

park. The Secretary is authorized, pending establishment of the park, to negotiate and acquire options for the purchase of lands and interests in land within the boundaries of the park. He is further authorized to execute contracts for the purchase of such lands and interests, but the liability of the United States under any such contract shall be contingent on the availability of appropriated or donated funds to fulfill the same."

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. WHITE]?

There was no objection.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report in connection with the bill S. 1349.

The SPEAKER. Without objection it is so ordered.

There was no objection.

DEPARTMENT OF TRANSPORTATION ACT

Mr. HOLIFIELD. Mr. Speaker, I call up the conference report on the bill (H.R. 15963) to establish a Department of Transportation, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 2236)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15963) to establish a Department of Transportation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Department of Transportation Act'.

"DECLARATION OF PURPOSE

"SEC. 2. (a) The Congress hereby declares that the general welfare, the economic growth and stability of the Nation and its security require the development of national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the Nation's resources.

"(b) (1) The Congress therefore finds that the establishment of a Department of Transportation is necessary in the public interest and to assure the coordinated, effective ad-

ministration of the transportation programs of the Federal Government; to facilitate the development and improvement of coordinated transportation service, to be provided by private enterprise to the maximum extent feasible; to encourage cooperation of Federal, State, and local governments, carriers, labor, and other interested parties toward the achievement of national transportation objectives; to stimulate technological advances in transportation; to provide general leadership in the identification and solution of transportation problems; and to develop and recommend to the President and the Congress for approval national transportation policies and programs to accomplish these objectives with full and appropriate consideration of the needs of the public, users, carriers, industry, labor, and the national defense.

"(2) It is hereby declared to be the national policy that special efforts should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

"ESTABLISHMENT OF DEPARTMENT

"SEC. 3. (a) There is hereby established at the seat of government an executive department to be known as the Department of Transportation (hereafter referred to in this Act as the 'Department'). There shall be at the head of the Department a Secretary of Transportation (hereafter referred to in this Act as the 'Secretary'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

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

"(d) There shall be in the Department an Assistant Secretary for Administration, who shall be appointed, with the approval of the President, by the Secretary under the classified civil service who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

"(e) (1) There is hereby established within the Department a Federal Highway Administration; a Federal Railroad Administration; and a Federal Aviation Administration. Each of these components shall be headed by an Administrator, and in the case of the Federal Aviation Administration there shall also be a Deputy Administrator. The Administrators and the Deputy Federal Aviation Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The qualifications of the Administrator of the Federal Aviation Agency specified in section 301(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 744; 49 U.S.C. 1341), and the qualifications and status of the Deputy Administrator specified in section 302(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 744; 49 U.S.C. 1342), shall apply, respectively, to the Administrator and Deputy Administrator of the Federal Aviation Administration. However, nothing in this Act shall be construed to preclude the ap-

pointment of the present Administrator of the Federal Aviation Agency as Administrator of the Federal Aviation Administration in accordance with the provisions of the Act of June 22, 1965, as amended (79 Stat. 171).

"(3) In addition to such functions, powers, and duties as are specified in this Act to be carried out by the Administrator, the Administrators and the Commandant of the Coast Guard shall carry out such additional functions, powers, and duties as the Secretary may prescribe. The Administrators and the Commandant of the Coast Guard shall report directly to the Secretary.

"(4) The functions, powers, and duties specified in this Act to be carried out by each Administrator shall not be transferred elsewhere in the Department unless specifically provided for by reorganization plan submitted pursuant to provisions of chapter 9 of title 5, United States Code, or by statute.

"(f) (1) The Secretary shall carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through a National Traffic Safety Bureau (hereafter referred to in this paragraph as "Bureau"), which he shall establish in the Department of Transportation. The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate prescribed for level V of the Executive Schedule. All other provisions of the National Traffic and Motor Vehicle Safety Act of 1966 shall apply.

"(2) The Secretary shall carry out the provisions of the Highway Safety Act of 1966 (80 Stat. 731) (including chapter 4 of title 23 of the United States Code) through a National Highway Safety Bureau (hereafter referred to in this paragraph as "Bureau"), which he shall establish in the Department of Transportation. The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be compensated at the rate prescribed for level V of the Executive Schedule. All other provisions of the Highway Safety Act of 1966 shall apply.

"(3) The President is authorized, as provided in section 201 of the Highway Safety Act of 1966, to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 through the Bureau and Director authorized by section 201 of the Highway Safety Act of 1966.

"(4) The office of Federal Highway Administrator, created by section 303 of title 23, United States Code, is hereby transferred to and continued within the Department under the title Director of Public Roads. The Director shall be the operating head of the Bureau of Public Roads, or any other agency created within the Department to carry out the primary functions carried out immediately before the effective date of this Act by the Bureau of Public Roads.

"GENERAL PROVISIONS

"SEC. 4. (a) The Secretary in carrying out the purposes of this Act shall, among his responsibilities, exercise leadership under the direction of the President in transportation matters, including those affecting the national defense and those involving national or regional emergencies; provide leadership in the development of national transportation policies and programs, and make recommendations to the President and the Congress for their consideration and implementation; promote and undertake development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation; consult and cooperate with the Secretary of Labor in gathering information regarding the status of labor-management contracts and other labor-management problems and in promoting industrial harmony and stable employ-

ment conditions in all modes of transportation; promote and undertake research and development relating to transportation, including noise abatement, with particular attention to aircraft noise; consult with the heads of other Federal departments and agencies on the transportation requirements of the Government, including the procurement of transportation or the operation of their own transport services in order to encourage them to establish and observe policies consistent with the maintenance of a coordinated transportation system; and consult and cooperate with State and local governments, carriers, labor, and other interested parties, including, when appropriate, holding informal public hearings.

"(b) (1) In carrying out his duties and responsibilities under this Act, the Secretary shall be governed by all applicable statutes including the policy standards set forth in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.); the national transportation policy of the Interstate Commerce Act, as amended (49 U.S.C., preceding §§ 1, 301, 901, and 1001); title 23, United States Code, relating to Federal-aid highways; and title 14 U.S.C., titles LIII and LIII of the Revised Statutes (46 U.S.C., chs. 2A, 7, 11, 14, 15, and 18), the Act of April 25, 1940, as amended (54 Stat. 163; 46 U.S.C. 526-526u), and the Act of September 2, 1958, as amended (72 Stat. 1754; 46 U.S.C. 527-527h), relating to the United States Coast Guard.

"(2) Nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of—

"(A) any transportation policy, or

"(B) any investment standards or criteria.

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

"(c) Orders and actions of the Secretary or the National Transportation Safety Board in the exercise of functions, powers, and duties transferred under this Act, and orders and actions of the Administrators pursuant to the functions, powers, and duties specifically assigned to them by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency exercising such functions, powers, and duties immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such functions by the Secretary, the Administrators, or the National Transportation Safety Board.

"(d) In the exercise of the functions, powers, and duties transferred under this Act, the Secretary, the Administrators, and the National Transportation Safety Board shall have the same authority as that vested in the department or agency exercising such functions, powers, and duties immediately preceding their transfer, and their actions in exercising such functions, powers, and duties shall have the same force and effect as when exercised by such department or agency.

"(e) It shall be the duty of the Secretary—

"(1) to promptly investigate the safety compliance records in the Department of each applicant seeking operating authority from the Interstate Commerce Commission (referred to in this subsection as the 'Commission') and to report his findings to the Commission;

"(2) when the safety record of an applicant for permanent operating authority, or for approval of a proposed transaction involving transfer of operating authority, fails

to satisfy the Secretary, to intervene and present evidence of such applicant's fitness in Commission proceedings;

"(3) to furnish promptly upon request of the Commission a statement regarding the safety record of any applicant seeking temporary operating authority from the Commission; and

"(4) (A) to furnish upon request of the Commission a complete report of the safety compliance of any carrier, (B) to have made such additional inspections or safety compliance surveys which the Commission deems necessary or desirable in order to process an application or to determine the fitness of a carrier, and (C) if the Commission so requests, to intervene and present evidence in any proceeding in which a determination of fitness is required.

"(f) The Secretary shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of this Act, the Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

"(g) The Secretary and the Secretary of Housing and Urban Development shall consult and exchange information regarding their respective transportation policies and activities; carry on joint planning, research and other activities; and coordinate assistance for local transportation projects. They shall jointly study how Federal policies and programs can assure that urban transportation systems most effectively serve both national transportation needs and the comprehensively planned development of urban areas. They shall, within one year after the effective date of this Act, and annually thereafter, report to the President, for submission to the Congress, on their studies and other activities under this subsection, including any legislative recommendations which they determine to be desirable. The Secretary and the Secretary of Housing and Urban Development shall study and report within one year after the effective date of this Act to the President and the Congress on the logical and efficient organization and location of urban mass transportation functions in the Executive Branch.

"NATIONAL TRANSPORTATION SAFETY BOARD

"Sec. 5. (a) There is hereby established within the Department a National Transportation Safety Board (referred to hereafter in this Act as 'Board').

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

"(1) determining the cause or probable cause of transportation accidents and reporting the facts, conditions, and circumstances relating to such accidents; and

"(2) reviewing on appeal the suspension, amendment, modification, revocation, or denial of any certificate or license issued by the Secretary or by an Administrator.

"(c) The Board shall exercise the functions, powers, and duties relating to aircraft accident investigations transferred to the Secretary by section 6(d) of this Act.

"(d) The Board is further authorized to—

"(1) make such recommendations to the Secretary or Administrators on the basis of the exercise of its functions, powers, and duties which, in its opinion, will tend to

prevent transportation accidents and promote transportation safety;

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

"(3) insure that in cases in which it is required to determine cause or probable cause, reports of investigation adequately state the circumstances of the accident involved;

"(4) initiate on its own motion or conduct rail, highway, or pipeline accident investigations as the Board deems necessary or appropriate;

"(5) make recommendations to the Secretary or Administrators concerning rules, regulations, and procedures for the conduct of accident investigations;

"(6) request the Secretary or Administrators to initiate specific accident investigations or conduct further investigations as the Board determines to be necessary or appropriate;

"(7) arrange for the personal participation of members or other personnel of the Board in accident investigations conducted by the Secretary or Administrators in such cases as it deems appropriate; and

"(8) request from the Secretary or Administrators notification of transportation accidents and reports of such accidents as the Board deems necessary.

