

[COMMITTEE PRINT]

JULY 1, 1966

Eno

Center for
Transportation

Union Calendar No.

89TH CONGRESS
2^D SESSION

H. R. 15963

[Report No.]

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1966

Mr. HOLIFIELD introduced the following bill; which was referred to the Committee on Government Operations

JULY , 1966

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To establish a Department of Transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Department of Trans-
4 portation Act".

5 DECLARATION OF PURPOSE

6 SEC. 2. The Congress hereby declares that the general
7 welfare, the economic growth and stability of the Nation
8 and its security require the development and implementation

1 of national transportation policies and programs conducive
2 to the provision of fast, safe, efficient, and convenient trans-
3 portation at the lowest cost consistent therewith and with
4 other national objectives, including the efficient utilization
5 and conservation of the Nation's resources.

6 The Congress therefore finds that the establishment of
7 a Department of Transportation is necessary in the public
8 interest and to assure the coordinated, effective administra-
9 tion of the transportation programs of the Federal Govern-
10 ment; to facilitate the development and improvement of
11 coordinated transportation service, to be provided by private
12 enterprise to the maximum extent feasible; to encourage co-
13 operation of Federal, State, and local governments, carriers,
14 labor, and other interested parties toward the achievement
15 of national transportation objectives; to stimulate technologi-
16 cal advances in transportation; to provide general leadership
17 in the identification and solution of transportation problems;
18 and to develop and recommend national transportation
19 policies and programs to accomplish these objectives with
20 full and appropriate consideration of the needs of the pub-
21 lic, users, carriers, industry, labor, and the national defense.

22 ESTABLISHMENT OF DEPARTMENT

23 SEC. 3. (a) There is hereby established at the seat of
24 government an executive department to be known as the
25 Department of Transportation (hereafter referred to in this

1 Act as the "Department"). There shall be at the head of
2 the Department a Secretary of Transportation (hereafter
3 referred to in this Act as the "Secretary"), who shall be
4 appointed by the President, by and with the advice and con-
5 sent of the Senate.

6 (b) There shall be in the Department an Under Secre-
7 tary, who shall be appointed by the President, by and with
8 the advice and consent of the Senate. The Under Secretary
9 (or, during the absence or disability of the Under Secretary,
10 or in the event of a vacancy in the office of Under Secretary,
11 an Assistant Secretary or the General Counsel, determined
12 according to such order as the Secretary shall prescribe)
13 shall act for, and exercise the powers of the Secretary, dur-
14 ing the absence or disability of the Secretary or in the event
15 of a vacancy in the office of Secretary. The Under Secretary
16 shall perform such functions, powers, and duties as the Secre-
17 tary shall prescribe from time to time.

18 (c) There shall be in the Department four Assistant
19 Secretaries and a General Counsel, who shall be appointed
20 by the President, by and with the advice and consent of the
21 Senate, and who shall perform such functions, powers, and
22 duties as the Secretary shall prescribe from time to time.

23 (d) There shall be in the Department an Assistant Sec-
24 retary for Administration, who shall be appointed, with the
25 approval of the President, by the Secretary under the classi-

1 fied civil service who shall perform such functions, powers,
2 and duties as the Secretary shall prescribe from time to time.

3 (e) The Secretary shall establish within the Department
4 (1) a Federal Highway Administration, (2) a Federal
5 Railroad Administration, (3) a Federal Maritime Admin-
6 istration, and (4) a Federal Aviation Administration. Each
7 of these components shall be headed by an Administrator who
8 shall be appointed by the President, by and with the advice
9 and consent of the Senate, and who shall report directly to
10 the Secretary and shall have such duties and powers as he
11 may prescribe.

12 (f) The Secretary shall establish within the Depart-
13 ment an Office of Accident Investigation, which shall be in-
14 dependent of the Federal Aviation Administration. The
15 office shall, among its duties, investigate aviation accidents
16 in accordance with rules and regulations prescribed by the
17 Secretary.

18 GENERAL PROVISIONS

19 SEC. 4. (a) The Secretary in carrying out the pur-
20 poses of this Act shall, among his responsibilities, exercise
21 leadership under the direction of the President in transpor-
22 tation matters, including those affecting the national defense
23 and those involving national or regional emergencies; de-
24 velop national transportation policies and programs, and
25 make recommendations to the President and Congress for

1 their implementation; promote and undertake development,
2 collection, and dissemination of technological, statistical,
3 economic, and other information relevant to domestic and
4 international transportation; promote and undertake research
5 and development relating to transportation, including noise
6 abatement, with particular attention to aircraft noise; and
7 consult with the heads of other Federal departments and
8 agencies on the transportation requirements of the Gov-
9 ernment.

10 (b) In exercising the functions, powers, and duties
11 conferred on and transferred to the Secretary by this Act,
12 the Secretary shall give full consideration to the need for
13 operational continuity of the functions transferred, to the
14 need for effectiveness and safety in transportation systems,
15 and to the needs of the national defense.

16 (c) Orders and actions of the Secretary or the Na-
17 tional Transportation Safety Board (established by section 5
18 of this Act) in the exercise of functions, powers, and duties
19 transferred under this Act shall be subject to judicial review
20 to the same extent and in the same manner as if such orders
21 and actions had been by the department or agency exercising
22 such functions, powers, and duties immediately preceding
23 their transfer. Any statutory requirements relating to
24 notice, hearings, action upon the record, or administrative
25 review that apply to any function transferred by this Act

1 shall apply to the exercise of such functions by the Secretary
2 or the National Transportation Safety Board.

3 (d) In the exercise of the functions, powers, and duties
4 transferred under this Act, the Secretary shall have the same
5 authority as that vested in the department or agency exercis-
6 ing such functions, powers, and duties immediately preced-
7 ing their transfer, and his actions in exercising such func-
8 tions, powers, and duties shall have the same force and effect
9 as when exercised by such department or agency.

10 (e) Nothing in this Act shall be construed to authorize,
11 without appropriate action by Congress, the adoption or
12 revision of a national transportation policy. Nor shall the
13 Secretary promulgate investment standards or criteria pur-
14 suant to section 7 of this Act which are contrary to or in-
15 consistent with Acts of Congress relating to standards or
16 criteria for transportation investments.

17 NATIONAL TRANSPORTATION SAFETY BOARD

18 SEC. 5. (a) There is hereby established within the De-
19 partment a National Transportation Safety Board (referred
20 to hereafter in this Act as "Board").

