

of untreated or partially treated sewage through the Tijuana River, which flows north from Tijuana across the border to the Pacific Ocean at Imperial Beach. This pollution is a public health threat as well as an environmental danger.

This reauthorization addresses a multitude of details to implement a privately built and operated plant in Tijuana. Although the realization of the new Minute in February took a very long time, I hope that with new leadership now in place on the Commission and with this authorization in place there will be rapid progress toward the fulfillment of this desperately needed public safety facility.

I want to thank my colleague from San Diego, Representative HUNTER, for taking the leadership in the time-consuming process of bringing agreement on the details from numerous administration entities.

I urge your support for this measure, which has been co-sponsored by the bipartisan San Diego delegation.

Mr. CUNNINGHAM. Mr. Speaker, in 2002, the City of San Diego declared a local emergency regarding the flow of sewage across the border from Tijuana to San Diego. It is estimated that 70 million gallons per day of sewage is released into the Tijuana River Valley and flows into the Pacific Ocean.

It is imperative that something be done to stop the flow of sewage from Tijuana into the Pacific. This legislation is a positive and significant step forward in ensuring that the requirements of the Clean Water Act are met. It makes the necessary changes that would effectively allow for the building of a wastewater sewage treatment facility in Mexico that will process 50+ million gallons of water per day in compliance with the Clean Water Act.

I have been working for years now to ensure a solution to this problem, and I believe the proposal to construct a treatment plant in Mexico is the most cost-effective solution. This bill will enable that to occur, and to eliminate the potential threat to the quality of water in the San Diego-Tijuana border at zero cost to taxpayers. This bill will ensure major environmental benefits for California and is the best option to address this serious public health and safety concern for San Diego.

OMB certified that the public-private partnership approach will save significant funds. The International Boundary and Water Commission (IBWC) has completed treaty minute negotiations with Mexico. This process has taken years, and I would like to thank the IBWC for working on the issue. I would like to thank DUNCAN HUNTER, DARREL ISSA and SUSAN DAVIS for all their hard work. H.R. 4794's introduction by this delegation makes technical corrections to the base law. I would like to thank Chairman DON YOUNG, the Ranking Member JAMES OBERSTAR and JERRY COSTELLO for all their help. This bill is a victory for San Diego, Mexico and the environment.

Mr. FILNER. Mr. Speaker, I rise in strong support of H.R. 4794, the bipartisan bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000. The House and Senate passed this bill four years ago in an effort to resolve an enormous health problem in my district. Fifty million gallons of raw sewage flow through the Tijuana River from Mexico into San Diego beaches every day. Most Americans cannot imagine the environmental and health impacts caused by this problem.

Eleven years ago, the San Diego city council declared a state of emergency in the Tijuana River Valley because of sewage from Mexico flowing over the border and spoiling our beaches and waterways. Every two weeks since then, the city council has continued to declare a state of emergency.

I worked with my colleagues to establish a bipartisan plan for a public-private partnership to solve this problem, but the crisis continues. And four years after the signing of the bill nothing has been done. The International Boundary and Water Commission has failed to take the steps necessary to build the wastewater treatment plant that Congress authorized and that families in San Diego deserve.

The IBWC has a new Commissioner who, I believe, recognizes the responsibility that the IBWC has been given from Congress: To end the flow of raw sewage into southern California. That is why I have joined my Congressional colleagues from San Diego in offering this bill to continue the authorization for this project, so we can make sure that this environmental nightmare comes to an end.

Mr. COSTELLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4794, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 0100

NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass 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, as amended.

The Clerk read as follows:

H.R. 5163

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Norman Y. Mineta Research and Special Programs Improvement 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:

"§ 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, 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."

(b) TRANSFER OF DUTIES AND POWERS OF RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—The authority of the Research and Special Programs Administration exercised under chapters 51, 57, 61, 601, and 603 of title 49, United States Code, is transferred to the Administrator of the Pipeline and Hazardous Materials Safety Administration.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 108 and inserting the following:

"108. Pipeline and Hazardous Materials Safety Administration."