"(e) Except as otherwise provided by statute, the Board shall make public all reports, orders, decisions, rules, and regulations issued pursuant to sections 5(b) (1) and 5(b) (2), and the Board shall also make public—

"(1) every recommendation made to the Secretary or an Administrator;

"(2) every special study conducted; and

"(3) every action of the Board requesting the Secretary or an Administrator to take action,

pursuant to section 5(d) (1), (2), (3), (5), (6), or (8).

"(f) In the exercise of its functions, powers, and duties, the Board shall be independent of the Secretary and the other officers and employees of the Department.

"(g) The Board shall report to the Congress annually on the conduct of its functions under this Act and the effectiveness of accident investigations in the Department, together with such recommendations for legislation as it may deem appropriate.

"(h) The Board shall consist of five members to be appointed by the President, by and with the advice and consent of the Senate. No more than three members of the Board shall be of the same political party. Members of the Board shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers, and duties vested in and imposed upon the Board, and may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(i) Members of the Board shall be appointed for terms of five years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and (2) the five members first appointed shall serve for terms (designated by the President at the time of appointment) ending on the last day of the first, second, third, fourth, and fifth calendar years beginning after the year of enactment of this Act. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified.

"(j) 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.

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

"(l) In carrying out its functions, the Board (or, upon the authorization of the Board, any member thereof or any hearing examiner assigned to or employed by the Board) shall have the same powers as are vested in the Secretary to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"(m) The Board may delegate to any officer or official of the Board, or, with the approval of the Secretary, to any officer or official of the Department such of its functions as it may deem appropriate, except that—

"(1) with respect to aviation, the proviso in section 701(g) of the Federal Aviation Act of 1958, as amended (72 Stat. 782; 49 U.S.C. 1441(g)) shall apply to the Secretary, the Federal Aviation Administrator and their representatives, and

"(2) the Board shall not delegate the appellate or determination of probable cause functions transferred to it by section 6(d) of this Act.

"(n) Subject to the civil service and classification laws, the Board is authorized to select, appoint, employ, and fix compensation of such officers and employees, including investigators, attorneys and hearing examiners, as shall be necessary to carry out its powers and duties under this Act.

"(o) The Board is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department and such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Board. The Board is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, territorial, municipal, or other local agencies.

"TRANSFERS TO DEPARTMENT

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

"(1) the following laws and provisions of law relating generally to highways:

"(A) Title 23, United States Code, as amended.

"(B) The Federal-Aid Highway Act of 1966 (80 Stat. 766).

"(C) The Federal-Aid Highway Act of 1962, as amended (76 Stat. 1145; 23 U.S.C. 307 note).

"(D) The Act of July 14, 1960, as amended (74 Stat. 526; 23 U.S.C. 313 note).

"(E) The Federal-Aid Highway Act of 1954, as amended (68 Stat. 70).

"(F) The Act of September 26, 1961, as amended (75 Stat. 670).

"(G) The Highway Revenue Act of 1956, as amended (70 Stat. 387; 23 U.S.C. 120 note).

"(H) The Highway Beautification Act of 1965, as amended (79 Stat. 1028; 23 U.S.C. 131 et seq. notes).

"(I) The Alaska Omnibus Act, as amended (73 Stat. 141; 48 U.S.C. 21 note prec.).

"(J) The Joint Resolution of August 28, 1965, as amended (79 Stat. 578; 23 U.S.C. 101 et seq. notes).

"(K) Section 502(c) of the General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525(c)).

"(L) The Act of April 27, 1962, as amended (76 Stat. 59).

"(M) Reorganization Plan No. 7 of 1949 (63 Stat. 1070; 5 U.S.C. 1332-15 note).

"(2) the following laws and provisions of law relating generally to ground transportation:

"(A) The Act of September 30, 1965, as amended (79 Stat. 893; 49 U.S.C. 1631 et seq.).

"(B) The Urban Mass Transportation Act of 1964, as amended (78 Stat. 306, 49 U.S.C. 1607).

"(3) the following laws and provisions of law relating generally to aircraft:

"(A) The Act of September 7, 1957, as amended (71 Stat. 629; 49 U.S.C. 1324 note).

"(B) Section 410 of the Federal Aviation Act of 1958, as amended (72 Stat. 769; 49 U.S.C. 1380).

"(C) Title XIII of the Federal Aviation Act of 1958, as amended (72 Stat. 800; 49 U.S.C. 1531 et seq.).

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

"(5) the following law to the extent it authorizes scientific and professional positions which relate primarily to functions transferred by this subsection: The Act of August 1, 1947, as amended (61 Stat. 715, 5 U.S.C. 1161).

"(6) the following laws relating generally to traffic and highway safety:

"(A) The National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718).

"(B) The Highway Safety Act of 1966 (80 Stat. 731).

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

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

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

"(c) (1) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Federal Aviation Agency, and of the Administrator and other officers and offices thereof, including the development and construction of a civil supersonic aircraft: *Provided, however,* That there are hereby transferred to the Federal Aviation Administrator, and it shall be his duty to exercise the functions, powers, and duties of the Secretary pertaining to aviation safety as set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended. In exercising these enumerated functions, powers,

and duties, the Administrator shall be guided by the declaration of policy in section 103 of the Federal Aviation Act of 1958, as amended. Decisions of the Federal Aviation Administrator made pursuant to the exercise of the functions, powers, and duties enumerated in this subsection to be exercised by the Administrator shall be administratively final, and appeals as authorized by law or this Act shall be taken directly to the National Transportation Safety Board or to the courts, as appropriate.

"(2) Nothing in this Act shall affect the power of the President under section 302(e) of the Federal Aviation Act of 1958 (72 Stat. 746, 49 U.S.C. 1343(c)) to transfer, to the Department of Defense in the event of war, any functions transferred by this Act from the Federal Aviation Agency.

"(d) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Civil Aeronautics Board, and of the Chairman, members, officers, and offices thereof under titles VI (72 Stat. 775; 49 U.S.C. 1421 et seq.) and VII (72 Stat. 781; 49 U.S.C. 1441 et seq.) of the Federal Aviation Act of 1958, as amended: *Provided, however,* That these functions, powers, and duties are hereby transferred to and shall be exercised by the National Transportation Safety Board. Decisions of the National Transportation Safety Board made pursuant to the exercise of the functions, powers, and duties enumerated in this subsection shall be administratively final, and appeals as authorized by law or this Act shall be taken directly to the courts.

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

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

"(A) The Act of March 2, 1893, as amended (27 Stat. 531; 45 U.S.C. 1 et seq.).

"(B) The Act of March 2, 1903, as amended (32 Stat. 943; 45 U.S.C. 8 et seq.).

"(C) The Act of April 14, 1910, as amended (36 Stat. 298; 45 U.S.C. 11 et seq.).

"(D) The Act of May 30, 1908, as amended (35 Stat. 476; 45 U.S.C. 17 et seq.).

"(E) The Act of February 17, 1911, as amended (36 Stat. 913; 45 U.S.C. 22 et seq.).

"(F) The Act of March 4, 1915, as amended (38 Stat. 1192; 45 U.S.C. 30).

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

"(H) Joint Resolution of June 30, 1906, as amended (34 Stat. 838; 45 U.S.C. 35).

"(I) The Act of May 27, 1908, as amended (35 Stat. 325; 45 U.S.C. 36 et seq.).

"(J) The Act of March 4, 1909, as amended (35 Stat. 965; 45 U.S.C. 37).

"(K) The Act of May 6, 1910, as amended (36 Stat. 350; 45 U.S.C. 38 et seq.).

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

"(3) the following law relating generally to medals for heroism: The act of February 23, 1905, as amended (33 Stat. 743; 49 U.S.C. 1201 et seq.).

"(4) the following provisions of law relating generally to explosives and other dangerous articles: Sections 831-835 of title 18, United States Code, as amended.

"(5) the following laws relating generally to standard time zones and daylight saving time:

"(A) The Act of March 19, 1918, as amended (40 Stat. 450; 15 U.S.C. 261 et seq.).

"(B) The Act of March 4, 1921, as amended (41 Stat. 1446; 15 U.S.C. 265).

"(C) The Uniform Time Act of 1966, as amended (80 Stat. 107).

"(6) the following provisions of the Interstate Commerce Act, as amended—

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

"(B) relating generally to investigation of motor vehicle sizes, weights, and service of employees: Section 226 (49 U.S.C. 325).

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

"(D) to the extent they relate to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers: Sections 221(a), 221(c), and 224 (49 U.S.C. 321 et seq.).

"(f) (1) Nothing in subsection (e) shall diminish the functions, powers, and duties of the Interstate Commerce Commission under sections 1(6), 206, 207, 209, 210a, 212, and 216 of the Interstate Commerce Act, as amended (49 U.S.C. 1(6), 306 et seq.), or under any other section of that Act not specifically referred to in subsection (e).

"(2) (A) With respect to any function which is transferred to the Secretary by subsection (e) and which was vested in the Interstate Commerce Commission preceding such transfer, the Secretary shall have the same administrative powers under the Interstate Commerce Act as the Commission had before such transfer with respect to such transferred function. After such transfer, the Commission may exercise its administrative powers under the Interstate Commerce Act only with respect to those of its functions not transferred by subsection (e).

"(B) For purposes of this paragraph—

"(i) the term 'function' includes power and duty, and

"(ii) the term 'administrative powers under the Interstate Commerce Act' means any functions under the following provisions of the Interstate Commerce Act, as amended: Sections 12, 13(1), 13(2), 14, 16(12), the last sentence of 18(1), sections 20 (except clauses (3), (4), (11), and (12) thereof), 204(a) (6) and (7), 204(c), 204(d), 205(d), 205(f), 220 (except subsection (c) and the proviso of subsection (a) thereof), 222 (except subsections (b) (2) and (b) (3) thereof), and 417(b) (1) (49 U.S.C. 12 et seq., 304 et seq., and 1017).