21 (b) There are hereby transferred to, and it shall be
22 the duty of the Board to exercise, the functions, powers, and
23 duties transferred to the Secretary by sections 6 and 8 of this
24 Act with regard to—

25 (1) determining the cause or probable cause of

1 transportation accidents and reporting the facts, condi-
2 tions, and circumstances relating to such accidents; and

3 (2) the review on appeal of the suspension, amend-
4 ment, modification, revocation, or denial of any certifi-
5 cate or license issued by the Secretary.

6 (c) The Board is further authorized to—

7 (1) make such recommendations to the Secretary
8 as, in its opinion, will tend to prevent transportation
9 accidents;

10 (2) conduct special studies on matters pertaining
11 to safety in transportation and the prevention of
12 accidents;

13 (3) insure that in cases in which it is required to
14 determine cause or probable cause, reports of investiga-
15 tion adequately state the circumstances of the accident
16 involved. Where additional information is needed, the
17 Board may require the Secretary to conduct further
18 investigations or to take such other measures as are
19 required in the opinion of the Board to insure develop-
20 ment of all facts and circumstances surrounding the
21 accident;

22 (4) make recommendations to the Secretary con-
23 cerning policies, programs, and procedures for transpor-
24 tation safety, and rules, regulations, and procedures for
25 the conduct of accident investigations;

1 (5) require the Secretary to initiate specific accident
2 investigations as the Board determines to be necessary or
3 appropriate;

4 (6) arrange for the personal participation of mem-
5 bers or other personnel of the Board in accident investi-
6 gations conducted by the Department in such cases as it
7 deems appropriate; and

8 (7) require from the Secretary notification of trans-
9 portation accidents and reports of such accidents as the
10 Board deems necessary.

11 *(d) Except as otherwise provided by statute, the Board*
12 *shall make public all reports, orders, decisions, rules, and*
13 *regulations issued pursuant to sections 5(b)(1) and 5(b)*
14 *(2); and the Board shall also make public—*

15 *(1) every recommendation made to the Secretary,*

16 *(2) every special study conducted, and*

17 *(3) every action of the Board requiring the Sec-*
18 *retary to take action*

19 *pursuant to section 5(c)(1), (2), (3), (4), (5), or (7).*

20 ~~(d)~~ *(e) In the exercise of any of its functions, powers,*
21 *and duties, the Board shall be independent of the Secretary*
22 *and the other offices and officers of the Department, and shall*
23 *give full consideration to the requirements imposed on the*
24 *Secretary by section 4 (b) of this Act.*

25 ~~(e)~~ *(f) The Board shall report to the Congress ~~two~~*

1 years after the effective date of this Act annually on the con-
2 duct of its functions under this Act and the effectiveness of
3 accident investigations in the Department, together with such
4 recommendations for legislation as it may deem appropriate.
5 An interim report shall be submitted to the Congress one
6 year after the effective date of this Act.

7 ~~(f)~~ (g) The Board shall consist of five members to be
8 appointed by the President, by and with the advice and con-
9 sent of the Senate. Members of the Board shall be appointed
10 with due regard to their fitness for the efficient dispatch of
11 the functions, powers, and duties vested in and imposed
12 upon the Board, and may be removed by the President for
13 inefficiency, neglect of duty, or malfeasance in office.

14 ~~(g)~~ (h) Members of the Board shall be appointed for
15 terms of five years, except that (1) any member appointed
16 to fill a vacancy occurring prior to the expiration of the term
17 for which his predecessor was appointed shall be appointed
18 only for the remainder of such term, and (2) the five mem-
19 bers first appointed shall serve for terms (designated by the
20 President at the time of appointment) ending on the last day
21 of the first, second, third, fourth, and fifth calendar years be-
22 ginning after the year of enactment of this Act. Upon the
23 expiration of his term of office a member shall continue to
24 serve until his successor is appointed and shall have qualified.

~~(h)~~ (i) The President shall designate from time to time one of the members of the Board as Chairman and one of the members as Vice Chairman, who shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman. The Chairman shall be the chief executive and administrative officer of the Board and shall exercise the responsibility of the Board with respect to (1) the appointment and supervision of personnel employed by the Board; (2) the distribution of business among the Board's personnel; and (3) the use and expenditure of funds. In executing and administering the functions of the Board on its behalf, the Chairman shall be governed by the general policies of the Board and by its decisions, findings, and determinations. Three of the members shall constitute a quorum of the Board.

~~(i)~~ (j) The Chairman of the Board shall be compensated at the rate provided for level IV of the Federal Executive Salary Schedule. Members of the Board shall be compensated at the rate provided for level V of such Schedule.

~~(j)~~ (k) The Board is authorized to establish such rules, regulations, and procedures as are necessary to the exercise of its functions.

~~(k)~~ (l) In carrying out its functions, the Board (or, upon the authorization of the Board, any member thereof or

1 any hearing examiner assigned to or employed by the Board)
2 shall have the same powers as are vested in the Secretary to
3 hold hearings, sign and issue subpoenas, administer oaths,
4 examine witnesses, and receive evidence at any place in the
5 United States it may designate.

6 ~~(l)~~ (m) Subject to the proviso in section 701 (g) of the
7 Federal Aviation Act of 1958 (72 Stat. 731 782; 49 U.S.C.
8 1441 (g)), the Board may delegate to any officer or official
9 of the Board or, with the approval of the Secretary, to any
10 officer or official of the Department such of its functions as
11 it may deem appropriate.

12 ~~(m)~~ (n) Subject to the civil service and classification
13 laws, the Board is authorized to select, appoint, employ, and
14 fix compensation of such officers and employees, including at-
15 torneys and hearing examiners, as shall be necessary to carry
16 out its powers and duties under this Act.

17 ~~(n)~~ (o) The Board is authorized, on a reimbursable basis
18 when appropriate, to use the available services, equipment,
19 personnel, and facilities of the Department and of other
20 civilian or military agencies and instrumentalities of the
21 Federal Government, and to cooperate with the Department
22 and such other agencies and instrumentalities in the estab-
23 lishment and use of services, equipment, and facilities of the
24 Board. The Board is further authorized to confer with and

1 avail itself of the cooperation, services, records, and facilities
2 of State, territorial, municipal, or other local agencies.

3 TRANSFERS TO DEPARTMENT

4 SEC. 6. (a) There are hereby transferred to and vested
5 in the Secretary all functions, powers, and duties of the
6 Secretary of Commerce and other offices and officers of the
7 Department of Commerce under—

8 (1) the following laws and provisions of law re-
9 lating generally to highways:

10 (A) Title 23, United States Code.

