of the Secretary of Transportation. With the creation of DHS, and the subsequent transfer of the U.S. Coast Guard and Transportation Security Administration from DOT, including the transfer of the security and intelligence functions within those agencies, OIS has evolved into the Department's primary resource to provide and perform those functions. By transferring the operation of the CMC and the Office of Emergency Transportation into OIS, the Department will consolidate appropriate resources into a single office dedicated to meeting DOT's security, intelligence, and emergency response needs.

Under this proposal, the new RITA and PHSMA will be better able to focus on their respective transportation research and pipeline and hazardous materials safety roles. The Department proposes to implement this reorganization within existing budgetary resources.

The Department requests that this draft legislation be introduced and referred to the appropriate committee for immediate consideration. The Office of Management and Budget advises that it has no objection, from the standpoint of the Administration's program, to the submission of this legislation, and that its enactment would be consistent with the President's program.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Norman Y. Mineta", written over a large, stylized circular flourish.

Norman Y. Mineta

Enclosures

A Bill

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.

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.

This Act may be cited as the "Research and Special Programs Reorganization Act."

SEC. 2. PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) In General.--Section 108 of title 49, United States Code, is amended to read as follows:

"Sec. 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. The Administration succeeds to the authority of the Research and Special Programs Administration exercised under chapters 51 and 601 of this title.

"(b) 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. The Administrator shall report directly to the Secretary of Transportation.

"(c) Deputy Administrator.--The Administration shall have a Deputy Administrator who shall be appointed by the Secretary of Transportation. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(d) Responsibilities of Administrator.--The Administrator shall carry out the duties and powers vested in the Secretary under chapters 51 and 601 of this title and such other duties and powers as the Secretary of Transportation may prescribe, including such multimodal and intermodal duties as are appropriate."

(b) Conforming Amendment.--The analysis for chapter 1 of title 49, United States Code, is amended by revising the item relating to section 108 to read as follows:

"108. Pipeline and Hazardous Materials Safety Administration."

(c) Title 5 U.S.C. Amendment.--Section 5314 of title 5, United States Code, is amended by inserting at the end the following:

"Administrator, Pipeline and Hazardous Materials Safety Administration."

SEC. 3. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

(a) Chapter 1 of title 49, United States Code, is amended as follows:

(1) Section 111 (Bureau of Transportation Statistics) is amended by striking subsections (b)(3) and (b)(4) and amending subsection (b)(1) to read as follows:

“(1) Appointment.--The Bureau shall be headed by a Director who shall be appointed by the Secretary.”

(2) Section 112 (Research and Special Programs Administration) is amended by--

(A) revising subsection (a) to read as follows:

“(a) In General.--The Research and Innovative Technology Administration is an administration in the Department of Transportation. The Administration succeeds to the authority of the Research and Special Programs Administration, other than authority exercised under chapters 51 and 601 of this title.”;

(B) revising subsection (d) to read as follows:

“(d) Responsibilities of Administrator.--The Administrator of the Administration shall be responsible for carrying out such duties and powers as the Secretary of Transportation shall prescribe.”; and

(C) revising the heading of section 112 to read as follows:

"Sec. 112. Research and Innovative Technology Administration".

(b) Chapter 55 of title 49, United States Code, is amended by revising section 5503(a) to read as follows:

“(a) IN GENERAL.--The Office of Intermodalism is an Office of the Department of Transportation.”.

(c) Conforming Amendment.-- The analysis of chapter 1 of title 49, United States Code, is amended by revising the item relating to section 112 to read as follows:

"112. Research and Innovative Technology Administration."

(d) Title 5 U.S.C. Amendments.--Title 5, United States Code, is amended as follows:

(1) Section 5314 is amended by striking the item relating to the Administrator, Research and Special Programs Administration, and substituting the following:

"Administrator, Research and Innovative Technology Administration."

(2) Section 5316 of title 5, United States Code, is amended by striking the item relating to the Director, Bureau of Transportation Statistics.

SEC. 4. SAVINGS PROVISIONS.

(a) Transfer of Assets and Personnel.--Personnel, property, and records employed, used, held, available, or to be made available in connection with functions transferred within the Department by this Act shall be transferred for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds (including any predecessor entity) shall also be transferred accordingly.

(b) Legal Documents.--All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges--

(1) that have been issued, made, granted, or allowed to become effective by any officer or employee, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act or the amendments made by this Act; and

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

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Department, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) Proceedings.--The provisions of this Act shall not affect any proceedings pending before the Act takes effect, insofar as those functions are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any proceeding described herein under the same terms and conditions and

to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted. The Secretary is authorized to provide for the orderly transfer of pending proceedings.

(d) Suits.--

(1) In general.--This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) Suits by or against Department.--Any suit by or against the Department begun before enactment, shall be continued, insofar as it involves a function retained and transferred under this Act.

(3) Remanded cases.--If the court in a suit described in paragraph (1) remands a case, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) Continuance of Actions Against Officers.--No suit, action, or other proceeding commenced by or against any officer in his official capacity shall abate by reason of the enactment of this Act.

(f) Exercise of Authorities.--Except as otherwise provided by law, an officer or employee of the Department may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act or the amendments made by this Act.