"(3) (A) The Federal Railroad Administrator shall carry out the functions, powers, and duties of the Secretary pertaining to railroad and pipeline safety as set forth in the statutes transferred to the Secretary by subsection (e) of this section.

"(B) The Federal Highway Administrator shall carry out the functions, powers, and duties of the Secretary pertaining to motor carrier safety as set forth in the statutes transferred to the Secretary by subsection (e) of this section.

"(C) Decisions of the Federal Railroad Administrator and the Federal Highway Administrator (i) which are made pursuant to the exercise of the functions, powers, and duties enumerated in subparagraphs (A) and (B) of this paragraph to be carried out by the Administrators, and (ii) which involve notice and hearing required by law, shall be administratively final, and appeals as authorized by law or this Act shall be taken directly to the National Transportation Safety Board or the courts, as appropriate.

"(g) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Secretary of the Army and other officers and offices of the Department of the Army under—

"(1) the following law and provisions of law relating generally to water vessel anchorages:

"(A) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

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

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

"(D) Rule numbered 13 of section 4233 of the Revised Statutes, as amended (33 U.S.C. 322).

"(2) the following provision of law relating generally to drawbridge operating regulations: Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499).

"(3) the following law relating generally to obstructive bridges: The Act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.).

"(4) the following laws and provisions of law relating generally to the reasonableness of tolls:

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

"(B) Section 503 of the General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 526).

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

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

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

"(5) the following law relating to prevention of pollution of the sea by oil: The Oil Pollution Act, 1961, as amended (75 Stat. 402; 33 U.S.C. 1001 et seq.).

"(6) the following laws and provision of law to the extent that they relate generally to the location and clearances of bridges and causeways in the navigable waters of the United States:

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

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

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

"(h) The provisions of subchapter II of chapter 5 and of chapter 7 of title 5, United States Code, shall be applicable to proceedings by the Department and any of the administrations or boards within the Department established by this Act except that notwithstanding this or any other provision of this Act, the transfer of functions, powers, and duties to the Secretary or any other officer in the Department shall not include functions vested by subchapter II of chapter 5 of title 5, United States Code, in hearing examiners employed by any department, agency, or component thereof whose functions are transferred under the provisions of this Act.

"(i) The administration of the Alaska Railroad, established pursuant to the Act of March 12, 1914, as amended (38 Stat. 308), and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Executive Order Numbered 11107, April 25, 1963 (28 F.R. 4225), relative to the operation of said Railroad, are hereby transferred to and vested in the Secretary of Transportation who shall exercise the same authority with respect thereto as is now exercised by the Secretary of the Interior pursuant to said Executive order.

"TRANSPORTATION INVESTMENT STANDARDS

"SEC. 7. (a) The Secretary, subject to the provisions of section 4 of this Act, shall develop and from time to time in the light of experience revise standards and criteria consistent with national transportation policies, for the formulation and economic evaluation of all proposals for the investment of Federal funds in transportation facilities or equipment, except such proposals as are concerned with (1) the acquisition of transportation facilities or equipment by Federal agencies in providing transportation services for their own use; (2) an interoceanic canal located outside the contiguous United States; (3)

defense features included at the direction of the Department of Defense in the design and construction of civil air, sea, and land transportation; (4) programs of foreign assistance; (5) water resource projects; or (6) grant-in-aid programs authorized by law. The standards and criteria developed or revised pursuant to this subsection shall be promulgated by the Secretary upon their approval by the Congress.

"The standards and criteria for economic evaluation of water resource projects shall be developed by the Water Resources Council established by Public Law 89-80. For the purpose of such standards and criteria, the primary direct navigation benefits of a water resource project are defined as the product of the savings to shippers using the waterway and the estimated traffic that would use the waterway; where the savings to shippers shall be construed to mean the difference between (a) the freight rates or charges prevailing at the time of the study for the movement by the alternative means and (b) those which would be charged on the proposed waterway; and where the estimate of traffic that would use the waterway will be based on such freight rates, taking into account projections of the economic growth of the area.

"The Water Resources Council established under section 101 of Public Law 89-80 is hereby expanded to include the Secretary of Transportation on matters pertaining to navigation features of water resource projects.

"(b) Every survey, plan, or report formulated by a Federal agency which includes a proposal as to which the Secretary has promulgated standards and criteria pursuant to subsection (a) shall be (1) prepared in accord with such standards and criteria and upon the basis of information furnished by the Secretary with respect to projected growth of transportation needs and traffic in the affected area, the relative efficiency of various modes of transport, the available transportation services in the area, and the general effect of the proposed investment on existing modes, and on the regional and national economy; (2) coordinated by the proposing agency with the Secretary and, as appropriate, with other Federal agencies, States, and local units of government for inclusion of his and their views and comments; and (3) transmitted thereafter by the proposing agency to the President for disposition in accord with law and procedures established by him.

"AMENDMENTS TO OTHER LAWS

"SEC. 8. (a) Section 406(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 763; 49 U.S.C. 1376(b)), is amended by adding the following sentence at the end thereof: 'In applying clause (3) of this subsection, the Board shall take into consideration any standards and criteria prescribed by the Secretary of Transportation, for determining the character and quality of transportation required for the commerce of the United States and the national defense.'

"(b) Section 201 of the Appalachian Regional Development Act of 1965, as amended (79 Stat. 10; 40 U.S.C. App. 206) is amended as follows:

"(1) The first sentence of subsection (a) of that section is amended by striking the words 'Commerce (hereafter in this section referred to as the "Secretary")' and inserting in lieu thereof 'Transportation'.

"(2) The last sentence of subsection (a) of that section is amended by inserting after the word 'Secretary', the words 'of Transportation'.

"(3) Subsection (b) of that section is amended by inserting after the word 'Secretary', the words 'of Commerce'.

"(4) Subsection (c) of that section is amended by striking the first sentence and

inserting in lieu thereof the following sentence: 'Such recommendations as are approved by the Secretary of Commerce shall be transmitted to the Secretary of Transportation for his approval.'

"(5) The second sentence of subsection (c) of that section is amended by inserting after the word 'Secretary' the words 'of Transportation'.

"(6) Subsection (e) of that section is amended by inserting after the word 'Secretary' the words 'of Transportation'.

"(7) Subsection (f) of that section is amended by inserting after the word 'Secretary', the words 'of Commerce and the Secretary of Transportation'. Subsection (f) of that section is further amended by striking the word 'determines' and inserting in lieu thereof 'determine'.

"(8) Subsection (g) of that section is amended by striking the period at the end thereof and adding the following: 'to the Secretary of Commerce, who shall transfer funds to the Secretary of Transportation for administration of projects approved by both Secretaries.'

"(c) Section 206(c) of the Appalachian Regional Development Act of 1965, as amended (79 Stat. 15; 40 U.S.C. App. 206), is amended by inserting after 'Interior,' the words 'Secretary of Transportation'.

"(d) Section 212(a) of the Interstate Commerce Act, as amended (49 Stat. 555), is amended by striking 'of the Commission' the second, third, and fourth times those words occur.

"(e) Section 13(b)(1) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1067), is amended by striking the words 'Interstate Commerce Commission' and inserting in lieu thereof 'Secretary of Transportation'.

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

"(g) (1) Section 1 of the Act of May 13, 1954, as amended (68 Stat. 93; 33 U.S.C. 981), is amended to read as follows:

"SECTION 1. There is hereby created, subject to the direction and supervision of the Secretary of Transportation, a body corporate to be known as the Saint Lawrence Seaway Development Corporation (hereinafter referred to as the "Corporation").

"(2) Notwithstanding any other provision of this Act, the Administrator of the Saint Lawrence Seaway Development Corporation shall report directly to the Secretary.

"(h) Section 201 of the Highway Safety Act of 1966 (80 Stat. 731) is amended by striking the words 'Federal Highway Administrator' and inserting in lieu thereof the words 'Director of Public Roads', by striking the word 'Agency' wherever it occurs in such section and inserting in lieu thereof the word 'Bureau', and by striking 'an Administrator' or 'Administrator', wherever appearing therein, and inserting in lieu thereof 'a Director' or 'Director', respectively.

"(i) Section 115 of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) is amended by striking the word 'Agency' wherever it occurs in such section and inserting in lieu thereof the word 'Bureau' and by striking the word 'Administrator' wherever it occurs in such section and inserting in lieu thereof the word 'Director'.

"(j) Section 3(a) of the Marine Resources and Engineering Development Act of 1966 (80 Stat. 204) is amended by striking the words 'the Treasury' and inserting in lieu thereof 'Transportation'.

"(k) Section 2(e) of the Act of September 22, 1966, Public Law 89-599, is amended by striking the words 'of Commerce' and inserting in lieu thereof the words 'of Transportation'.

"ADMINISTRATIVE PROVISIONS

"SEC. 9. (a) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary, the National Transportation Safety Board, or any other officer in the Department, the Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out the provisions of this Act and to prescribe their authority and duties.

"(b) The Secretary may obtain services as authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed \$100 per diem for individuals unless otherwise specified in an appropriation Act.

"(c) The Secretary is authorized to provide for participation of military personnel in carrying out the functions of the Department. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Department by the appropriate Secretary, pursuant to cooperative agreements with the Secretary of Transportation.

"(d) (1) Appointment, detail, or assignment to, acceptance of, and service in any appointive or other position in the Department under the authority of section 9(c) and section 9(p) shall in no way affect status, office, rank, or grade which officers or enlisted men may occupy or hold or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, nor shall any member so appointed, detailed, or assigned be charged against any statutory limitation on grades or strengths applicable to the Armed Forces. A person so appointed, detailed, or assigned shall not be subject to direction by or control by his armed force or any officer thereof directly or indirectly with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

"(2) The Secretary shall report annually in writing to the appropriate committees of the Congress on personnel appointed and agreements entered into under subsection (c) of this section, including the number, rank, and positions of members of the armed services detailed pursuant thereto.