11 (B) The Federal-Aid Highway Act of 1962
12 (76 Stat. 1145, 23 U.S.C. 307 note).

13 (C) The Act of July 14, 1960 (74 Stat. 526,
14 23 U.S.C. 313 note).

15 (D) The Federal-Aid Highway Act of 1954
16 (68 Stat. 70).

17 (E) The Act of September 26, 1961 (75 Stat.
18 669).

19 (F) The Highway Revenue Act of 1956 (70
20 Stat. 387, 23 U.S.C. 120 note).

21 (G) The Highway Beautification Act of 1965
22 (79 Stat. 1028, 23 U.S.C. 131 et seq. notes).

23 (H) The Alaska Omnibus Act (73 Stat. 141,
24 48 U.S.C. 21 note prec.).

1 (I) The Joint Resolution of August 28, 1965
2 (79 Stat. 578, 23 U.S.C. 101 et seq. notes).

3 (J) Section 525 (c) of the General Bridge Act
4 of 1946 (60 Stat. 847, 33 U.S.C. 525 (c)).

5 (K) The Act of April 27, 1962 (76 Stat. 59).

6 (L) Reorganization Plan No. 7 of 1949 (63
7 Stat. 1070, 5 U.S.C. 133z-15 note).

8 (2) the following laws and provisions of law relat-
9 ing generally to ground transportation:

10 (A) The Act of September 30, 1965 (79 Stat.
11 893, 49 U.S.C. 1631 et seq.).

12 (B) Section 8 of the Urban Mass Transporta-
13 tion Act of 1964 (78 Stat. 306, 49 U.S.C. 1607).

14 (3) the following laws and provisions of law relat-
15 ing generally to aircraft:

16 (A) The Act of September 7, 1957 (71 Stat.
17 629, 49 U.S.C. 1324 note).

18 (B) Section 410 of the Federal Aviation Act of
19 1958 (72 Stat. 769, 49 U.S.C. 1380).

20 (C) Title XIII of the Federal Aviation Act of
21 1958 (72 Stat. 800, 49 U.S.C. 1531 et seq.).

22 (4) the following law relating generally to pilotage:
23 The Great Lakes Pilotage Act of 1960 (74 Stat. 259,
24 46 U.S.C. 216 et seq.).

1 (5) the following laws and provisions of law relat-
2 ing generally to the Merchant Marine:

3 (A) The Merchant Marine Act, 1920 (41 Stat.
4 988, 46 U.S.C. 861 et seq.).

5 (B) The Merchant Marine Act, 1928 (45 Stat.
6 689, 46 U.S.C. 891 et seq.).

7 (C) The Merchant Marine Act, 1936 (49 Stat.
8 1985, 46 U.S.C. 1101 et seq.).

9 (D) The Shipping Act, 1916 (39 Stat. 728,
10 46 U.S.C. 801 et seq.).

11 (E) The Merchant Ship Sales Act of 1946 (60
12 Stat. 41, 50 U.S.C. App. 1735 et seq.).

13 (F) The Maritime Academy Act of 1958 (72
14 Stat. 622, 46 U.S.C. 1381 et seq.).

15 (G) The Act of June 12, 1940 (54 Stat. 346,
16 46 U.S.C. 1331 et seq.).

17 (H) The United States Fishing Fleet Im-
18 provement Act (74 Stat. 212, 46 U.S.C. 1401 et
19 seq.).

20 (I) The Act of September 14, 1961 (75 Stat.
21 514, 46 U.S.C. 1126b-1).

22 (J) The Act of June 13, 1957 (71 Stat. 73,
23 46 U.S.C. 1177a), to the extent it relates to
24 operating-differential subsidies.

25 (K) The Act of June 2, 1951 (65 Stat. 59,

1 46 U.S.C. 1241a), to the extent it relates to the
2 vessel operations revolving fund.

3 (L) The Act of July 24, 1956 (70 Stat. 605,
4 46 U.S.C. 249 et seq.).

5 (M) The Act of August 9, 1954 (68 Stat. 675,
6 50 U.S.C. 196 et seq.).

7 (N) Section 500 of the Transportation Act,
8 1920 (41 Stat. 499, 49 U.S.C. 142).

9 (O) Reorganization Plan No. 21 of 1950 (64
10 Stat. 1273, 46 U.S.C. 1111 note).

11 (P) Reorganization Plan No. 7 of 1961 (75
12 Stat. 840, 46 U.S.C. 1111 note).

13 (Q) Reorganization Plan No. 6 of 1949 (63
14 Stat. 1069, 46 U.S.C. 111 note).

15 (6) the following law to the extent it authorizes
16 scientific and professional positions which relate pri-
17 marily to functions transferred by this subsection: The
18 Act of August 1, 1947 (61 Stat. 715, 5 U.S.C. 1161).

19 (b) (1) The Coast Guard is hereby transferred to the
20 Department, and there are hereby transferred to and vested
21 in the Secretary all functions, powers, and duties, relating
22 to the Coast Guard, of the Secretary of the Treasury and of
23 other officers and offices of the Department of the Treasury.

24 (2) Notwithstanding the transfer of the Coast Guard
25 to the Department and the transfer to the Secretary of the

1 functions, powers, and duties, relating to the Coast Guard,
2 of the Secretary of the Treasury and of other officers and
3 offices of the Department of the Treasury, effected by the
4 provisions of paragraph (1) of this subsection, the Coast
5 Guard, together with the functions, powers, and duties
6 relating thereto, shall operate as a part of the Navy, subject
7 to the orders of the Secretary of the Navy, in time of war
8 or when the President shall so direct, as provided in section
9 3 of title 14, United States Code.

10 (3) Notwithstanding any other provision of this Act,
11 the functions, powers, and duties of the General Counsel of
12 the Department of the Treasury set out in chapter 47 of
13 title 10, United States Code (Uniform Code of Military
14 Justice) are hereby transferred to and vested in the General
15 Counsel of the Department.

16 (c) (1) There are hereby transferred to and vested in
17 the Secretary all functions, powers, and duties of the Federal
18 Aviation Agency, and of the Administrator and other officers
19 and offices thereof.

20 (2) Nothing in this Act shall affect the power of the
21 President under section 302 (e) of the Federal Aviation Act
22 of 1958 (72 Stat. 745, 49 U.S.C. 1343 (c)) to transfer, to
23 the Department of Defense in the event of war, any func-
24 tions transferred by this Act from the Federal Aviation
25 Agency to the Secretary.