(2) DOT INSPECTORS.—Section 5118(b)(3)(A) of title 49, United States Code, is amended by striking "Research and Special Programs Administration" and inserting "Pipeline and Hazardous Materials Safety Administration".

(3) NTSB SAFETY RECOMMENDATIONS.—Section 19(a) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 1135 note; 116 Stat. 3009) is amended by striking "Research and Special Program Administration" and inserting "Pipeline and Hazardous Materials Safety Administration".

(4) NATIONAL MARITIME ENHANCEMENTS INSTITUTES.—Section 8(f)(2) of Public Law 101-115 (46 U.S.C. App. 1121-2(f)(2)) is amended by striking "Research and Special Programs Administration" and inserting "Research and Innovative Technology Administration".

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

(A) in subsection (a)(3) by striking "Research and Special Projects Administration" and inserting "Pipeline and Hazardous Materials Safety Administration"; and

(B) in subsection (c)(11) by striking "Research and Special Programs Administration" and inserting "Pipeline and Hazardous Materials Safety Administration".

(6) PENALTIES.—Section 844(g)(2)(B) of title 18, United States Code, is amended by striking "Research and Special Projects Administration" and inserting "Pipeline and Hazardous Materials Safety Administration".

(d) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: "Administrator, Pipeline and Hazardous Materials Safety Administration."

SEC. 3. BUREAU OF TRANSPORTATION STATISTICS.

(a) ESTABLISHMENT.—Section 111(a) of title 49, United States Code, is amended by striking "in the Department of Transportation" and inserting "in the Research and Innovative Technology Administration".

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

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

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

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

(c) EXECUTIVE SCHEDULE PAY RATE.—Section 5316 of title 5, United States Code, is amended by striking the undesignated paragraph relating to the Director, Bureau of Transportation Statistics.

SEC. 4. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

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

(1) by striking the section heading and inserting the following:

"§ 112. Research and Innovative Technology Administration";

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

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

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

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

"(1) powers and duties prescribed by the Secretary for—

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

"(B) advancement, and research and development, of innovative technologies, including intelligent transportation systems;

"(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 powers and duties prescribed by the Secretary."; and

(4) by striking subsection (e).

(b) CLARIFICATION.—

(1) IN GENERAL.—Nothing in this Act shall grant any authority to the Research and Innovative Technology Administration over research and other programs, activities, standards, or regulations administered by the Secretary of Transportation through the National Highway Traffic Safety Administration.

(2) APPLICABILITY.—Paragraph (1) shall not apply to the research and other programs, activities, standards, or regulations provided for in highway and traffic safety programs, administered by the Secretary through the National Highway Traffic Safety Adminis-

tration, in title 23, United States Code, and chapter 303 of title 49, United States Code, as in effect on the date of enactment of this Act.

(c) OFFICE OF INTERMODALISM.—Section 5503(a) of title 49, United States Code, is amended to read as follows:

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

(d) TRANSFER OF POWERS AND DUTIES OF RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—The authority of the Research and Special Programs Administration, other than authority exercised under chapters 51, 57, 61, 601, and 603 of title 49, United States Code, is transferred to the Administrator of the Research and Innovative Technology Administration.

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

"112. Research and Innovative Technology Administration."

(f) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by striking the undesignated paragraph relating to the Administrator, Research and Special Programs Administration and inserting the following:

"Administrator, Research and Innovative Technology Administration."

(g) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Research and Innovative Technology Administration shall submit to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the research activities of the Department of Transportation.

(2) CONTENTS.—The report shall include—

(A) a summary of the mission and strategic goals of the Administration;

(B) a prioritized list of the research and development activities that the Department intends to pursue over the next 5 years;

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

(D) an estimate of the funding levels needed to implement such research and development activities for the current fiscal year; and

(E) any additional information the Administrator considers appropriate.

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

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

(B) take into account how the research and development activities of other Federal, State, private sector, and not-for-profit institutions contribute to the achievement of the purposes identified under paragraph (2)(C); and

(C) address methods to avoid unnecessary duplication of efforts in achieving such purposes.