"(e) (1) Except where this Act vests in any administration, agency or board, specific functions, powers, and duties, the Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to or vested in the Secretary in this Act, delegate any of his residual functions, powers and duties to such officers and employees of the Department as he may designate, may authorize such successive delegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

"(2) In addition to the authority to delegate and redelegate contained in any other Act, in the exercise of the functions transferred to or specified by this Act to be carried out by any officer in the Department, such officer may delegate any of such functions, powers, and duties to such other officers and employees of the Department as he may designate; may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable; and may make such rules and regulations as may be necessary to carry out such functions, powers, and duties.

"(3) The Administrators established by section 3(e) of this Act may not delegate any of the statutory duties and responsibilities specifically assigned to them by this Act outside of their respective administrations.

"(f) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the Federal Aviation Agency, and of the head and other officers and offices thereof, are hereby transferred to the Secretary: *Provided, however,* That the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available, or to be made available in carrying out the duties and functions transferred by this Act to the Secretary which are specified by this Act to be carried out by the Federal Aviation Administrator shall be assigned by the Secretary to the Federal Aviation Administrator for these purposes.

"(g) So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties transferred by sections 6 (except section 6(c)) and 8 (d) and (e) of this Act as the Director of the Bureau of the Budget shall determine shall be transferred to the Secretary: *Provided, however,* That the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available, or to be made available, by the Civil Aeronautics Board in carrying out the duties transferred by this Act to be exercised by the National Transportation Safety Board shall be transferred to the National Transportation Safety Board. Except as provided in subsection (h), personnel engaged in functions, powers, and duties transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

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

"(i) In any case where all of the functions, powers, and duties of any office or agency, other than the Coast Guard, are transferred pursuant to this Act, such office or agency shall lapse. Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in his new position.

"(j) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist

of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund.

"(k) The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

"(l) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary, the National Transportation Safety Board, or other officer in the Department, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

"(1) Emergency medical services and supplies;

"(2) Food and other subsistence supplies;

"(3) Messing facilities;

"(4) Motion picture equipment and film for recreation and training;

"(5) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons; and

"(6) Living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

"(m) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

"(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

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

"(n) (1) The Secretary is authorized, upon the written request of any person, or any State, territory, possession, or political sub-

division thereof, to make special statistical studies relating to foreign and domestic transportation, and special studies relating to other matters falling within the province of the Department, to prepare from its records special statistical compilations, and to furnish transcripts of its studies, tables, and other records upon the payment of the actual cost of such work by the person or body requesting it.

"(2) All moneys received by the Department in payment of the cost of work under paragraph (1) shall be deposited in a separate account to be administered under the direction of the Secretary. These moneys may be used, in the discretion of the Secretary, for the ordinary expenses incidental to the work and/or to secure in connection therewith the special services of persons who are neither officers nor employees of the United States.

"(o) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(p) (1) Notwithstanding any provision of this Act or other law, a member of the Coast Guard on active duty may be appointed, detailed, or assigned to any position in the Department other than Secretary, Under Secretary, and Assistant Secretary for Administration.

"(2) Subject to the provisions of title 5, United States Code, a retired member of the Coast Guard may be appointed to any position in the Department.

"(q) (1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or persons for the conduct of scientific or technological research into any aspect of the problems related to the programs of the Department which are authorized by statute.

"(2) The Secretary shall require a showing that the institutions, agencies, organizations, or persons with which he expects to enter into contracts pursuant to this subsection have the capability of doing effective work. He shall furnish such advice and assistance as he believes will best carry out the mission of the Department, participate in coordinating all research initiated under this subsection, indicate the lines of inquiry which seem to him most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutions, agencies, organizations, or persons and between them and other research organizations, the Department, and other Federal agencies.

"(3) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this section.

"(4) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

"CONFORMING AMENDMENTS TO OTHER LAWS

"Sec. 10. (a) Section 19(d)(1) of title 3, United States Code, as amended, is hereby

amended by striking out the period at the end thereof and inserting a comma and the following: 'Secretary of Transportation.'

"(b) Section 101 of title 5 of the United States Code is amended by inserting at the end thereof the following:

"The Department of Housing and Urban Development.

"The Department of Transportation'.

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

"(d) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

"(1) Section 5312 is amended by adding at the end thereof the following:

"(11) Secretary of Housing and Urban Development.

"(12) Secretary of Transportation.'

"(2) Section 5313 is amended by striking out '(7) Administrator of the Federal Aviation Agency' and inserting in lieu thereof '(7) Under Secretary of Transportation', and by adding at the end thereof the following:

"(19) Administrator, Federal Aviation Administration.'

"(3) Section 5314 is amended by adding at the end thereof the following:

"(46) Administrator, Federal Highway Administration.

"(47) Administrator, Federal Railroad Administration.

"(48) Chairman, National Transportation Safety Board.'

"(4) Section 5315 is amended by adding at the end thereof the following:

"(78) Members, National Transportation Safety Board.

"(79) General Counsel, Department of Transportation.

"(80) Deputy Administrator, Federal Aviation Administration.

"(81) Assistant Secretaries of Transportation (4).

"(82) Director of Public Roads.

"(83) Administrator of the St. Lawrence Seaway Development Corporation.'

"(5) Section 5316 is amended by adding at the end thereof the following:

"(117) Assistant Secretary for Administration, Department of Transportation.'

"(6) Section 5317 is amended by striking out 'thirty' and inserting in lieu thereof 'thirty-four'.

"(e) Subsections 5314(6), 5315(2), and 5316 (10), (12), (13), (14), (76), and (82) of title 5 of the United States Code are repealed, subject to the provisions of section 9 of this Act.

"(f) Title 18, United States Code, section 1020, as amended, is amended by striking the words 'Secretary of Commerce' where they appear therein and inserting in lieu thereof 'Secretary of Transportation'.

"(g) Subsection (1) of section 801, title 10, United States Code, as amended, is amended by striking out 'the General Counsel of the Department of the Treasury' and inserting in lieu thereof 'the General Counsel of the Department of Transportation'.

"ANNUAL REPORT

"Sec. 11. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

"SAVINGS PROVISIONS

"Sec. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective—

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

"(B) in the exercise of duties, powers, or functions which are transferred under this Act,

by (1) any department or agency, any functions of which are transferred by this Act, or (1) any court of competent jurisdiction, and

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

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by any court of competent jurisdiction, or by operation of law.

"(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by a court of competent jurisdiction, or by operation of law.

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

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

"(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

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

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

"(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

"(d) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department

or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this Act vests such function after such transfer.

"SEPARABILITY

"Sec. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

"CODIFICATION

"Sec. 14. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws that contain the powers, duties, and functions transferred to or vested in the Secretary or the Department by this Act.

"EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

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

"(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act."

And the Senate agree to the same.

CHEST HOLIFIELD,
JACK BROOKS,
PORTER HARDY, Jr.,
HENRY S. REUSS,
JOHN N. ERLÉNBOERN,
CLARENCE J. BROWN, Jr.

Managers on the Part of the House.

JOHN L. MCCLELLAN,
HENRY M. JACKSON,
ABRAHAM RIBICOFF,
FRED R. HARRIS,
KARL E. MUNDT,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15963) to establish a Department of Transportation, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for clerical corrections, incidental changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

DECLARATION OF PURPOSE

Section 2 of the Senate amendment contained a paragraph not included in the House bill which declared it to be the national policy that in carrying out the provisions of the act, special effort, should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

The conference substitute conforms to the Senate amendment with a minor drafting change.

ESTABLISHMENT OF DEPARTMENT

In section 3 the Senate amendment provided that the act itself establishes within the Department a Federal Highway Administration, a Federal Railroad Administration, a Federal Maritime Administration, and a Federal Aviation Administration. The House bill did not provide for the establishment of a Federal Maritime Administration. The Senate amendment also contained language providing for a Deputy Administrator of the Federal Aviation Administration which was not in the House bill. The Senate amendment further contained provisions, not in the House bill, continuing the existing qualifications for the Administrator and Deputy Administrator of the Federal Aviation Administration, specifically preserving the possibility of appointing the present Federal Aviation Administrator, providing that the Administrators and Commandant of the Coast Guard shall carry out functions, powers, and duties specified in the act and additional duties prescribed by the Secretary and prohibiting the redistribution of statutorily assigned functions, powers and duties within the Department otherwise than by reorganization plan or statute. The Senate amendment deleted the provision of the House bill establishing an Office of Accident Investigation within the Department, instead elsewhere in the bill retransferring the aviation investigation functions of the Civil Aeronautics Board to the National Transportation Safety Board. The Senate amendment contained language not in the House bill providing that the Secretary shall carry out the provisions of the National Traffic and Motor Vehicles Safety Act of 1966 through a National Safety Traffic Bureau headed by a director at executive salary level V.

The conference substitute amendment omits the provision for a Federal Maritime Administration and restores the provisions of the House bill, stricken in the Senate amendment, which provide that the Administrators and Commandant of the Coast Guard report directly to the Secretary. Otherwise the conference substitute conforms to the Senate amendment.

GENERAL PROVISIONS

In section 4(a) the Senate amendment deleted language giving the Secretary the responsibility of gathering, maintaining, and keeping the President fully advised of information regarding the status of labor-management contracts and other labor-management problems and assisting in promoting industrial harmony and stable employment conditions in all modes of transportation. The Senate amendment provided that in consulting with heads of other Federal departments and agencies engaged in the procurement of transportation or the operation of their own transport services, the Secretary should encourage them to establish and observe policies consistent with the maintenance of a coordinated transportation system operated by private enterprise.

The conference substitute amendment provides that the Secretary shall consult and cooperate with the Secretary of Labor in gathering information on the status of labor-management contracts and other labor-management problems and in promoting industrial harmony and stable employment conditions in all modes of transportation, and includes the Senate language on consultation with the heads of other Federal departments and agencies, but deletes the phrase "operated by private enterprise" to avoid possible conflicts with the Military Transportation Services.