1 (d) There are hereby transferred to and vested in the
2 Secretary all functions, powers, and duties of the Civil Aero-
3 nautics Board, and of the Chairman, members, officers, and
4 offices thereof under the following provisions of law relating
5 generally to aviation safety: Titles VI and VII of the Fed-
6 eral Aviation Act of 1958 (72 Stat. 776-775, 49 U.S.C.
7 1421 et seq.).

8 (e) There are hereby transferred to and vested in the
9 Secretary all functions, powers, and duties of the Interstate
10 Commerce Commission, and of the Chairman, members,
11 officers, and offices thereof, under—

12 (1) the following laws relating generally to safety
13 appliances and equipment on railroad engines and cars,
14 and protection of employees and travelers:

15 (A) The Act of March 2, 1893 (27 Stat. 531,
16 45 U.S.C. 1 et seq.).

17 (B) The Act of March 2, 1903 (32 Stat. 943,
18 45 U.S.C. 8 et seq.).

19 (C) The Act of April 14, 1910 (36 Stat. 298,
20 45 U.S.C. 11 et seq.).

21 (D) The Act of May 30, 1908 (35 Stat. 476,
22 45 U.S.C. 17 et seq.).

23 (E) The Act of February 17, 1911 (36 Stat.
24 913, 45 U.S.C. 22 et seq.).

1 (F) The Act of March 4, 1915 (38 Stat.
2 1192, 45 U.S.C. 30).

3 (G) Reorganization Plan No. 3 of 1965 (79
4 Stat. 1320).

5 (H) Joint Resolution of June 30, 1906 (34
6 Stat. 838, 45 U.S.C. 35).

7 (I) The Act of May 27, 1908 (35 Stat. 325,
8 45 U.S.C. 36 et seq.).

9 (J) The Act of March 4, 1909 (35 Stat. 965,
10 45 U.S.C. 37).

11 (K) The Act of May 6, 1910 (36 Stat. 350,
12 45 U.S.C. 38 et seq.).

13 (2) the following law relating generally to hours of
14 service of employees: The Act of March 4, 1907 (34
15 Stat. 1415, 45 U.S.C. 61 et seq.).

16 (3) the following law relating generally to medals
17 for heroism: The Act of February 23, 1905 (33 Stat.
18 743, 49 U.S.C. 1201 et seq.).

19 (4) the following provisions of law relating gen-
20 erally to explosives and other dangerous articles: Sec-
21 tions 831-835 of title 18, United States Code.

22 (5) the following laws relating generally to stand-
23 ard time zones and daylight saving time:

24 (A) The Act of March 19, 1918 (40 Stat.
25 450, 15 U.S.C. 261 et seq.).

Eno

Center for
Transportation

1 (B) The Act of March 4, 1921 (41 Stat.
2 1446, 15 U.S.C. 265).

3 (C) The Uniform Time Act of 1966 (80
4 Stat. 107).

5 (6) the following provisions of the Interstate Com-
6 merce Act—

7 ~~(A)~~ relating generally to car service: Sections
8 ~~1(10), 1(11), 1(12), 1(13), 1(14) (a)~~ (but not
9 including establishment of the compensation to be
10 paid for the use of any locomotive, car, or other
11 vehicle not owned by the carrier using it), ~~1(15),~~
12 ~~1(16), 1(17), 6(8),~~ the final sentence of ~~15(4),~~
13 ~~15(10),~~ and ~~420 (49 U.S.C. 1 et seq. and 1020).~~

14 ~~(B)~~ ~~(A)~~ relating generally to safety appliances
15 methods and systems: Section 25 (49 U.S.C. 26).

16 ~~(C)~~ ~~(B)~~ relating generally to investigation of
17 motor vehicle sizes, weights and service of em-
18 ployees: Section 226 (49 U.S.C. 325).

19 ~~(D)~~ relating generally to facilities for car serv-
20 ice: Section ~~1(21),~~ except to the extent that it re-
21 lates to extension of lines of common carriers (49
22 U.S.C. ~~1(21)~~).

23 ~~(E)~~ ~~(C)~~ relating generally to qualifications and
24 maximum hours of service of employees and safety

Eno

Center for
Transportation

1 of operation and equipment: Sections 204 (a) (1)
2 and (2), to the extent that they relate to qualifica-
3 tions and maximum hours of service of employees
4 and safety of operation and equipment; and sections
5 204 (a) (3), (3a), and (5) (49 U.S.C. 304).

6 ~~(F)~~ (D) to the extent they relate to private
7 carriers of property by motor vehicle and carriers of
8 migrant workers by motor vehicle other than con-
9 tract carriers: Sections 221 (a), 221 (c), and 224
10 (49 U.S.C. 321 et seq.).

11 (f) (1) Nothing in subsection (e) shall diminish the
12 functions, powers, and duties of the Interstate Commerce
13 Commission under sections 1 (6), 206, 207, 209, 210a, 212,
14 and 216 of the Interstate Commerce Act (49 U.S.C. 1 (6),
15 306 et seq.) or under any other section of that Act not
16 specifically referred to in the ~~first paragraph of this~~
17 ~~subsection~~ subsection (e).

18 (2) (A) With respect to any function which is trans-
19 ferred to the Secretary by subsection (e) and which was
20 vested in the Interstate Commerce Commission preceding
21 such transfer, the Secretary shall have the same adminis-
22 trative powers under the Interstate Commerce Act as the
23 Commission had before such transfer with respect to such
24 transferred function. After such transfer, the Commission
25 may exercise its administrative powers under the Interstate

1 Commerce Act only with respect to those of its functions
2 not transferred by subsection (e).

3 (B) For purposes of this paragraph—

4 (i) the term “function” includes power and duty,
5 and

6 (ii) the term “administrative powers under the
7 Interstate Commerce Act” means any functions under

8 the following provisions of the Interstate Commerce Act:

9 Sections 12, 13 (1), 13 (2), 14, 16 (12), the last sen-

10 tence of 18 (1), sections 20 (except clauses (3), (4),

11 (11), and (12) thereof), 204 (a) (6) and (7), 204

12 (c), 204 (d), 205 (d), 205 (f), 220 (except subsection

13 (c) and the proviso of subsection (a) thereof), 222

14 (except subsections (b) (2) and (b) (3) thereof), and

15 417 (b) (1) (49 U.S.C. 12 et seq., 304 et seq., and

16 1017).

