

Eno

Center for
Transportation

89TH CONGRESS
1ST SESSION

S. 1122

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1965

Mr. CASE introduced the following bill; which was read twice and referred
to the Committee on Government Operations

A BILL

To establish a United States Department of Transportation.

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

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Department
5 of Transportation Act of 1965."

6 ESTABLISHMENT

7 SEC. 2. There is hereby established an executive depart-
8 ment of the Government to be known as the United States
9 Department of Transportation (hereinafter referred to as
10 the "Department"), at the head of which shall be a Secre-
11 tary of Transportation (hereinafter referred to as the "Secre-

1 tary"), who shall be appointed by the President, by and with
2 the advice and consent of the Senate, and shall receive com-
3 pensation at the rate provided by law for heads of the execu-
4 tive departments.

5 UNDER SECRETARY AND ASSISTANT SECRETARIES

6 SEC. 3. There shall be in the Department an Under Sec-
7 retary of Transportation, such Assistant Secretaries as shall
8 be determined by the President to be necessary, and a Gen-
9 eral Counsel, each of whom shall be appointed by the Presi-
10 dent, by and with the advice and consent of the Senate, shall
11 perform such functions and duties as the Secretary may pre-
12 scribe, and shall receive compensation at the rate provided
13 by law for Under Secretaries (other than the Under Secre-
14 tary of the Department of State), Assistant Secretaries, and
15 General Counsels, respectively, of the executive departments.
16 The Under Secretary (or, during the absence or disability of
17 the Under Secretary, or in the event of a vacancy in the
18 office of the Under Secretary, an Assistant Secretary deter-
19 mined according to such order as the Secretary shall pre-
20 scribe) shall act as Secretary during the absence or disability
21 of the Secretary or in the event of a vacancy in the office of
22 Secretary.

1 PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

2 SEC. 4. Except to the extent inconsistent with this Act,
3 all provisions of law applicable to the executive departments
4 generally shall apply to the Department.

5 SEAL

6 SEC. 5. The Secretary shall cause a seal of office to be
7 made for the Department, of such design as the President
8 shall approve, and judicial notice shall be taken thereof.

9 DELEGATION OF AUTHORITY

10 SEC. 6. The Secretary may, without being relieved of
11 his responsibility therefor, and unless prohibited by some
12 specific provision of law, perform any function vested in him
13 through or with the aid of such officials or organizational
14 entities of the Department as he may designate.

15 TRANSFERS FROM THE DEPARTMENT OF COMMERCE

16 SEC. 7. (a) The Maritime Administration is transferred
17 to the Department and all functions of the Secretary of Com-
18 merce being administered through such Administration are
19 transferred to the Secretary.

20 (b) The Bureau of Public Roads is transferred to the
21 Department and all functions of the Secretary of Commerce

1 being administered through such Bureau are transferred to
2 the Secretary.

3 (c) All officers and other personnel, property, records,
4 obligations, commitments, and unexpended balances of ap-
5 propriations, allocations, and other funds, which the Director
6 of the Bureau of the Budget determines are used primarily
7 in relation to any board, administration, bureau, or function
8 transferred under the provisions of this section, are trans-
9 ferred to the Department.

10 (d) The office of Under Secretary of Commerce for
11 Transportation in the Department of Commerce is abolished.

12 FEDERAL AVIATION AGENCY

13 SEC. 8. The Federal Aviation Agency, together with its
14 personnel, property, records, obligations, commitments, and
15 the unexpended balances of its appropriations, is transferred
16 to the Department where the Administrator of such Agency
17 shall exercise his functions subject to the supervision and
18 direction of the Secretary.

19 STUDY AND RECOMMENDATIONS WITH RESPECT TO 20 FURTHER TRANSFERS TO THE DEPARTMENT

21 SEC. 9. (a) For the purpose of determining and making
22 recommendations with respect to which functions of the
23 various departments and agencies of the Federal Govern-
24 ment with respect to transportation are administrative, pro-
25 motional, or nonregulatory in nature, in order that all such

1 functions may be transferred by law to the Secretary to be
2 exercised in a coordinated manner, the Secretary shall make
3 an investigation and study of the functions of the Interstate
4 Commerce Commission, the Civil Aeronautics Board, and
5 such other departments and agencies of the Government as
6 he deems appropriate to carry out the purpose of this section.
7 The Secretary shall make a complete report of his study
8 and recommendations under the provisions of this section
9 to the President and the Congress not later than January 31,
10 1966.

11 (b) All departments and agencies of the Federal Gov-
12 ernment shall provide the Secretary with such information
13 as may be necessary to carry out the provisions of this
14 section.

15 TRANSFER MATTERS

16 SEC. 10. All laws relating to any agency or function
17 transferred under this Act shall, insofar as such laws are
18 not inapplicable, remain in full force and effect. Any trans-
19 fer of personnel pursuant to this Act shall be without change
20 in classification or compensation, except that this require-
21 ment shall not operate to prevent the adjustment of classifi-
22 cation or compensation to conform to the duties to which
23 such transferred personnel may be assigned. All orders,
24 rules, regulations, permits, or other privileges made, issued,

1 or granted by any agency or in connection with any func-
2 tions transferred by this Act, and in effect at the time of
3 the transfer, shall continue in effect to the same extent as
4 if such transfer had not occurred, until modified, super-
5 seded, or repealed. No suit, action, or other proceeding
6 lawfully commenced by or against any agency or any officer
7 of the United States acting in his official capacity shall
8 abate by reason of any transfer made pursuant to this Act;
9 but the court, on motion or supplemental petition filed at
10 any time within twelve months after such transfer takes
11 effect, showing a necessity for a survival of such suit, action,
12 or other proceeding to obtain a settlement of the questions
13 involved, may allow the same to be maintained by or against
14 the appropriate agency or officer of the United States.

15 EXPENDITURES AUTHORIZED

16 SEC. 11. The Secretary is authorized to make such ex-
17 penditures (including expenditures for personal services and
18 rent at the seat of government and elsewhere, for lawbooks,
19 books of reference and periodicals, and for printing and
20 binding) as may be necessary to carry out the provisions
21 of this Act, and as may be provided for by the Congress from
22 time to time.

23 REPORTS TO CONGRESS

24 SEC. 12. The Secretary shall make at the close of each
25 fiscal year a report in writing to Congress giving an ac-

1 count of all moneys received and disbursed by him and
2 the Department, describing the work done by the Depart-
3 ment, and making such recommendations as he shall deem
4 necessary for the effective performance of the duties and
5 purposes of the Department.

6 AMENDMENT

7 SEC. 13. Section 158 of the Revised Statutes of the
8 United States, as amended (5 U.S.C. 1), is amended by
9 inserting at the end thereof the following:

10 "Eleventh: The Department of Transportation."

11 APPROPRIATIONS AUTHORIZED

12 SEC. 14. There are authorized to be appropriated such
13 sums as may be necessary to enable the Department to carry
14 out the provisions of this Act and to perform any other duties
15 which may be imposed upon it by law.

16 EFFECTIVE DATE

17 SEC. 15. The provisions of this title shall be effective on
18 the date of enactment of this Act except that sections 7 and 8
19 shall be effective after ninety days following such date of
20 enactment.