SEC. 5. 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 of Transportation by this Act shall be transferred for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds (including funds of 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; 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, including administrative enforcement actions, pending before this 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 proceed in accordance with applicable law and regulations. Nothing in this subsection shall be deemed to prohibit the conclusion or modification of any proceeding described in this subsection under the same terms and conditions and to the same extent that such proceeding could have been concluded or modified if this Act had not been enacted. The Secretary of Transportation 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 enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceedings 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 the date of enactment of this Act, shall proceed in accordance with applicable law and regulations, insofar as it involves a function retained and transferred under this Act.

(3) PROCEDURES FOR REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case, subsequent proceedings related to such case shall proceed under procedures that are 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 or her official capacity shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—An officer or employee of the Department, for purposes of performing a function transferred by this Act, may 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 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) DEFINITION.—In this section, the term "this Act" includes the amendments made by this Act.

SEC. 6. REPORTS.

(a) **REPORTS BY THE INSPECTOR GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration a report containing the following:

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

(2) 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.

(b) **REPORTS BY THE SECRETARY.**—

(1) **STATUTORY MANDATES.**—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter until each of the mandates referred to in subsection (a)(1) has been implemented, the Secretary shall 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 mandates.

(2) **NTSB AND INSPECTOR GENERAL RECOMMENDATIONS.**—Not later than January 1st of each year, the Secretary shall 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 containing each recommendation referred to in subsection (a)(2) and a copy of the Department of Transportation response to each such recommendation.

SEC. 7. DEADLINE FOR TRANSFERS.

The Secretary shall provide 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 enactment of this Act.

The **SPEAKER pro tempore** (Mr. MARIO DIAZ-BALART of Florida). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Norman Y. Mineta Research and Special Programs Improvement Act Reorganizes the current Research and Special Programs Administration to two new administrations: the Research and Innovative Technologies Administration, and the Pipeline and Hazardous Materials Safety Administration.

The new Research and Innovative Technologies Administration will have the research authority currently exercised by the Research and Special Programs Administration. This includes the coordination, facilitation, and review of the department's research and development programs and activities; the advancement of innovative technologies and intelligent transportation systems; and any other research authority that the Secretary deems appropriate.

The new Pipeline and Hazardous Material Safety Administration will hold

the authority currently exercised by the Research and Special Programs Administration with regard to pipeline safety and will also include all current law hazardous materials authority exercised by the Office of Hazardous Materials.

As the caption of the bill indicates, Mr. Speaker, I would say that, when I was first elected in 1995, Norm Mineta was the ranking Democrat on the Committee on Transportation and Infrastructure. I found him to be, and he continues to be a wonderful, was a wonderful Member of Congress, a true leader in transportation. He is now, of course, the current Secretary of the Department of Transportation, and I can think of no more fitting honor than to name this new administration in his honor. I urge all of our colleagues to pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5163, the Norman Y. Mineta Research and Special Programs Improvement Act. This bill will achieve long overdue improvements in the U.S. Transportation Department's handling of pipeline and hazardous materials transportation safety programs and DOT's transportation research programs. Under this bill, the department would reorganize the current Research and Special Programs Administration into two administrations: the Pipeline and Hazardous Material Safety Administration and the Research and Innovative Technology Administration.

Creating this agency will elevate the profile of pipeline transportation and hazardous materials transportation within the department. Importantly, the bill declares that safety will be the highest priority of the Pipeline and Hazardous Material Safety Administration and creates a position of chief safety officer within the PHMSA.

We know from experience that accidents in the pipeline or hazardous materials transportation can be devastating. In 1999 and in 2000, two separate pipeline accidents occurred, resulting in the deaths of 15 people. Additionally, over the past 10 years, accidents involving hazardous materials have accounted for more than 220 deaths, 3,500 injuries, and well over \$500 million in damage.