In section 4(b) the Senate amendment added language stating that the Secretary shall be governed in carrying out his duties

and responsibilities under the act, by all applicable statutes including the policy standards set forth in several specifically listed existing laws relating to various phases of transportation.

The conference substitute adopts the language of the Senate amendment, with a conforming change to reflect the deletion of the maritime functions.

In section 4(c) the Senate amendment limited the House language preserving the right of judicial review over decisions in the Department by adding the clause "except as otherwise provided in this Act."

The conference substitute amendment deletes the quoted phrase and returns to the provisions of the House bill which are intended to preserve all rights of judicial review which now exist.

In section 4(d) which preserves the authority of the officials of the new Department to exercise the same authority as that vested in the predecessor agencies, the Senate amendment added the language, "except as provided in this Act."

The conference substitute amendment deletes the language quoted. The conferees believe that other provisions of the act adequately spell out the internal organization of the new Department and the extent of the authority of each of the officials as well as the finality of their decisions. The excepting clause is deleted to avoid the possibility of the loss of any authority in the course of the transfer of functions, powers, and duties to the new Department.

In section 4(e) the Senate amendment added language requiring the Secretary to present to the Interstate Commerce Commission information on the safety fitness of applicants for operating authority. This was intended to assure the continuance of the Commission's ability to determine the fitness of applicants in appropriate cases.

The conference substitute amendment clarifies the Senate amendment.

In section 4(f) the Senate amendment contained language requiring the Secretary of Transportation to cooperate and consult with the Secretaries of Interior, Housing and Urban Development, and Agriculture and with the States in developing transportation plans and programs that carry out the policy of preserving the natural beauty of the countryside and public park and recreation land, wildlife and waterfowl refuges, and historic sites. The Secretary was prohibited from approving programs or projects requiring the use of any such land unless there is no feasible alternative and all possible planning to minimize harm is taken.

The conference substitute amendment adopts the Senate amendment language except for adding the words "and prudent" after the word "feasible".

In section 4(g) the Senate amendment required the Secretary and the Secretary of Housing and Urban Development to consult and exchange information regarding their transportation policies and activities and to carry on the joint planning, research, and other activities and coordinate assistance for local projects. The amendment required the two Secretaries to study Federal policies and programs, to see how they can assure that urban transportation systems will effectively serve both local and national needs and to report within 1 year and annually thereafter to the President for submission to Congress on their studies and other activities, including legislative recommendations.

The conference substitute amendment conforms to the Senate amendment and adds thereto the clause previously deleted by the Senate which would require the two Secretaries to report within 1 year on the logical and efficient organization and location of urban mass transportation functions in the executive branch.

NATIONAL TRANSPORTATION SAFETY BOARD

In section 5 the Senate amendment placed in the National Transportation Safety Board the aircraft accident investigation functions now carried on by the Civil Aeronautics Board; provided specifically that decisions of the Board shall be administratively final; gave the NTSB authority to initiate or conduct rail, highway and pipeline accident investigations and specific authority to hire investigators and prohibited the Board from delegating its functions of hearing certain appeals and of determining probable cause of accidents.

The conference substitute amendment conforms to the Senate amendment.

TRANSFERS TO THE DEPARTMENT

In section 6(a) (5) the Senate amendment contained language not found in the House bill which transfers to the new Secretary, merchant marine and maritime functions and provides for their exercise by a Federal Maritime Administrator and a Maritime Board.

The conference substitute amendment deletes all reference to maritime functions, a Federal Maritime Administrator and the Maritime Board.

In section 6(c) which transfers to the Secretary all functions, powers and duties of the Federal Aviation Agency and of the Administrator and other officers thereof, the Senate amendment added the language "including the development and construction of a civil supersonic aircraft." The Senate amendment also further transferred to the Federal Aviation Administrator the duties of the Secretary under section 6(c) pertaining to aviation safety as set forth in certain sections of the Federal Aviation Act of 1958. The Senate amendment made decisions of the Federal Aviation Administrator in exercising these functions administratively final with appeals as authorized by law and this act to be taken directly to the National Transportation Safety Board or to the courts as appropriate. The Senate amendment deleted a provision specifically reserving the power of the President to transfer any of the aviation functions to the Department of Defense in time of war.

The substitute conference amendment restores the wartime transfer power of the President as provided in the House bill and otherwise conforms to the Senate amendment.

In section 6(d) the Senate amendment retransfers to the National Transportation Safety Board all of the Civil Aeronautics Board safety functions which are transferred by the act to the Secretary under section 6(d) and provides that decisions of the National Transportation Board made pursuant to the exercise of these functions, powers, and duties shall be administratively final and appeals taken directly to the courts.

The conference substitute amendment conforms to the Senate amendment.

In section 6(f) the Senate amendment provided that the Federal Railroad Administrator and the Federal Highway Administrator shall carry out the functions, powers, and duties of the Secretary pertaining to railroad and pipeline safety and to motor carrier safety which were transferred from the Interstate Commerce Commission to the Secretary. The decisions of the two Administrators pursuant to the exercise of these functions were made administratively final, with appeals to be taken to the National Transportation Safety Board or the courts.

The substitute conference amendment specifically limits the administrative finality of the two Administrators' decisions to proceedings which involve notice and hearings required by law, and otherwise conforms to the Senate amendment.

In section 6(h) the Senate amendment provides that the Administrative Procedure

Act shall be applicable to proceedings by the Departments and its subordinate units.

The substitute conference amendment conforms to the Senate amendment. Complementary House language was restored in section 4(c).

In section 6(i) the Senate amendment transferred the administration of the Alaska Railroad to the new Department. The House report had contemplated that this would be accomplished by Executive order.

The substitute conference amendment conforms to the Senate amendment.

TRANSPORTATION INVESTMENT STANDARDS

The Senate amendment contains language in section 7 which was not in the House bill. This requires the Secretary to develop standards and criteria for the formulation and economic evaluation and proposals for the investment of Federal funds in transportation facilities or equipment. The Senate amendment contains six major exceptions to this authority among which were water resources projects and grant-in-aid programs authorized by law. The Senate amendment requires approval by the Congress before the Secretary may promulgate standards and criteria. It makes the Secretary a member of the Water Resources Council on matters pertaining to navigation features of water resource projects and provides that all surveys, plans, and reports involving projects formulated by the various Federal agencies must conform to the standards and criteria, must utilize certain types of information relating to transportation supplied by the Secretary and must be coordinated by the Secretary. The Senate amendment also contained a formula to govern the determination of the navigation benefits of water resources projects.

The conference substitute amendment conforms to the Senate amendment.

AMENDMENTS TO OTHER LAWS

In section 8 the conference substitute amendment retains the Senate amendment language transferring the St. Lawrence Seaway Development Corporation to the new Department, making the Secretary of Transportation a member of the Marine Resources and Engineering Development Board and transferring to him the authority of the Secretary of Commerce with respect to the Missouri-Kansas compact on the Kansas City area transportation district.

ADMINISTRATIVE PROVISIONS

In section 9 the conference substitute amendment retains the language of the Senate amendment which authorizes officials below the Secretary in the Department who receive direct statutory authority to redelegate that authority within their own administrations and which modifies the Secretary's authority to redelegate in recognition of the statutory transfers heretofore made to subordinate officials. The conference substitute also retains the Senate language earmarking personnel, assets and unexpended balances of appropriations for the Federal Aviation Administration and the National Transportation Safety Board, to enable them to carry out the functions directly transferred to them by the act. Language of the Senate amendment requiring reimbursement of the working capital fund in advance and providing for the transfer of surpluses in that fund to the miscellaneous receipts in the Treasury are also retained.

The conference substitute amendment deletes language added by the Senate which would have provided that payments to members of the Advisory Boards in the Department shall not render members of the Board's employees or officials of the United States for any purpose. So far as the conferees are aware, this language now applies in only one situation, i.e., in the case of the

National Motor Vehicle Safety Advisory Council and was included there for a particular purpose. The exemption in this one instance is retained by other language in the act; it should not be extended to other Advisory Boards without clear and specific justification.

The conference amendment also retains Senate language, not in the House bill, specifically authorizing the Secretary to enter

into research contracts with educational institutions, public or private agencies or organizations, or persons, and language which governed the Secretary in administering the Department and authorizing him to publish information resulting from such research. Of course, the provisions of Public Law 89-487 relating to the availability of information will apply to this and other activities of the Department.

CONFORMING AMENDMENTS

Section 10 deals primarily with the pay levels. In the following table the House bill placed the executive schedule positions of the officers of the Department at the levels shown in column A. The Senate amendment added a number of positions and placed them in the levels shown in column B. The conferees are agreed on the positions and levels shown in column C.

Level	House bill (a)	Senate amendment (b)	Conference substitute (c)
I.....	Secretary of Transportation.....	Secretary of Transportation.....	Secretary of Transportation.....
II.....	Under Secretary of Transportation; Administrator, Federal Aviation Administration.	Under Secretary of Transportation; Administrator, Federal Aviation Administration.
III.....	Under Secretary of Transportation.....	Administrator, Federal Highway Administration; Administrator, Federal Railroad Administration; Administrator, Federal Maritime Administration; Chairman, National Transportation Safety Board.	Administrator, Federal Highway Administration; Administrator, Federal Railroad Administration; Chairman, National Transportation Safety Board.
IV.....	Plus 1 position to be placed by President. Assistant Secretaries (4); General Counsel; Chairman, National Transportation Safety Board; Director of Public Roads.	Plus 1 position to be placed by President. Members, National Transportation Safety Board (4); General Counsel; Deputy Administrator, Federal Aviation Administration; Assistant Secretaries (4); Director of Public Roads.	Members, National Transportation Safety Board (4); General Counsel; Deputy Administrator, Federal Aviation Administration; Assistant Secretaries (4); Director of Public Roads; Administrator, St. Lawrence Seaway Development Corporation.
IV or V.....	9 positions placed by President.	9 positions placed by President.	4 positions placed by President.
V.....	Assistant Secretary for Administration; Members, National Transportation Safety Board (4); Highway Safety Administrator.	Assistant Secretary for Administration; Traffic Safety Director; Highway Safety Director.	Assistant Secretary for Administration; Traffic Safety Director; Highway Safety Director.