17 (g) There are hereby transferred to and vested in the

18 Secretary all functions, powers, and duties of the Secretary

19 of the Army and other officers and offices of the Department

20 of the Army under—

21 (1) the following law and provisions of law relating

22 generally to water vessel anchorages:

23 (A) Section 7 of the Act of March 4, 1915 (38

24 Stat. 1053; 33 U.S.C. 471).

1 (B) Article 11 of section 1 of the Act of June
2 7, 1897 (30 Stat. 98; 33 U.S.C. 180).

3 (C) Rule 9 of section 1 of the Act of February
4 8, 1895 (28 Stat. 647; 33 U.S.C. 258).

5 (D) Rule numbered 13 of section 4233 of the
6 Revised Statutes (33 U.S.C. 322).

7 (2) the following provision of law relating gen-
8 erally to drawbridge operating regulations: Section 5
9 of the Act of August 18, 1894 (28 Stat. 362; 33 U.S.C.
10 499).

11 (3) the following law relating generally to obstruc-
12 tive bridges: The Act of June 21, 1940 (54 Stat. 497;
13 33 U.S.C. 511 et seq.).

14 (4) the following laws and provisions of law relat-
15 ing generally to the reasonableness of tolls:

16 (A) Section 4 of the Act of March 23, 1906
17 (34 Stat. 85; 33 U.S.C. 494).

18 (B) Section 503 of the General Bridge Act of
19 1946 (60 Stat. 847; 33 U.S.C. 526).

20 (C) Section 17 of the Act of June 10, 1930
21 (46 Stat. 552; 33 U.S.C. 498a).

22 (D) The Act of June 27, 1930 (46 Stat. 821;
23 33 U.S.C. 498b).

24 (E) The Act of August 21, 1935 (49 Stat.
25 670; 33 U.S.C. 503 et seq.).

1 (5) the following law relating to prevention of pol-
2 lution of the sea by oil: The Oil Pollution Act, 1961
3 (75 Stat. 402; 33 U.S.C. 1001 et seq.).

4 (6) the following laws and provision of law to the
5 extent that they relate generally to the location and clear-
6 ances of bridges and causeways in the navigable waters
7 of the United States:

8 (A) Section 9 of the Act of March 3, 1899 (30
9 Stat. 1151; 33 U.S.C. 401).

10 (B) The Act of March 23, 1906 (34 Stat. 84;
11 33 U.S.C. 491 et seq.).

12 (C) The General Bridge Act of 1946 (60 Stat.
13 847; 33 U.S.C. 525 et seq.).

14 (h) Notwithstanding any other provision of this Act,
15 the transfer of functions, powers, and duties to the Secretary
16 shall not include functions vested by the Administrative Pro-
17 cedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.) in hear-
18 ing examiners employed by any agency or component
19 thereof whose functions are transferred under the provisions
20 of this Act.

21 TRANSPORTATION INVESTMENT STANDARDS

22 SEC. 7. (a) The Secretary shall develop and from time
23 to time in the light of experience revise standards and criteria
24 consistent with national transportation policies, for the formu-

1 lation and economic evaluation of all proposals for the invest-
2 ment of Federal funds in transportation facilities or equip-
3 ment, except such proposals as are concerned with (1) the
4 acquisition of transportation facilities or equipment by Federal
5 agencies in providing transportation services for their own
6 use; (2) grant-in-aid programs authorized by law; (3) an
7 interoceanic canal located outside the continental United
8 States; (4) defense features included at the direction or
9 upon official certification of the Department of Defense
10 in the design and construction of civil air, sea, and land trans-
11 portation; ~~or~~ (5) programs of foreign assistance; *or* (6)
12 *water resource projects*. The standards and criteria devel-
13 oped by the Secretary shall be applicable to transportation
14 features of ~~water resource projects~~ upon concurrence of the
15 Water Resources Council and shall be compatible with the
16 standards and criteria for economic evaluation applicable to
17 ~~nontransportation~~ features of such projects. For purposes
18 of considering such standards and criteria in relation to ~~water~~
19 ~~resource projects~~, the Secretary shall be a member of the
20 ~~Water Resources Council~~. The Secretary shall, at a time
21 selected by him, prior to the presentation of standards and
22 criteria to the President for approval, publish a notice of
23 proposed standards and criteria in the Federal Register and
24 provide an opportunity for interested persons to present their
25 views on them. The standards and criteria developed or

1 revised pursuant to this subsection shall be promulgated by
2 the Secretary upon their approval by the President.

3 (b) Every survey, plan, or report formulated by a Fed-
4 eral agency which includes a proposal as to which the Sec-
5 retary has promulgated standards and criteria pursuant to
6 subsection (a) shall be (1) prepared in accord with such
7 standards and criteria and upon the basis of information fur-
8 nished by the Secretary with respect to projected growth
9 of transportation needs and traffic in the affected area, the
10 relative efficiency of various modes of transportation, the
11 available transportation services in the area, and the general
12 effect of the proposed investment on the overall transporta-
13 tion system of the area, and on the regional and national
14 economy; (2) coordinated by the proposing agency with
15 the Secretary and, as appropriate, with other Federal agen-
16 cies, States, and local units of government for inclusion of his
17 and their views and comments; and (3) transmitted there-
18 after by the proposing agency for disposition in accord with
19 law and procedures established by the President.

20 AMENDMENTS TO OTHER LAWS

21 SEC. 8. (a) Section 406 (b) of the Federal Aviation
22 Act of 1958 (72 Stat. 763, 49 U.S.C. 1376 (b)), is amended
23 by adding the following sentence at the end thereof: "In
24 applying clause (3) of this subsection, the Board shall take

Eno

Center for
Transportation

1 into consideration any standards and criteria prescribed by
2 the Secretary of Transportation, for determining the character
3 and quality of transportation required for the commerce of
4 the United States and the national defense.”

5 (b) Section 201 of the Appalachian Regional Develop-
6 ment Act of 1965 (79 Stat. 10, 40 U.S.C. App. 201) is
7 amended as follows:

8 (1) The first sentence of subsection (a) of that section
9 is amended by striking out “Commerce (hereafter in this
10 section referred to as the ‘Secretary’)” and inserting in
11 lieu thereof “Transportation”.

12 (2) The last sentence of subsection (a) of that section
13 is amended by inserting “of Transportation” after “Secre-
14 tary”.

15 (3) Subsection (b) of that section is amended by in-
16 serting “of Commerce” after “Secretary”.

17 (4) Subsection (c) of that section is amended by strik-
18 ing out the first sentence and inserting in lieu thereof the fol-
19 lowing: “Such recommendations as are approved by the
20 Secretary of Commerce shall be transmitted to the Secretary
21 of Transportation for his approval.”