Mr. Speaker, this bill is a direct response to these tragic incidents, and the creation of this administration is an important first step to ensure the safety of pipeline and hazardous materials transportation is at the forefront of DOT's regulation and supervision of these activities.

This bill also creates a new research administration that will better focus DOT's transportation research activities and helps ensure that Federal dollars are invested in research and innovative technologies that help address our Nation's most pressing transportation problems.

The Research and Innovative Technology Administration will help coordinate and facilitate the department's research activities. This bill transfers the department's Bureau of Transportation Statistics and Office of Intermodalism to RITA.

Finally, Mr. Speaker, this bill is appropriately named after Secretary of Transportation Norm Mineta. Throughout his service as the chairman of the Committee on Transportation and Infrastructure in this body and his service as Secretary of Transportation for the Nation, Norm Mineta has devoted himself to the betterment of our Nation's transportation system. This bill does just that, and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

At this point I will insert into the RECORD an exchange of letters between the chairman of our full committee, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Virginia (Mr. TOM DAVIS) regarding H.R. 5163.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COM-
MITTEE 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 Y. 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.

U.S. 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 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.

Mr. DINGELL. Mr. Speaker, I support H.R. 5163, the "Norman Y. Mineta Research and Special Programs Reorganization Act." I thank my good friend Secretary Mineta for his leadership on this issue, and I thank Chairman Young and Ranking Member Oberstar for working cooperatively with Committee on Energy and Commerce Chairman Barton and me to ensure an acceptable outcome for all.

The legislation we consider today accomplishes many worthy objectives. My remarks, however, will focus on one particular provision with respect to the National Highway Traffic Safety Administration (NHTSA). The NHTSA administers many programs, including research and development, that improve the safety and fuel economy of motor vehicles in the United States. The authors of this legislation worked with Chairman Barton and me to ensure that these programs were not affected by the legislation before us today. Specifically, section 4(b) of the bill clearly states that the newly formed Research and Innovative Technology Administration will have no authority over the programs, activities, standards, and regulations of NHTSA over which the Committee on Energy and Commerce has jurisdiction, including motor vehicle safety and fuel economy.

I urge all my colleagues to support this legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5163, the Norman Y. Mineta Research and Special Programs Improvement Act. I believe this bill is appropriately named—as my good friend, Norm Mineta, has dedicated a lifetime to improving transportation and strengthening safe in this country.

Last year, the Department of Transportation (DOT) approached the Transportation Committee with a proposal to reorganize the DOT. The proposal was, first, to abolish the Research and Special Programs Administration (RSPA) and reinvent it as the Research and Technology Innovation Administration, and then to transfer the pipeline program, which is housed under RSPA, to the Federal Railroad Administration. That proposal raised serious concerns that pipeline safety would not get adequate attention in an agency focused solely on railroads. The Committee, on a bipartisan basis, directed the DOT to go back to the drawing board, and they have now come back to us with a much better proposal. This bill will restructure the Research and Special Programs Administration by splitting its functions into two separate, more-focused agencies within the Department of Transportation: the new Research and Innovative Technology Administration (RITA) and the new Pipeline and Hazardous Materials Safety Administration (PHMSA).

Mr. Speaker, I've had 20 years experience with the Office of Pipeline Safety (OPS), and I believe that this Act is a good "first step" toward helping the Department raise pipeline and hazardous materials safety to the level of significance they deserve, and need.

Our nation's pipeline system consists of more than two million miles of pipe moving millions of gallons of hazardous liquids and more than 55 billion cubic feet of natural gas daily. Although moving commodities such as crude oil, diesel fuel, gasoline, and natural gas through pipelines may be safer than moving the same commodities on other transportation modes, pipeline incidents can have catastrophic consequences, such as the deadly explosions in Bellingham, Washington, and Carlsbad, New Mexico, in which a total of 15 people were killed.