(g) References.--A reference relating to an agency, officer, or employee affected by this Act in any Federal law, Executive order, rule, regulation, or delegation of authority, or in any document pertaining to an officer or employee, is deemed to refer, as appropriate, to the agency, officer, or employee who succeeds to the functions transferred by this Act.

(h) Associated Transfers--The authorities provided by this section apply to the transfer of other functions and activities by the Secretary of Transportation within the

Department of Transportation associated with the transfers under sections 2 and 3 of this Act.

Sectional Analysis

The goal of the enclosed legislative proposal is to ensure the Department of Transportation (DOT) is best organized to coordinate and manage its transportation research, innovative technology, and statistical responsibilities effectively, as well as its pipeline and hazardous materials safety programs. Existing Research and Development (R&D) activities of the operating administrations would not be disassociated from their current transportation mode.

The assessment underlying this proposal follows the transfer of two major DOT agencies to the Department of Homeland Security (DHS) in accordance with the Homeland Security Act of 2002, and is intended to increase the value of our budgetary, human capital, and managerial resources. The proposed legislation reorganizes the existing Research and Special Programs Administration (RSPA) and establishes two, more focused organizations: the Research and Innovative Technology Administration (RITA), to coordinate research-driven innovative technology and transportation statistics; and the Pipeline and Hazardous Materials Safety Administration (PHMSA), to continue effective management of these operational programs.

Section 1: This section provides a short title for the proposal: the enacted legislation would be called the "Research and Special Programs Reorganization Act."

Section 2: This section would establish an operating administration within the Department of Transportation (the Pipeline and Hazardous Materials Safety Administration) to continue to carry out the pipeline and hazardous materials transportation regulatory responsibilities currently administered by the Research and Special Programs Administration (RSPA). The proposed new entity would ensure high visibility within the Department of the pipeline and hazardous materials safety programs by establishing an operating administration solely focused on successful execution of pipeline and hazardous materials safety activities. The "savings provisions" in section 4 of the bill would authorize the transfers of relevant duties and pending activities from RSPA to the proposed new entity. Title 5, United States Code (Government Organization and Employees), would be amended to provide for the new position of Administrator of the Pipeline and Hazardous Materials Safety Administration, a Presidential appointee subject to Senate confirmation.

Section 3: This section would amend title 5 and title 49 (Transportation) of the United States Code to ensure that the Department is best organized to coordinate and manage its transportation research, innovative technology, and statistical responsibilities effectively. The new RITA entity would be responsible for research and development functions and the integration of the Intelligent Transportation Systems Joint Program Office, currently located within the Federal Highway Administration, and all of the functions, statistical and research, currently assigned by statute to the Bureau of Transportation Statistics. This section would amend 49 U.S.C. 111 (Bureau of Transportation Statistics) to allow the placement of the Bureau (BTS) and its statistical research functions within the new RITA. The amendments would remove the "direct report to the Secretary" requirement

of section 111(b)(3) and would also convert the Director position from a Presidential appointment, with confirmation by the Senate, to an appointment by the Secretary. Appropriate amendment of title 5 to reflect this change is made in subsection (d) of this section. The latter change reflects the fact that the Director would be reporting to the Administrator of the Research and Innovative Technology Administration under the reorganization. Additionally, RITA would continue to bring its innovative capabilities to bear and offer a strong coordination, analysis and review function for all of the Department's other research and development programs, progress, and products.

Subsection (a) also makes the adjustment to 49 U.S.C 112 (Research and Special Programs Administration) to reflect the reassignment of a RSPA operational program to another component of the Department. Section 112(d) of the statute would be amended to delete the specific references to responsibilities assigned to RSPA at the time it was statutorily constituted in 1992, while retaining the general authority of section 112(d)(4) to carry out any and all duties and powers delegated by the Secretary.

The last shift in RSPA operating responsibility (transfer of RSPA's Crisis Management Center (CMC) and Office of Emergency Transportation (OET) to the Office of Intelligence and Security (OIS)), which would become the Office of Intelligence, Security, and Emergency Transportation (OISSET)), does not require a change in law. Transfer of the operation of the CMC and OET into OIS would consolidate crisis management resources in an office dedicated to meeting DOT's security, intelligence and emergency response needs, while keeping intact for its specialized functions the Federal Aviation Administration's Operations Center.

Subsection (b) anticipates RITA's broadened transportation focus by providing for possible delegation of the Office of Intermodalism responsibility to the new RITA. The proposed statutory change would simply eliminate the statutory placement of the Office in the Office of the Secretary.

Subsection (c) would amend the table of contents of chapter 1 of title 49 to reflect RSPA's new name -- the Research and Innovative Technology Administration.

Subsection (d) would amend title 5 of the United States Code to allow two necessary organization changes at DOT to establish the new RITA: renaming the RSPA Administrator as RITA Administrator, and the conversion of the BTS Director position from a Presidential appointee to a Secretarial appointee.

Section 4: This section provides the standard "savings provisions" that would permit the transfer of budgetary resources, personnel, and responsibilities from one component of the Department to another in compliance with title 31 U.S.C. and other requirements. Subsection (h) is intended to include the shift of the Joint Program Office and the Office of Emergency Transportation and Crisis Management Center in these authorities.