

105TH CONGRESS
1ST SESSION

H. R. 1402

To establish the Commission on Probabilistic Methods.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. TRAFICANT introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To establish the Commission on Probabilistic Methods.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on Prob-
5 abilistic Methods Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) probabilistic methods have wide applicability
9 in improving process efficiency and eliminating over-
10 design in government programs and purchases;

11 (2) the integration of probabilistic methods into
12 business practices has contributed significantly to

1 the success of industry quality programs and has
2 saved billions of dollars for companies;

3 (3) Federal use of probabilistic methods is less
4 advanced than it is in industry;

5 (4) probabilistic methods hold out the promise
6 of better understanding of safety and environmental
7 risks, and if properly applied can lead to more busi-
8 ness-friendly regulations;

9 (5) if made an integral part of federally funded
10 design efforts, probabilistic methods could lead to a
11 better understanding of the specifications a product
12 must meet and reduce overdesign and associated
13 costs; and

14 (6) appropriate use of probabilistic methods
15 within the programs of the Department of Transpor-
16 tation could lead through quantification of uncer-
17 tainties to more reliable, less costly components of
18 our transportation system, including roads, bridges,
19 and automotive, aerospace, and mass transit sys-
20 tems, and could also benefit the programs of other
21 Federal agencies such as the Department of De-
22 fense, the Department of Commerce, and the Na-
23 tional Institutes of Health.

1 **SEC. 3. ESTABLISHMENT.**

2 The Administrator of the Research and Special Pro-
3 grams Administration of the Department of Transpor-
4 tation (in this Act referred to as the “Administrator”)
5 shall establish a commission to be known as the “Commis-
6 sion on Probabilistic Methods” (in this Act referred to as
7 the “Commission”).

8 **SEC. 4. DUTIES OF COMMISSION.**

9 The Commission shall—

10 (1) identify where and how probabilistic meth-
11 ods can help the Department of Transportation;

12 (2) assess the extent to which probabilistic
13 methods can help the Department of Transportation
14 maximize return on investment and increase public
15 safety;

16 (3) evaluate the state of probabilistic methods
17 technology;

18 (4) identify the probabilistic techniques that are
19 ready for practical use and recommend guidelines
20 that can help a user decide what technique to use;

21 (5) establish models for quantifying uncertain-
22 ties in major Department of Transportation pro-
23 grams that affect cost, operation, and performance;

24 (6) identify key technology areas that must be
25 further developed;

1 (7) recommend guidelines for implementation of
2 probabilistic technology;

3 (8) recommend how to set reliability levels that
4 can ensure public safety and be achievable by indus-
5 try;

6 (9) recommend probabilistic-based guidelines
7 for safety tests;

8 (10) recommend guidelines for creating re-
9 quired database;

10 (11) determine appropriate means of expediting
11 technology transfer and ensuring that the principles
12 of probabilistic methods are used appropriately in
13 decisions involving funds under the control of the
14 Department of Transportation;

15 (12) identify legal and cultural barriers to the
16 effective use of probabilistic methods at the Depart-
17 ment of Transportation;

18 (13) make recommendations for the use of
19 probabilistic methods in Department of Transpor-
20 tation programs;

21 (14) make recommendations for institutionaliz-
22 ing probabilistic methods values at the Department
23 of Transportation after the termination of the Com-
24 mission; and

1 (15) recommend pilot projects for evaluation of
2 probabilistic methods technology.

3 **SEC. 5. MEMBERSHIP.**

4 (a) NUMBER AND APPOINTMENT.—The Commission
5 shall be composed of 19 members as follows:

6 (1) A chairperson, who shall be a representative
7 of an engineering society with experience in prob-
8 abilistic methods, such as the Society of Automotive
9 Engineers.

10 (2) Four members from the higher education
11 community.

12 (3) Four members from various levels of gov-
13 ernment.

14 (4) Four members from industry.

15 (5) One member representing labor.

16 (6) One member representing the environmental
17 community.

18 (7) One member representing the public inter-
19 est.

20 (8) A representative of the Department of De-
21 fense, appointed by the Secretary of Defense.

22 (9) A representative of the Department of Com-
23 merce, appointed by the Secretary of Commerce.

1 (10) A representative of the National Institutes
2 of Health, appointed by the Director of the National
3 Institutes of Health.

4 The members described in paragraphs (1) through (7)
5 shall be appointed by the Administrator.

6 (b) TERMS.—

7 (1) IN GENERAL.—Each member shall be ap-
8 pointed for the life of the Commission.

9 (2) VACANCIES.—A vacancy in the Commission
10 shall be filled in the manner in which the original
11 appointment was made.

12 (c) BASIC PAY.—Members shall serve without pay.

13 (d) TRAVEL EXPENSES.—Each member shall receive
14 travel expenses, including per diem in lieu of subsistence,
15 in accordance with sections 5702 and 5703 of title 5,
16 United States Code.

17 (e) QUORUM.—10 members of the Commission shall
18 constitute a quorum but a lesser number may hold hear-
19 ings.

20 (f) INITIAL MEETING.—The initial meeting of the
21 Commission shall occur within 180 days after the date of
22 the enactment of this Act.

23 (g) AGENDA.—Within 6 months after its initial meet-
24 ing under subsection (f), the Commission shall transmit
25 to the Administrator a written agenda for its activities.

1 **SEC. 6. ADMINISTRATIVE SUPPORT.**

2 (a) IN GENERAL.—The Department of Transpor-
3 tation shall provide the Commission with such administra-
4 tive support as it shall require to carry out its duties.

5 (b) EXPERTS AND CONSULTANTS.—The Commission
6 may procure temporary and intermittent services under
7 section 3109(b) of title 5, United States Code.

8 (c) OBTAINING OFFICIAL DATA.—The Commission
9 may secure directly from any department or agency of the
10 United States information necessary to enable it to carry
11 out this Act. Upon request of the Chairperson of the Com-
12 mission, the head of that department or agency shall fur-
13 nish that information to the Commission.

14 (d) MAILS.—The Commission may use the United
15 States mails in the same manner and under the same con-
16 ditions as other departments and agencies of the United
17 States.

18 **SEC. 7. REPORTS.**

19 (a) INTERIM REPORT.—The Commission shall trans-
20 mit to the Administrator an interim report not later than
21 2 years after its initial meeting under section 5(f).

22 (b) FINAL REPORT.—The Commission shall transmit
23 a final report to the Administrator not later than 36
24 months after its initial meeting under section 5(f). The
25 final report shall contain a detailed statement of the find-

1 ings, conclusions, and recommendations of the Commis-
2 sion.

3 **SEC. 8. TERMINATION.**

4 The Commission shall terminate 10 days after sub-
5 mitting its final report pursuant to section 7(b). Section
6 14(a)(2)(B) of the Federal Advisory Committee Act (5
7 U.S.C. App.; relating to the termination of advisory com-
8 mittees) shall not apply to the Commission.

9 **SEC. 9. BUDGET ACT COMPLIANCE.**

10 Any spending authority (as defined in subparagraphs
11 (A) and (C) of section 401(e)(2) of the Congressional
12 Budget Act of 1974 (2 U.S.C. 651(e)(2)(A) and (C))) au-
13 thorized by this Act shall be effective only to such extent
14 and in such amounts as are provided in appropriation
15 Acts.

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