This past June, DOT Inspector General Kenneth Mead released an audit report that found severe deficiencies in the government's pipeline safety program. The Inspector General found: Of the 31 mandates from legislation enacted in 1992 and 1996, six mandates have yet to be implemented, and all of these are over eight years past due. For example, two such mandates, which are a decade overdue, require defining "natural gas and hazardous liquid gathering lines" in order to determine which lines can and should be regulated. Separately, seven NTSB safety recommendations remain open, two of which were identified in an Inspector General report issued in March 2000. This is unacceptable, and it is my hope that this bill will set OPS on a path toward finalizing all mandated and recommendations in a timely fashion, while ensuring that the agency is working effectively to promote safety as its highest priority.

To accomplish this, we included safeguards in this bill, which are modeled after the safety functions of the Federal Aviation Administration and the Federal Motor Carrier Safety Administration. First, we require PHMSA to consider the assignment and maintenance of safety as the highest priority. Second, we require PHMSA to hire a Chief Safety Officer who will help keep the agency focused on its new safety mission. Third, we require the Inspector General to transmit to the Secretary of Transportation and to Congress periodic reports on the progress PHMSA has or has not made on implementing the outstanding statutory mandates and recommendations.

Pipeline security must also receive more focused attention. The Department of Transportation and the Department of Homeland Security have just finalized a Memorandum of Understanding that seeks to improve the Departments' cooperation and coordination in promoting the safe, secure, and efficient movement of people and goods throughout our vast transportation network. However, no such agreement exists to specifically address the unique challenge of securing our Nation's pipelines. The Committee report therefore directs the Departments of Transportation and Homeland Security and the Departments of Transportation and Energy to execute separate Memorandums of Understanding governing the roles, responsibilities, and resources of the Departments in addressing pipeline and hazardous materials transportation security.

With respect to hazardous materials transportation, from 1994 to 2003 (the most recent information available), more than 157,000 haz-

ardous materials incidents and accidents have occurred. These accidents have accounted for more than 220 deaths, 3,500 injuries, and well over \$500 million in damages. Yet responsibility for the hazardous materials transportation safety has bounced around the Department and is now buried deep within RSPA. Unless the office has a higher profile within the Department and the federal hazmat program itself is significantly improved, there will surely be more deaths and injuries.

We have included long-needed improvements to federal hazmat law in H.R. 3550 and I support enactment of those provisions through the comprehensive surface transportation reauthorization bill. But for now, let us begin the strengthening of our hazmat laws with the creation of this new Administration and a renewed focus on pipeline and hazardous materials safety.

Furthermore, this bill creates a new Administration to focus on DOT's research and development activities: the Research and Innovative Technology Administration. By creating a separate Administration to manage these important activities, this bill goes a long way to move transportation research forward and to ensure that federal dollars are invested in research and innovative technologies that help address our Nation's pressing transportation needs.

This bill also places the Bureau of Transportation Statistics and the Office of Intermodalism within RITA. I championed the creation of the Office of Intermodalism. Yet, regrettably, since its creation it has not fulfilled its original mission. This bill will help give the Office new direction, and help contribute and perhaps improve upon DOT's intermodal programs and activities.

I'd like to thank Secretary Mineta for spearheading this reform, and thank him for his continued commitment to transportation safety. I support this bill, and I urge all Members vote for it.

Mr. EHLERS. Mr. Speaker, I rise today in strong support of H.R. 5163, the Norman Y. Mineta Research and Special Programs Improvement Act. The goal of this legislation is to align and strengthen the planning of research and development activities at the Department of Transportation.

As chairman of the Environment, Technology, and Standards Subcommittee of the Science Committee, I have spent the past two years examining surface transportation research programs and identifying ways to improve the coordination, planning and implementation of this important research. I developed a comprehensive bill to achieve these goals, most of which was included in the House version of the larger transportation reauthorization bill. Unfortunately, we have not yet been able to reconcile our differences with the Senate to pass the larger bill.

However, I am pleased that Secretary Mineta had the personal vision and commitment to seek to reorganize the Department to begin efforts to reform and strengthen research programs. Mr. Mineta, in addition to being Secretary of Transportation (and previously Secretary of Commerce), was a leader on transportation issues in the House of Representatives for 20 years. Specifically, he has always made sure that research played a strong role in developing transportation policy and programs. This legislation is a perfect example of his commitment to that goal.