22 (5) The second sentence of subsection (c) of that sec-
23 tion is amended by inserting “of Transportation” after “Sec-
24 retary”.

1 (6) Subsection (e) of that section is amended by in-
2 serting "of Transportation" after "Secretary".

3 (7) Subsection (f) of that section is amended by strik-
4 ing out "Secretary determines", and inserting in lieu thereof
5 "Secretary of Commerce and the Secretary of Transportation
6 determine".

7 (8) Subsection (g) of that section is amended by in-
8 serting before the period at the end thereof the following:
9 "to the Secretary of Commerce, who shall transfer funds to
10 the Secretary of Transportation for administration of projects
11 approved by both Secretaries".

12 (c) Section 206 (c) of the Appalachian Regional De-
13 velopment Act of 1965 (79 Stat. 15, 40 U.S.C. App.
14 206 (c)) is amended by inserting "Secretary of Transporta-
15 tion," after "Interior,".

16 (d) Section 212 (a) of the Interstate Commerce Act
17 (49 Stat. 555, 49 U.S.C. 312 (a)) is amended by striking
18 out "of the Commission" the second, third, and fourth times
19 those words occur.

20 (e) Section 13 (b) (1) of the Fair Labor Standards
21 Act of 1938 (52 Stat. 1067, 29 U.S.C. 213 (b) (1)) is
22 amended by striking out "Interstate Commerce Commis-
23 sion" and inserting in lieu thereof "Secretary of Transporta-
24 tion".

1 (f) The second sentence of section 3 of the Federal
2 Explosives Act (40 Stat. ~~385~~ 386, 50 U.S.C. 123) is amended
3 to read as follows: "This Act shall not apply to explosives
4 or ingredients which are in transit upon vessels, railroad
5 cars, aircraft, or other conveyances in conformity with statu-
6 tory law or with the rules and regulations of the Secretary
7 of Transportation."

8 ADMINISTRATIVE PROVISIONS

9 SEC. 9. (a) In addition to the authority contained in
10 any other Act which is transferred to and vested in the
11 Secretary, the Secretary is authorized, subject to the civil
12 service and classification laws, to select, appoint, employ,
13 and fix the compensation of such officers and employees, in-
14 cluding attorneys, as are necessary to carry out the pro-
15 visions of this Act and to prescribe their authority and
16 duties.

17 (b) Notwithstanding any provision of this Act or other
18 law—

19 (1) a member of the Coast Guard on active duty
20 may be appointed, detailed, or assigned to any position
21 in the Department other than Secretary, Under Secre-
22 tary, and Assistant Secretary for Administration, and

23 (2) a retired member of the Coast Guard may be
24 appointed to any position in the Department.

25 (c) The Secretary may obtain services as authorized

1 by section 15 of the Administrative Expenses Act of 1946
2 (60 Stat. 810, 5 U.S.C. 55a), but at rates not to exceed
3 \$100 per diem for individuals unless otherwise specified in
4 an appropriation Act.

5 (d) The Secretary is authorized to provide for par-
6 ticipation of military personnel in carrying out his func-
7 tions. Members of the Army, the Navy, the Air Force, or
8 the Marine Corps may be detailed for service in the Depart-
9 ment by the appropriate Secretary, pursuant to cooperative
10 agreements with the Secretary of Transportation.

11 (e) (1) Appointment, detail, or assignment to, accept-
12 ance of, and service in any appointive or other position in the
13 Department under the authority of subsection (b) (1) or sub-
14 section (d) shall in no way affect status, office, rank, or
15 grade which officers or enlisted men may occupy or hold, or
16 any emolument, perquisite, right, privilege, or benefit, inci-
17 dent to or arising out of any such status, office, rank, or grade
18 nor shall any member so appointed, detailed, or assigned be
19 charged against any statutory limitation on grades or
20 strengths applicable to the armed forces. A person so ap-
21 pointed, detailed, or assigned shall not be subject to direction
22 by or control by his armed force or any officer thereof di-
23 rectly or indirectly with respect to the responsibilities exer-
24 cised in the position to which appointed, detailed, or
25 assigned.

1 (2) The Secretary shall report annually in writing to
2 the Congress on personnel appointed and agreements en-
3 tered into under subsection (d) of this section, including
4 the number, rank, and positions of members of the armed
5 services detailed pursuant thereto.

6 (f) In addition to the authority to delegate and redele-
7 gate contained in any other Act, in the exercise of the func-
8 tions transferred to or vested in the Secretary in this Act,
9 the Secretary may delegate any of his functions, powers, and
10 duties to such officers and employees of the Department
11 as he may designate, may authorize such successive redele-
12 gations of such functions, powers, and duties as he may deem
13 desirable, and may make such rules and regulations as may
14 be necessary to carry out his functions, powers, and duties.

15 (g) The personnel, assets, liabilities, contracts, prop-
16 erty, records, and unexpended balances of appropriations,
17 authorizations, allocations, and other funds employed, held,
18 used, arising from, available or to be made available, of the
19 Federal Aviation Agency, and of the head and other officers
20 and offices thereof, are hereby transferred to the Secretary.

21 (h) So much of the positions, assets, liabilities, con-
22 tracts, property, records, and unexpended balances of ap-
23 propriations, authorizations, allocations, and other funds
24 employed, held, used, arising from, available or to be made
25 available in connection with the functions, powers, and duties

1 transferred by sections 6 (except section 6 (c)), 8 (d), and
2 8 (e) of this Act as the Director of the Bureau of the Budget
3 shall determine shall be transferred to the Secretary. Ex-
4 cept as provided in subsection (i), personnel engaged in
5 these functions, powers, and duties shall be transferred in
6 accordance with applicable laws and regulations relating
7 to transfer of functions.

8 (i) The transfer of personnel pursuant to subsections
9 (g) and (h) of this section shall be without reduction in
10 classification or compensation for one year after such
11 transfer.

12 (j) In any case where all of the functions, powers, and
13 duties of any office or agency, other than the Coast Guard,
14 are transferred pursuant to this Act, such office or agency
15 shall lapse. Any person who, on the effective date of this
16 Act, held a position compensated in accordance with the
17 Federal Executive Salary Schedule, and who, without a
18 break in service, is appointed in the Department to a posi-
19 tion having duties comparable to those performed immedi-
20 ately preceding his appointment shall continue to be com-
21 pensated in his new position at not less than the rate pro-
22 vided for his previous position, for the duration of his service
23 in his new position.

24 (k) The Secretary is authorized to establish a working
25 capital fund, to be available without fiscal year limitation,

1 for expenses necessary for the maintenance and operation of
2 such common administrative services as he shall find to be
3 desirable in the interest of economy and efficiency in the De-
4 partment, including such services as a central supply service
5 for stationery and other supplies and equipment for which
6 adequate stocks may be maintained to meet in whole or in
7 part the requirements of the Department and its agencies;
8 central messenger, mail, telephone, and other communica-
9 tions services; office space, central services for document re-
10 production, and for graphics and visual aids; and a central
11 library service. The capital of the fund shall consist of any
12 appropriations made for the purpose of providing capital
13 (which appropriations are hereby authorized) and the fair
14 and reasonable value of such stocks of supplies, equipment,
15 and other assets and inventories on order as the Secretary
16 may transfer to the fund, less the related liabilities and
17 unpaid obligations. Such funds shall be reimbursed from
18 available funds of agencies and offices in the Department,
19 or from other sources, for supplies and services at rates which
20 will approximate the expense of operation, including the ac-
21 crual of annual leave and the depreciation of equipment.
22 The fund shall also be credited with receipts from sale or
23 exchange of property and receipts in payment for loss or
24 damage to property owned by the fund.

25 (1) The Secretary shall cause a seal of office to be

1 made for the Department, and judicial notice shall be taken
2 of such seal.

3 (m) In addition to the authority contained in any other
4 Act which is transferred to and vested in the Secretary, and
5 as necessary and when not otherwise available, the Secretary
6 is authorized to provide for, construct, or maintain the fol-
7 lowing for employees and their dependents stationed at re-
8 mote localities:

9 (1) Emergency medical services and supplies;

10 (2) Food and other subsistence supplies;

11 (3) Messing facilities;

12 (4) Motion picture equipment and film for recrea-
13 tion and training;

14 (5) Reimbursement for food, clothing, medicine,
15 and other supplies furnished by such employees in emer-
16 gencies for the temporary relief of distressed persons;

17 and

18 (6) Living and working quarters and facilities.

19 The furnishing of medical treatment under paragraph (1)
20 and the furnishing of services and supplies under para-
21 graphs (2) and (3) of this subsection shall be at prices
22 reflecting reasonable value as determined by the Secretary,
23 and the proceeds therefrom shall be credited to the appro-
24 priation from which the expenditure was made.

25 (n) (1) The Secretary is authorized to accept, hold, ad-

1 minister, and utilize gifts and bequests of property, both real
2 and personal, for the purpose of aiding or facilitating the
3 work of the Department. Gifts and bequests of money and
4 the proceeds from sales of other property received as gifts or
5 bequests shall be deposited in the Treasury in a separate fund
6 and shall be disbursed upon order of the Secretary of Trans-
7 portation. Property accepted pursuant to this paragraph,
8 and the proceeds thereof, shall be used as nearly as possible in
9 accordance with the terms of the gift or bequest.

10 (2) For the purpose of Federal income, estate, and gift
11 taxes, property accepted under paragraph (1) shall be con-
12 sidered as a gift or bequest to or for use of the United States.

13 (3) Upon the request of the Secretary, the Secretary of
14 the Treasury may invest and reinvest in securities of the
15 United States or in securities guaranteed as to principal and
16 interest by the United States any moneys contained in the
17 fund provided for in paragraph (1). Income accruing from
18 such securities, and from any other property held by the
19 Secretary pursuant to paragraph (1), shall be deposited to
20 the credit of such fund, and shall be disbursed upon order
21 of the Secretary of Transportation.

22 (o) (1) The Secretary is authorized, upon the written
23 request of any person, or any State, territory, possession, or
24 political subdivision thereof to make special statistical studies
25 relating to foreign and domestic transportation, and *special*

1 *statistical studies relating to* other matters falling within the
2 province of the Department, to prepare from its records for
3 special statistical compilations, and to furnish transcripts of
4 its studies, tables, and other records upon the payment of
5 the actual cost of such work by the person or body re-
6 questing it.

7 (2) All moneys received by the Department in pay-
8 ment of the cost of work under paragraph (1) shall be
9 deposited in a special account to be administered under
10 the direction of the Secretary. These moneys may be used,
11 in the discretion of the Secretary, and notwithstanding any
12 other provisions of law, for the ordinary expenses incidental
13 to the work and/or to secure in connection therewith the
14 special services of persons who are neither officers nor em-
15 ployees of the United States.

16 (p) The Secretary is authorized to appoint, without
17 regard to the civil service laws, such advisory committees as
18 shall be appropriate for the purpose of consultation with and
19 advice to the Department in performance of its functions.
20 Members of such committees, other than those regularly em-
21 ployed by the Federal Government, while attending meet-
22 ings of such committees or otherwise serving at the request
23 of the Secretary, may be paid compensation at rates not
24 exceeding those authorized for individuals under subsection
25 (c) of this section, and while so serving away from their

Eno

Records for
Transportation

1 homes or regular places of business, they may be allowed
2 travel expenses, including per diem in lieu of subsistence, as
3 authorized by section 5 of the Administrative Expenses Act
4 of 1946 (5 U.S.C. 73b-2) for persons in the Government
5 service employed intermittently.

6 CONFORMING AMENDMENTS TO OTHER LAWS

7 SEC. 10. (a) Section 19 (d) (1) of title 3, United
8 States Code, is hereby amended by inserting before the period
9 at the end thereof the following: “, Secretary of Trans-
10 portation”.

11 (b) Section 158 of the Revised Statutes (5 U.S.C. 1)
12 is amended by adding at the end thereof:

13 “Twelfth. The Department of Transportation.”

14 (c) The amendment made by subsection (b) of this
15 section shall not be construed to make applicable to the
16 Department any provision of law inconsistent with this Act.

17 (d) Section 303 of the Federal Executive Salary Act
18 of 1964 (78 Stat. 416, 5 U.S.C. 2211) is amended as
19 follows:

20 (1) Subsection (a) of that section is amended by add-
21 ing at the end thereof the following:

22 “(11) Secretary of Housing and Urban Develop-
23 ment.

24 “(12) Secretary of Transportation.”

25 (2) Subsection (c) of that section is amended by strik-

1 ing out “(6) Under Secretary of Commerce for Transporta-
2 tion” and inserting in lieu thereof “(6) Under Secretary of
3 Transportation”.

4 (3) Subsection (d) of that section is amended by add-
5 ing at the end thereof the following:

6 “(70) Assistant Secretaries, Department of Trans-
7 portation, (4).

8 “(71) General Counsel, Department of Trans-
9 portation.

10 “(72) Chairman, National Transportation Safety
11 Board, Department of Transportation.”

12 (4) Subsection (e) of that section is amended by adding
13 at the end thereof the following:

14 “(101) Assistant Secretary for Administration, De-
15 partment of Transportation.

16 “(102) Members, National Transportation Safety
17 Board, Department of Transportation (4).”

18 (5) Subsection (f) of that section is amended by strik-
19 ing out “thirty” and inserting in lieu thereof “thirty-nine”.

20 (6) That section is further amended by adding at the
21 end thereof the following new subsection:

22 “(h) The President is further authorized to place one
23 position in level III.”

24 (e) Subsections (b) (7), (d) (2), and (e) (12),
25 (13), (14), (76), (82), and (89) of section 303 of the

1 Federal Executive Salary Act of 1964 (78 Stat. 416, 5
2 U.S.C. 2211) are repealed.

3 (f) The Act of August 1, 1956 (70 Stat. 897, 46
4 U.S.C. 1241c), is amended by striking out the words "Sec-
5 retary of Commerce" where they appear therein and insert-
6 ing in lieu thereof "Secretary of Transportation".

7 (g) Section 1020 of title 18, United States Code, is
8 amended by striking out "Secretary of Commerce" wherever
9 it appears therein and inserting in lieu thereof "Secretary of
10 Transportation".

11 (h) Subsection (1) of section 801 of title 10, United
12 States Code, is amended by striking out "the General Coun-
13 sel of the Department of the Treasury" and inserting in lieu
14 thereof "the General Counsel of the Department of Trans-
15 portation".

16 **ANNUAL REPORT**

17 **SEC. 11.** The Secretary shall, as soon as practicable after
18 the end of each fiscal year, make a report in writing to the
19 President for submission to the Congress on the activities of
20 the Department during the preceding fiscal year.

21 **SAVINGS PROVISIONS**

22 **SEC. 12. (a)** All orders, determinations, rules, regula-
23 tions, permits, contracts, certificates, licenses, and privi-
24 leges—

1 (1) which have been issued, made, granted, or al-
2 lowed to become effective—

3 (A) under any provision of law amended by
4 this Act, or

5 (B) in the exercise of duties, powers, or func-
6 tions which are transferred under this Act,
7 by (i) any department or agency, any functions of
8 which are transferred by this Act, or (ii) any court of
9 competent jurisdiction, and

10 (2) which are in effect at the time this Act takes
11 effect,

12 shall continue in effect according to their terms until modified,
13 terminated, superseded, set aside, or repealed by the Secre-
14 tary, Board, or General Counsel (in the exercise of any
15 authority respectively vested in them by this Act), by any
16 court of competent jurisdiction, or by operation of law.

17 (b) The provisions of this Act shall not affect any
18 proceedings pending at the time this section takes effect be-
19 fore any department or agency (or component thereof),
20 functions of which are transferred by this Act; but such
21 proceedings, to the extent that they relate to functions so
22 transferred, shall be continued before the Department. Such
23 proceedings, to the extent they do not relate to functions so
24 transferred, shall be continued before the department or

1 agency before which they were pending at the time of such
2 transfer. In either case orders shall be issued in such pro-
3 ceedings, appeals shall be taken therefrom, and payments
4 shall be made pursuant to such orders, as if this Act had not
5 been enacted; and orders issued in any such proceedings shall
6 continue in effect until modified, terminated, superseded, or
7 repealed by the Secretary, Board, or General Counsel (in
8 the exercise of any authority respectively vested in them by
9 this Act), by a court of competent jurisdiction, or by opera-
10 tion of law.

11 (c) (1) Except as provided in paragraph (2)—

12 (A) the provisions of this Act shall not affect suits
13 commenced prior to the date this section takes effect, and

14 (B) in all such suits proceedings shall be had, ap-
15 peals taken, and judgments rendered, in the same man-
16 ner and effect as if this Act had not been enacted.

17 No suit, action, or other proceeding commenced by or against
18 any officer in his official capacity of any department or
19 agency, functions of which are transferred by this Act, shall
20 abate by reason of the enactment of this Act. No cause of
21 action by or against any department or agency, functions of
22 which are transferred by this Act, or by or against any
23 officer thereof in his official capacity shall abate by reason of
24 the enactment of this Act. Causes of actions, suits, actions
25 or other proceedings may be asserted by or against the

1 United States or such official of the Department as may be
2 appropriate and, in any litigation pending when this section
3 takes effect, the court may at any time, on its own motion or
4 that of any party, enter an order which will give effect to the
5 provisions of this subsection.

6 (2) If before the date on which this Act takes effect,
7 any department or agency, or officer thereof in his official
8 capacity, is a party to a suit, and under this Act—

9 (A) such department or agency is transferred to the
10 Secretary, or

11 (B) any function of such department, agency, or
12 officer is transferred to the Secretary,
13 then such suit shall be continued by the Secretary (except in
14 the case of a suit not involving functions transferred to the
15 Secretary, in which case the suit shall be continued by the
16 department, agency, or officer which was a party to the suit
17 prior to the effective date of this Act).

18 (d) With respect to any function, power, or duty trans-
19 ferred by this Act and exercised after the effective date of this
20 Act, reference in any other Federal law to any department
21 or agency, officer or office so transferred or functions of which
22 are so transferred shall be deemed to mean the officer or
23 agency in which this Act vests such function after such
24 transfer.

1 SEPARABILITY

2 SEC. 13. If any provision of this Act or the application
3 thereof to any person or circumstances is held invalid, the
4 remainder of this Act, and the application of such provision
5 to other persons or circumstances shall not be affected
6 thereby.

7 CODIFICATION

8 SEC. 14. The Secretary shall propose to the Congress
9 within two years from the effective date of this Act, a codi-
10 fication of all laws that contain the powers, duties, and func-
11 tions transferred to or vested in the Secretary or the Depart-
12 ment by this Act.

13 EFFECTIVE DATE; INITIAL APPOINTMENT OF

14 OFFICERS

15 SEC. 15. (a) This Act shall take effect ninety days
16 after the Secretary first takes office, or on such prior date
17 after enactment of this Act as the President shall prescribe
18 and publish in the Federal Register.

19 (b) Any of the officers provided for in sections 3 or 5
20 of this Act may (notwithstanding subsection (a)) be ap-
21 pointed in the manner provided for in such sections, at any
22 time after the date of enactment of this Act. Such officers
23 shall be compensated from the date they first take office, at