CHET HOLIFIELD,
JACK BROOKS,
PORTER HARDY, Jr.,
HENRY S. REUSS,
JOHN N. ERLÉNBERG,
CLARENCE J. BROWN, Jr.,
Managers on the Part of the House.

Mr. HOLIFIELD (during the reading of the statement). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, reserving the right to object, will the gentleman advise the House as to the effect of the amendments and the action of the conferees?

Mr. HOLIFIELD. I will be happy to do so. That is my intention.

Mr. HALL. I yield to the gentleman.

Mr. HOLIFIELD. Mr. Speaker, in presenting the conference report on H.R. 15963, I am not going to repeat the arguments for creating a Department of Transportation. The importance of the action that we are taking today is underlined by the fact that the new Department will bring together over 90,000 employees and \$6 billion of Federal funds which are now devoted annually to transportation through the agencies which it will unite. Even without the maritime features of the bill, the Department will be the fifth largest in the Federal Government. Transportation accounts for one-sixth of the gross national product and is one of our largest sources of employment. This Department will, indeed, play a major role in helping to solve the problems of our rapidly expanding population.

The conference substitute amendment preserves the basic concepts of the bill that was passed by the House. It does, however, differ in some respects.

The Senate amendment to the House bill had put back into the legislation two major features which had been eliminated by floor action in the House.

First, the Senate had restored to the bill and to the Department, the maritime functions which the House had deleted. In doing so the Senate had created a Maritime Board and had given some definite powers to the Federal Maritime Administrator. After checking with the opponents of the maritime features in the House bill, the House managers concluded that the Senate language was still unacceptable to the House. We therefore, worked diligently and hard—and I may say against most of our own personal views on the subject—to uphold the position of the House by eliminating maritime features from the conference substitute. I am happy in some ways and unhappy in others to say that we were successful. The conference substitute leaves the maritime subsidy and other functions in the Department of Commerce, where they now are. The Coast Guard, of course, is still in the bill as it was left by the House and supervision of the St. Lawrence Seaway Development Corporation is placed in the new Department.

In return for their concession in deleting the maritime functions, the Senate conferees demanded that we agree to leave in the bill the section on transportation investment standards in the form in which it had passed the Senate. Again, a check with the House Members who had been most concerned in our earlier action, indicated that the Senate language was acceptable to those who had opposed section 7 earlier. The Senate version, which we accepted, requires that transportation investment standards and criteria be approved by Congress before the Secretary promulgates them; it contains the same basic exceptions as the earlier House version; it makes the Secretary a member of the Water Resources Council for the purpose of considering water resource projects having navigation features; and writes into law a formula for determining the navigation benefits of proposed water resource projects. It is my understanding

that the formula placed in the statute requires a calculation of benefits according to the procedures employed by the Corps of Engineers prior to November 1964 and recently reinstated as reported in letters from the Director of the Bureau of the Budget to the chairman of the Public Works Committee dated August 24, 1963.

The conference amendment follows the Senate version with respect to aviation functions. It places the present safety functions of the Civil Aeronautics Board in the National Transportation Safety Board and the safety functions of the Federal Aviation Agency in the Federal Aviation Administrator. Decisions of the Federal Aviation Administrator with respect to the safety matters assigned to him are made administratively final, subject to appeal to the National Transportation Safety Board or the courts, as appropriate. Other aviation functions, including the development of the supersonic transport, are transferred to the Secretary with no specific statutory re-delegation made. As you may remember, this organizational structure was not accepted when proposed on the House floor. We have, however, always regarded this as a workable setup although we had preferred the version contained in the House bill.

The conference substitute provides that the Interstate Commerce Commission's railroad pipeline and motor carriers safety functions shall be carried out by the Federal Railroad Administrator and the Federal Highway Administrator. This merely spells out the basic concept of the act. A Senate clause which would make the decisions of the Railroad and Highway Administrators administratively final with respect to these functions was limited in the conference to decisions on matters involving notice and hearings required by statute.

I might say that there has been some misconception of the limitations put upon the Secretary by all versions of the Transportation Department bill. The Secretary's duties will be very important

and very substantial. I will, at the close of this statement, include a memorandum on this subject. But let me read here just some of the important functions which are vested in the Secretary by the bill. His functions will include:

The administration of the multibillion interstate highway program;

The airport aid program, another very widespread operation;

The supervision of the Coast Guard, the development of high speed ground transportation, the operation of the Alaska Railroad, the supervision of the St. Lawrence Seaway Development Corporation, the administration of the Highway Beautification Act;

The administration of the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966;

The conduct of research and development in transportation including aircraft noise abatement; the development of proposed national transportation policies and investment standards and criteria.

In addition, he will control the budget of the Department and of its agencies; he will establish policy for the Department; he will be in charge of the hiring, firing, training, and development of employees; and of course he will develop legislative recommendations to be made to Congress. I have stated previously that he will be in charge of developing the civilian supersonic aircraft.

We should make no mistake about it, the Secretary of Transportation will be a very powerful figure in the national transportation picture and will be a leading Cabinet member. While we have respected and preserved the basic existing concepts with respect to the organization of aviation safety and have given some safety functions directly to the Railroad and Highway Administrators, the Secretary will have general supervisory authority even over these. And as to the great bulk of the Department's duties, responsibilities, and functions, they will be directly under the Secretary's supervision and control.

The memorandum is as follows:

DUTIES OF SECRETARY OF TRANSPORTATION AND MODAL ADMINISTRATORS

The Secretary's duties include the following across the board responsibilities:

1. Coordination and effective administration of transportation programs.
2. Improvement and coordination of transportation services.
3. Encouragement of cooperation among all interested parties, and consultation with other Government agencies involved in transportation.
4. Identification and solution of transportation problems and recommend to Congress policies for their implementation.
5. Coordination and reorientation of research and development in transportation.
6. Develop transportation investment criteria and standards.
7. Research and development on means to reduce noise, particularly aircraft noise.

The Secretary's duties include the following functions which are vested in him:

1. The Interstate Highway Program.
2. The Airport Aid Program.
3. The Operation of the Alaska Railroad.
4. The Coast Guard.
5. Highway Beautification Act of 1965.
6. The High Speed Ground Transportation Program.

7. The bridge and tolls functions transferred from the Corps of Engineers.

8. Automobile Safety (the Highway Safety Act of 1966; and the National Traffic and Motor Vehicle Safety Act of 1966).

9. Standard Time and Daylight Time administration (Uniform Time Act of 1966).

10. The National Driver Register.

11. Supervision and direction of the St. Lawrence Seaway Corporation.

12. The Great Lakes Pilotage Act of 1966.

The Secretary as head of the Department will:

1. Control the budget.
2. Submit legislative recommendations.
3. Establish policy.
4. Hire employees.
5. Administer housekeeping provisions.

The Federal Highway Administrator will, by this Act, be directed to exercise the Secretary's authority over motor carrier safety. This involves 160 I.C.C. personnel, and a budget of approximately 1½ million dollars a year.

The Federal Railroad Administrator will, by this Act, be directed to exercise Secretary's authority over railroad and pipeline safety. This involves 240 I.C.C. personnel, and a budget of 3½ million dollars a year.

The Federal Aviation Administrator will, by this Act, be transferred and directed to exercise the following safety duties under the Federal Aviation Act:

1. Control use of navigable airspace.
 2. Operate and maintain air navigation facilities.
 3. Prescribe air traffic rules and regulations.
 4. Promulgate rules and regulations for issuance of airman and aircraft certificates.
 5. Prescribe minimum standards for design and construction and performance of aircraft, including developmental and research work.
 6. Establish security provisions to permit maximum use of navigable airspace.
- The Secretary's duties in aviation include:
1. Administer the Federal Airport Act program.
 2. Administer the International Aviation Facilities Act.
 3. Operate Washington National and Dulles Airports.
 4. Administer Aircraft registration and title recording.
 5. Development of a Civil Supersonic aircraft.
 6. Provide aviation war risk insurance.

Might I say that we restored the arrangement of aviation functions which the gentleman from Illinois [Mr. ERLBORN] wanted in the bill and which was defeated in committee. But now it is back in the bill as he desired.

At this point I just want to take 1 minute to say I have never worked with members of a committee or in a conference with members who were more reasonable and firm in their views, it is true—but reasonable, than the gentleman from Illinois [Mr. ERLBORN] and the gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.], whose father we all knew and respected so highly. They did a fine job. They were firm in their views. We accepted many of their views and they accepted some of ours.

When we got into conference, we found the same situation with the other body. They accepted some of our views and we accepted some of theirs.

Mr. Speaker, we have a good bill here. It is a bill that lays the basis and foundation for a very effective cabinet level department and gives to the Secretary tools to work with to plan and develop

a national transportation policy and coordinate the modes of transportation contained in the bill.

We believe it will take him some time to do this, but when he does do this he must come back to the respective committees having jurisdiction in the Congress and get their approval before putting it into effect. We have retained in this bill, I might say to my friend, the gentleman from Missouri [Mr. HALL], the strength of the legislative branch as well, I believe, as any bill that has ever been passed by this House of Representatives. We have strengthened it actually in some instances over what it was before this bill was brought by the executive branch to our committee.

This bill is a different bill from the one the administration sent up. It is a congressional bill. It was written by the Congress.

Mr. HALL. Mr. Speaker, the gentleman from California knows that he is saying things dear to my heart, after serving for the past 2 years as a member of the Joint Committee on Reorganization of the Congress.

I would especially commend the conferees on the agreement they finally obtained in the conference on the provisions of the House bill as far as the number of positions needed in all five different categories by the new Cabinet member who will be the Secretary of Transportation.

I wonder if the gentleman would add one word about the total cost of the bill as it comes back from the conference as compared with the cost of the House bill when it was passed here.

Mr. HOLIFIELD. There is a difference between \$25,000 and \$50,000.

Mr. HALL. Is that an increase or a decrease?

Mr. HOLIFIELD. It is a little decrease as compared to what it was when passed by the House.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California that the further reading of the conference report be dispensed with?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Illinois [Mr. ERLBORN].

Mr. ERLBORN. Mr. Speaker, I thank the gentleman from California for yielding.

I would like to reiterate what the gentleman said at the end of his explanation to the gentleman from Missouri, and that is that this bill has been considerably rewritten, both in our House committee, again by the Senate, and in conference. This is a bill that is the product of this Congress, and is not to any great extent the same bill that was sent to us by the administration. I think we can be proud of our handiwork.

The principal difference that I would like to call attention to between the version that we are presenting to you in this conference report and the bill as it passed the House lies, first, in the field of aircraft accident investigation. This is one area in which I had very strong feeling. I offered on the floor of the

House, as well as in the committee before we brought it to the floor, an amendment that would have put the duty to investigate aircraft accidents in a board separate from the Secretary, so that we would maintain the now historic separation of the function of conducting the traffic in the airplanes and investigating accidents that occurred in the air.

I am happy to say that the Senate did this, and in the conference we adopted this principle. We did away with the Office of Aircraft Accident Investigation in the Department, and we put this function in the National Transportation Safety Board.

The other area is in section 7, "Standards and criteria." I had mixed emotions about this section. I thought maybe it was a mistake for the administration to have had the section in the bill in the first place, because this is the oft-referred to "can of worms" that was opened up. We had only two ways to go, or one of two ways: either to disturb the historic, somewhat gray area balance between the executive and legislative branch of the Government in the area of standards and criteria, either to the advantage of the legislative branch or to the advantage of the executive branch.

Of course, the bill that was given to us by the executive branch tipped the scales in favor of the executive branch, and that section was not acceptable to me, and neither was it to this House, because we took section 7 from the bill before passing the bill.

In the Senate the scale was tipped in the other direction. We have provided now that standards and criteria can be established only after congressional approval.

If the scales are to be tipped at all, I prefer that they be tipped in favor of the conference report. So I am happy that section 7 has this provision for congressional approval before standards and criteria are put into effect.

There is one other part of section 7 that I am not completely pleased with. Section 7(b) I think in a way undoes what we attempted to do in 7(a) and that is it does require that every other department or agency of the Government, when preparing a plan, survey, or report, not only follow the congressionally approved standards and criteria, which is all right with me and the rest of the Members, I am sure, but then it goes on to say that they must make their report on the basis of information given to them and developed by the Secretary, including the relative merits and efficiency of modes of transportation, taking this judgment away from the other agencies and departments, and making the Secretary of Transportation the sole voice in making these determinations, and in this particular area without congressional approval.

With this one exception I wholeheartedly endorse the work of the conference committee. I am very pleased with the bill. It is a better bill than it was when it left the House, and certainly a much better bill than the one originally introduced at the behest of the administration.

I think the conference committee has done a fine job. I want to thank the gentleman from California for his fine cooperation and sometimes his patience and understanding with the gentleman from Ohio, CLARENCE BROWN, and myself when we tried to hold out for some points now and again during the conference.

I hope that conference report will be adopted by an overwhelming vote.

Mr. HOLIFIELD. I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. CLARENCE J. BROWN, JR.] the other conferee on the minority side.

Mr. CLARENCE J. BROWN, JR. Mr. Speaker, I thank the gentleman.

As the gentleman from California knows, I was the one who was most concerned, as this bill developed in the subcommittee and in the committee hearings and later in the debate in this House and then in conference, about the question of congressional prerogatives. As the gentleman from Illinois [Mr. ERLENBORN] has stated, we feel that in general these prerogatives have been pretty well defended by the legislation which is now before the House for approval as a result of the conference action.

I should like to ask the gentleman from California, the chairman of the committee and the father of this piece of legislation, a couple of questions in connection with section 7(b).

The requirement is that surveys, plans, and reports prepared by every agency of the Federal Government which relate to proposals in the transportation area must be in agreement with the standards and criteria promulgated by the Secretary. As I understand further, these standards and criteria promulgated by the Secretary must, in turn, be in accord with the transportation policies as approved by Congress, as provided in section 2.

With that prohibition, I would presume we would then jump back and suggest that the surveys, plans, and reports which every Federal agency prepares in connection with proposals would themselves be in square with the transportation policies that have been approved by Congress prior to preparation of the surveys, plans, and reports by individual agencies.

Mr. HOLIFIELD. Section 2 provides that the Secretary shall develop and recommend to the President and the Congress for approval national transportation policies and programs to accomplish the objectives set forth in the bill, "with full and appropriate consideration of the needs of the public, users, carriers, industry, labor, and the national defense." I would say that he has to take that into consideration.

I believe subsection (a) is very clear. It says:

The standards and criteria developed or revised pursuant to this subsection shall be promulgated by the Secretary upon their approval by the Congress.

It is very plain to me that they must be approved by the Congress before promulgation.

Mr. CLARENCE J. BROWN, JR. And, in turn, the surveys, plans, and reports which individual agencies prepare would

be in square with these standards and criteria, and in turn in square with the national transportation policies as approved by Congress.

Mr. HOLIFIELD. I would think they would have to be, under the language. They must take into consideration the different criteria.

I shall be glad to defer to the man who I believe knows as much as or more than anyone else concerning water resource projects.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CLARENCE J. BROWN, JR. I am happy to yield to the gentleman from Alabama.

Mr. JONES of Alabama. The purpose of this section was to correct what we believed to be an unwise policy of the executive branch of the Government in the issuance of the criteria that they advanced in November 1964. At our behest, starting in February of this year, along with the gentleman from Florida [Mr. CRAMER] and other members of the Public Works Committee, we have sought to set aside the regulation that imposed upon the Corps of Engineers a set of criteria known as "separable cost."

We thought it was an unwise policy because it restricted the Congress in giving approval to projects under that criterion. Now, very lately the administration withdrew from the position it had formerly occupied under the November 1964 regulation. The language that is contained in this bill sets up the pre-November 1964 formula for water resource projects. The standards or criteria that will be employed by the executive branch for other transportation projects must be approved by the Congress.

Mr. CLARENCE J. BROWN, JR. Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. JONES] if I may, a somewhat hypothetical question. Let us presume that the Secretary develops a standard or criteria with reference to rail transportation which has been approved by the Congress, as it must, under the language of this legislation as it is now proposed. Now, this rail policy may be in conflict with a water resource policy standard or criteria which the Secretary has proposed and which has been approved by the Congress under the language of section 7(a) and which has been promulgated by the Secretary. I would presume that, in spite of the somewhat restrictive language in 7(b), the standards and criteria in conflict would allow for the reports of the agencies involved to reflect that conflict between a rail policy that is inconsistent with a water policy. Is that correct?

Mr. JONES of Alabama. If you will note, in section 7(b) it says every survey, plan, or report formulated by a Federal agency which includes a proposal as to which the Secretary has promulgated standards and criteria pursuant to subsection (a). Under subsection (a) it provides that these standards and criteria shall be promulgated by the Secretary upon their approval by the Congress. So it actually means that the Congress will determine the criteria of economic benefit by which each project will be

analyzed. I think water resource projects will be divorced from and they will be separate and apart from the cost of the railroads and any other mode of transportation.

Mr. CLARENCE J. BROWN, JR. It includes the consideration by the Congress, however, of the fact that two modes of transportation might be in conflict and two policies could be in conflict. In other words, it brings this to the attention of the Congress so that the Congress can have a report on this problem, does it not?

Mr. JONES of Alabama. Yes. If I understand the gentleman's question, there might be some relationship one to the other. If those questions were to arise, then we would have the opportunity to set whatever standards or criteria we think are reasonable and prudent.

Mr. CLARENCE J. BROWN, JR. Congress would have this opportunity?

Mr. JONES of Alabama. That is right.

Mr. CLARENCE J. BROWN, JR. And it would not be settled in the executive branch by the simple means of quieting any difference of opinion in the executive branch?

Mr. JONES of Alabama. I am not saying the Congress will take into account the separable costs idea which is being employed by the Department by its action of November 1964.

Mr. CRAMER. Mr. Speaker, will the gentleman yield further on that point?

Mr. CLARENCE J. BROWN, JR. I am happy to yield to the gentleman from Florida.

Mr. CRAMER. In addition to that I will say, is it not correct that when the actual plans and surveys are submitted to the Committees on Public Works of the House and Senate, that at that time there can be another review after the general criteria are reviewed, and a review relating to each specific project can be had by the Congress at that time?

Mr. JONES of Alabama. The gentleman from Florida is eminently correct. That is the purpose of the whole section. And it preserves to the Congress the opportunity to work its will on every prospectus and upon every project submitted to the Congress.

Mr. CLARENCE J. BROWN, JR. Mr. Speaker, if the gentleman from California [Mr. HOLIFIELD] will yield further, I would like to conclude my comments by saying that for my part, as a freshman member of this committee and the subcommittee, the gentleman, in his presiding over the consideration of this legislation, has shown certainly a great deal of courtesy and consideration to the minority, and I feel that his presiding at the conference was an excellent job, and was most effective in trying to attain the best possible terms and conditions which those of us on our side of the Capitol could have obtained.

Mr. Speaker, as a result of this happy compromise between the minority and the majority, and the compromise between the two Houses of this Congress, I feel we have obtained an excellent piece of legislation of which the gentleman from California can be justifiably proud

as the legislative father of this new Department of Transportation.

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman from Ohio for his remarks and, as the gentleman knows, I suborned some of my own personal convictions on occasion on some of these matters in order to carry out the expressed will of the House, and I feel we have done this in this respect.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I am glad to yield to the distinguished gentleman from Alabama.

Mr. JONES of Alabama. Mr. Speaker, I, too, want to commend the gentleman from California [Mr. HOLIFIELD] and the members of the committee for bringing back to us section 7, which was really the most difficult section with which to deal.

Mr. Speaker, I am satisfied that this section will give us some uniform approach and some constancy of application in arriving at the criteria necessary to evaluate the transportation investment standards.

Therefore, Mr. Speaker, I again want to say that as a member of the committee and as a Member of the House of Representatives, the committee is certainly to be commended.

Mr. HOLIFIELD. Mr. Speaker, I wish to thank the distinguished gentleman from Alabama and his colleague, the gentleman from Texas [Mr. WRIGHT], who serve on the Committee on Public Works, for their advice to me upon every occasion when I got into deep water, so to speak, and upon technical details of water resources and other types of reclamation legislation, with which I was not too familiar, because they stood by and gave me the benefit of their expert testimony and advice, and I appreciate that very much.

Mr. Speaker, at this time, I yield such time as he may consume to the gentleman from Illinois [Mr. KLUCZYNSKI].

Mr. KLUCZYNSKI. Mr. Speaker, I am pleased to see section 4(f) appear in this bill. Its inclusion is certainly consistent with the desire to protect America's natural beauty—as expressed by the Congress and the administration, and as demanded by the American people. Further, it is consistent with a similar provision embodied in the Federal-Aid Highway Act of 1966 with the additional benefit of requiring that the same consideration be given in developing all forms of transportation plans and programs.

I thoroughly support the intent of this bill, but I would like to sound a word of caution in interpreting section 4(f). There is no question in my mind that the protection of our parks, open spaces, historic sites, fish and game habitats, and the other natural resources with which our Nation is so richly endowed, is of the utmost importance and urgency, but not to the total exclusion of other considerations. To do so would result in as many inequities as justifying transportation plans merely on the basis of economy or efficiency. Other considerations would include the integrity of neighborhoods, the displacement of people and busi-

nesses, and the protection of schools, and churches and the myriad of other social and human values we find in our communities.

Attempting to define "feasible alternative" in light of all of these considerations is virtually impossible and may result in hampering and otherwise unnecessarily delaying transportation progress. The problem was resolved in the 1966 Highway Act by rephrasing the requirement to read, "unless such program includes all possible planning, including consideration of alternatives." I am glad to see the words "and prudent" added to this section by the conference committee. With this inclusion, and with "prudent" as the operable word, this section now becomes workable and effective and I fully support and intend to vote for the bill as written.

Mr. ROSTENKOWSKI. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ROSTENKOWSKI. Mr. Speaker, section 4(f) of this bill would extend to all forms of transportation the safeguards incorporated in the recently enacted Federal-Aid Highway Act of 1966 requiring the Secretary to use maximum effort to preserve public parklands and historic sites.

This is a good amendment. I supported this principle in the Highway Act and I support it in the bill now before us. However, I would like to recall for my colleagues the concern that was voiced when the Highway Act was pending. Fear was expressed that the amendment might be misinterpreted to mean the preservation of natural and man-made resources would be the overriding consideration in highway construction. It was made clear at the time that as desirable as parkland preservation might be, other important factors must be considered.

We are now confronted with the identical situation. However, I will support section 4(f) on the basis that it is the clear intent of the Congress to establish only guidelines for the approval by the Secretary of any transportation program or project requiring the use of land from a public park, recreation area, wildlife or waterfowl refuge, or historic site.

This approval is made contingent on two factors: That there is no feasible and prudent alternative to the use of such land, and that such program includes all possible planning to minimize harm to those areas.

I heartily endorse the guidelines. I also want the RECORD to show, however, that it is not the intent of the Congress to tie the Secretary's hands. As much as I want to see the use of those areas avoided if possible, and our natural and manmade resources preserved, I can easily foresee circumstances when it may be vital to use such land.

For instance, if it became necessary to choose between preserving a wildlife refuge or saving human lives by a highway improvement, I do not think any of us would have any doubt as to which choice should be made. Or, if there were a choice between using public parkland

or displacing hundreds of families, with the attendant burden imposed on them, I would want the Secretary to weigh his decision carefully, and not feel he was forced by the provision of the bill to disrupt the lives of hundreds of human beings.

If I felt that this measure placed less value on the preservation of human life than it did on the preservation of wildlife refuges, I could not in good conscience support it. We should memorialize the Secretary to give full consideration to the preservation of public lands, but not at the expense of human lives and human welfare.

I support enthusiastically the provision that if he determines public land must be used, all possible planning be done to minimize harm to the land. I am confident that the Secretary would take this precaution, even if it were not incorporated in the bill.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. CRAMER. Recognizing the exigencies of the time, we have provided in the Highway Act of this session, Public Law 574, on the subject matter the gentleman from Illinois was discussing, that this question of conforming highways to the preservation of parks should not be effective until July 1, 1968. As I understand the provisions of section 4 (f) it says that the effective date of this act shall mean 90 days after the appointment of a Secretary, or when the President so declares by proper publication.

What date in the gentleman's opinion would be the effective date relating to conforming highway construction to park purposes, when in our specific legislation we said July 1, 1968, and in this situation it says obviously 90 days from the appointment of the Secretary, or when published.

Mr. HOLIFIELD. The gentleman calls my attention to a discrepancy that I was not aware of. We tried in every way possible to protect the bill. I believe the way the language reads here, that it does read "after the effective date of this act."

Mr. HARDY. Mr. Speaker, if the gentleman will yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. HARDY. I think that it would be correct to say, would it not, that it was not our intention to accelerate this date that had been decided on past the statutory law?

Mr. HOLIFIELD. That is certainly true that it was not our intention to accelerate the date, and we were unaware that we were accelerating the date in this language.

Mr. CRAMER. I thank the gentleman for yielding.

Mr. HOLIFIELD. I might add to the gentleman that the language in question came from the other body in conference.

Mr. CRAMER. I understand that.

Mr. HOLIFIELD. And we could not change this under the circumstances.

Mr. CRAMER. I understand that. If the gentleman will yield further?

Mr. HOLIFIELD. I am glad to yield to the gentleman.

Mr. CRAMER. Section 7, which has been much discussed, as I understand all projects that are grants in aid in nature are excluded from the set of standards and criteria in 7(a), likewise water resources projects are excluded, and I therefore assume that those would be excluded from subsection (b), which refers to action by the Secretary?

Mr. HOLIFIELD. That is correct; the gentleman is correct. The six exclusions pertain to the whole section 7.

Mr. CRAMER. I thank the gentleman for yielding.

Mr. HOLIFIELD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

HOURLY OF MEETING FRIDAY

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. McFALL]?

There was no objection.

AUTHORIZING A WORK RELEASE PROGRAM FOR PERSONS SENTENCED BY COURTS OF THE DISTRICT OF COLUMBIA

Mr. DOWDY. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (S. 1319) to authorize a work release program for persons sentenced by the courts of the District of Columbia; to define the powers and duties in relation thereto, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. Dowdy]?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I do not intend to object, I would hope that the gentleman from Texas and the gentleman from Minnesota representing the minority will make a record of the needs and necessities and answer any inquiries in the discussion of the legislation.

Mr. DOWDY. We will do this.

I might say to the gentleman that this bill adopts the Federal program for work release of the prisoners for the District of Columbia. That is all this bill does.

Mr. GERALD R. FORD. Mr. Speaker, I thought this was the bill the gentleman from Minnesota had spoken to me about earlier and which I knew the gentleman from Texas was going to bring up.

Mr. DOWDY. That will be the next bill. We thought we could get this one out of the way.

Mr. GERALD R. FORD. Will the gentleman insert in the Record the information I asked for on this bill?

Mr. DOWDY. Yes.

PURPOSES OF THE BILL

Mr. Speaker, the purposes of the bill (S. 1319) are to authorize the courts of the District of Columbia to release selected offenders from prison confinement at specified times (a) to obtain or engage in gainful employment, and (b) whenever, in the discretion of the sentencing court, there exist special circumstances as merit the granting of the privilege.

The objectives of this work release program are directed primarily at rehabilitation of younger misdemeanants convicted of minor offenses, and also to reach persons who are contemptuous of court orders under which they are obligated to pay fines, or make other payments for support of children or other dependents.

The purposes are well summarized by the Commissioners of the District of Columbia in their request of the Speaker that such legislation be enacted:

A number of beneficial results may be anticipated from the establishment of a work release program. One of the most important is cohesion of the family unit through keeping an employed or employable offender engaged in gainful employment, thus assuring continued contributions toward the family's financial support, and reducing the likelihood of relief rolls or welfare costs for its dependents. A work release plan enables an employed offender to maintain his occupational skills and aids his employer in avoiding the recruitment and training of a replacement. Still another benefit is the avoidance of the full stigma of total imprisonment and its effect on the offender's morale, self-respect, dignity and rehabilitation. On the other hand, the incarceration of the offender during the major portion of his sentence (primarily at nights and on weekends) should insure that the prisoner will not go entirely unpunished for his offense against society.

PRECEDENTS FOR THE LEGISLATION

The legislation is patterned after similar laws in North Carolina, 1957; Maryland, Wisconsin, 1913; and Minnesota, 1957, which have been remarkably successful, not only in the benefits to the individuals involved, but also to the taxpayers who have been largely relieved of the support of these persons during their confinement.

The bill as introduced is the outgrowth of a study which was begun in January 1962, by a committee of the Council on Law Enforcement in the District of Columbia, established pursuant to section 401, the District of Columbia Law Enforcement Act of 1953—Public Law 85-83, approved June 29, 1953, 67 Stat. 91, District of Columbia Code title 24, section 203.

More recently, of course, Congress passed the Federal Rehabilitation Act—Public Law 89-176, approved September 10, 1965, 79 Stat. 674—enacted to facilitate the rehabilitation of persons convicted of offenses against the United States, which program the pending bill will implement.

The Federal act is broader in scope and applies to persons convicted of offenses