This bill is a good first step in reforming and strengthening research at the Department of Transportation. The chief responsibility of the new Administration created by this bill, the Research and Innovative Technology Administration, is to coordinate research across the Department. This is to ensure that we are getting the maximum out of our research dollars by funding research that contributes directly towards the goals of the transportation system and is not unnecessarily duplicative of other research efforts. But we have much to do to improve research at the Department, and I look forward to completing the job early next year as we pass the larger reauthorization bill.

Mr. Speaker, I want to thank Chairman YOUNG and his staff for working with me and my staff to incorporate our views into this legislation. I urge my colleagues to support the Norman Y. Mineta Research and Special Programs Improvement Act.

Mr. COSTELLO. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5163, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2004

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1134) to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965.

The Clerk read as follows:

S. 1134

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 “Economic Development Administration Reauthorization Act of 2004”.

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

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings and declarations.

Sec. 102. Definitions.

Sec. 103. Establishment of Economic Development partnerships.

Sec. 104. Coordination.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Grants for planning.

Sec. 202. Cost sharing.

Sec. 203. Supplementary grants.

Sec. 204. Regulations on relative needs and allocations.

Sec. 205. Grants for training, research, and technical assistance.

Sec. 206. Prevention of unfair competition.

Sec. 207. Grants for economic adjustment.

Sec. 208. Use of funds in projects constructed under projected cost.

Sec. 209. Special impact areas.

Sec. 210. Performance awards.

Sec. 211. Planning performance awards.

Sec. 212. Direct expenditure or redistribution by recipient.

Sec. 213. Brightfields demonstration program.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Eligibility of areas.

Sec. 302. Comprehensive Economic Development strategies.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Incentives.

Sec. 402. Provision of comprehensive Economic Development strategies to Regional Commissions.

TITLE V—ADMINISTRATION

Sec. 501. Economic Development information clearinghouse.

Sec. 502. Businesses desiring Federal contracts.

Sec. 503. Performance evaluations of grant recipients.

Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS

Sec. 601. Annual report to Congress.

Sec. 602. Relationship to assistance under other law.

Sec. 603. Brownfields redevelopment report.

Sec. 604. Savings clause

Sec. 605. Sense of Congress regarding Economic Development Representatives.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.

Sec. 702. Funding for grants for planning and grants for administrative expenses.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is amended to read as follows:

“SEC. 2. FINDINGS AND DECLARATIONS.

“(a) FINDINGS.—Congress finds that—

“(1) there continue to be areas of the United States experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations because of structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

“(2) economic growth in the States, cities, and rural areas of the United States is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development;

“(3) the goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

“(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

“(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

“(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment;

“(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private State, regional, tribal, and local organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity;

“(5) in order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements; and

“(6) Federal economic development efforts will be more effective if the efforts are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

“(b) DECLARATIONS.—In order to promote a strong and growing economy throughout the United States, Congress declares that—

“(1) assistance under this Act should be made available to both rural- and urban-distressed communities;

“(2) local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase the capacity of the local communities to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy;

“(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets; and

“(4) assistance under this Act should be made available to promote the productive reuse of abandoned industrial facilities and the redevelopment of brownfields.”.

SEC. 102. DEFINITIONS.

(a) ELIGIBLE RECIPIENT.—Section 3(4)(A) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as redesignated by paragraph (1)) by inserting “, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,” after “State”.

(b) REGIONAL COMMISSIONS; UNIVERSITY CENTER.—Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively;

(2) by inserting after paragraph (7) the following:

“(8) REGIONAL COMMISSIONS.—The term ‘Regional Commissions’ means—

“(A) the Appalachian Regional Commission established under chapter 143 of title 40, United States Code;

“(B) the Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.);

“(C) the Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681-637 et seq.); and

“(D) the Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).”;

(3) by adding at the end the following: