

1 other national objectives, including the efficient utilization
2 and conservation of the Nation's resources.

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

19 ESTABLISHMENT OF DEPARTMENT

20 SEC. 3. (a) There is hereby established at the seat of
21 government an executive department to be known as the
22 Department of Transportation (hereafter referred to in this
23 Act as the "Department"). There shall be at the head of
24 the Department a Secretary of Transportation (hereafter
25 referred to in this Act as the "Secretary"), who shall be

1 appointed by the President, by and with the advice and con-
2 sent of the Senate.

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

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

20 (d) There shall be in the Department an Assistant Sec-
21 retary for Administration, who shall be appointed, with the
22 approval of the President, by the Secretary under the classi-
23 fied civil service who shall perform such functions, powers,
24 and duties as the Secretary shall prescribe from time to time.

25 (e) The Secretary shall establish within the Department

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

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

15 GENERAL PROVISIONS

16 SEC. 4. (a) The Secretary in carrying out the pur-
17 poses of this Act shall, among his responsibilities, exercise
18 leadership under the direction of the President in transpor-
19 tation matters, including those affecting the national defense
20 and those involving national or regional emergencies; de-
21 velop national transportation policies and programs, and
22 make recommendations to the President and Congress for
23 their implementation; promote and undertake development,
24 collection, and dissemination of technological, statistical,
25 economic, and other information relevant to domestic and

1 international transportation; promote and undertake research
2 and development relating to transportation, including noise
3 abatement, with particular attention to aircraft noise; and
4 consult with the heads of other Federal departments and
5 agencies on the transportation requirements of the Gov-
6 ernment.

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

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

25 (d) In the exercise of the functions, powers, and duties

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

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

14 NATIONAL TRANSPORTATION SAFETY BOARD

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

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

22 (1) determining the cause or probable cause of
23 transportation accidents and reporting the facts, condi-
24 tions, and circumstances relating to such accidents; and

25 (2) the review on appeal of the suspension, amend-

1 ment, modification, revocation, or denial of any certifi-
2 cate or license issued by the Secretary.

3 (c) The Board is further authorized to—

4 (1) make such recommendations to the Secretary
5 as, in its opinion, will tend to prevent transportation
6 accidents;

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

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

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

23 (5) require the Secretary to initiate specific accident
24 investigations as the Board determines to be necessary or
25 appropriate;

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

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

8 (d) In the exercise of any of its functions, powers, and
9 duties, the Board shall be independent of the Secretary and
10 the other offices and officers of the Department, and shall
11 give full consideration to the requirements imposed on the
12 Secretary by section 4 (b) of this Act.

13 (e) The Board shall report to the Congress two years
14 after the effective date of this Act on the conduct of its func-
15 tions under this Act and the effectiveness of accident investiga-
16 tions in the Department, together with such recommenda-
17 tions for legislation as it may deem appropriate. An interim
18 report shall be submitted to the Congress one year after the
19 effective date of this Act.

20 (f) The Board shall consist of five members to be ap-
21 pointed by the President, by and with the advice and consent
22 of the Senate. Members of the Board shall be appointed
23 with due regard to their fitness for the efficient dispatch of
24 the functions, powers, and duties vested in and imposed

1 upon the Board, and may be removed by the President for
2 inefficiency, neglect of duty, or malfeasance in office.

3 (g) Members of the Board shall be appointed for terms
4 of five years, except that (1) any member appointed to fill a
5 vacancy occurring prior to the expiration of the term for
6 which his predecessor was appointed shall be appointed only
7 for the remainder of such term, and (2) the five members
8 first appointed shall serve for terms (designated by the Pres-
9 ident at the time of appointment) ending on the last day of
10 the first, second, third, fourth, and fifth calendar years be-
11 ginning after the year of enactment of this Act. Upon the
12 expiration of his term of office a member shall continue to
13 serve until his successor is appointed and shall have qualified.

14 (h) The President shall designate from time to time
15 one of the members of the Board as Chairman and one of
16 the members as Vice Chairman, who shall act as Chairman
17 in the absence or incapacity of the Chairman, or in the event
18 of a vacancy in the office of the Chairman. The Chairman
19 shall be the chief executive and administrative officer of the
20 Board and shall exercise the responsibility of the Board with
21 respect to (1) the appointment and supervision of personnel
22 employed by the Board; (2) the distribution of business
23 among the Board's personnel; and (3) the use and expendi-

1 ture of funds. In executing and administering the functions
2 of the Board on its behalf, the Chairman shall be governed
3 by the general policies of the Board and by its decisions,
4 findings, and determinations. Three of the members shall
5 constitute a quorum of the Board.

6 (i) The Chairman of the Board shall be compensated
7 at the rate provided for level IV of the Federal Executive
8 Salary Schedule. Members of the Board shall be compen-
9 sated at the rate provided for level V of such Schedule.

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

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

20 (l) Subject to the proviso in section 701 (g) of the
21 Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C.
22 1441 (g)), the Board may delegate to any officer or official
23 of the Board or, with the approval of the Secretary, to any
24 officer or official of the Department such of its functions as
25 it may deem appropriate.

1 (m) Subject to the civil service and classification laws,
2 the Board is authorized to select, appoint, employ, and fix
3 compensation of such officers and employees, including at-
4 torneys and hearing examiners, as shall be necessary to carry
5 out its powers and duties under this Act.

6 (n) The Board is authorized, on a reimbursable basis
7 when appropriate, to use the available services, equipment,
8 personnel, and facilities of the Department and of other
9 civilian or military agencies and instrumentalities of the
10 Federal Government, and to cooperate with the Department
11 and such other agencies and instrumentalities in the estab-
12 lishment and use of services, equipment, and facilities of the
13 Board. The Board is further authorized to confer with and
14 avail itself of the cooperation, services, records, and facilities
15 of State, territorial, municipal, or other local agencies.

16 TRANSFERS TO DEPARTMENT

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

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

23 (A) Title 23, United States Code.

24 (B) The Federal-Aid Highway Act of 1962
25 (76 Stat. 1145, 23 U.S.C. 307 note).

1 (C) The Act of July 14, 1960 (74 Stat. 526,
2 23 U.S.C. 313 note).

3 (D) The Federal-Aid Highway Act of 1954
4 (68 Stat. 70).

5 (E) The Act of September 26, 1961 (75 Stat.
6 670).

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

9 (G) The Highway Beautification Act of 1965
10 (79 Stat. 1026, 23 U.S.C. 131 et seq. notes).

11 (H) The Alaska Omnibus Act (73 Stat. 141,
12 48 U.S.C. 21 note prec.).

13 (I) The Joint Resolution of August 28, 1965
14 (79 Stat. 578, 23 U.S.C. 101 et seq. notes).

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

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

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

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

22 (A) The Act of September 30, 1965 (79 Stat.
23 893, 49 U.S.C. 1631 et seq.).

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

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

3 (A) The Act of September 7, 1957 (71 Stat.
4 629, 49 U.S.C. 1324 note).

5 (B) Section 410 of the Federal Aviation Act of
6 1958 (72 Stat. 769, 49 U.S.C. 1380).

7 (C) Title XIII of the Federal Aviation Act of
8 1958 (72 Stat. 800, 49 U.S.C. 1531 et seq.).

9 (4) the following law relating generally to pilotage:
10 The Great Lakes Pilotage Act of 1960 (74 Stat. 259,
11 46 U.S.C. 216 et seq.).

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

14 (A) The Merchant Marine Act, 1920 (41 Stat.
15 988, 46 U.S.C. 861 et seq.).

16 (B) The Merchant Marine Act, 1928 (45 Stat.
17 589, 46 U.S.C. 891 et seq.).

18 (C) The Merchant Marine Act, 1936 (49 Stat.
19 1985, 46 U.S.C. 1101 et seq.).

20 (D) The Shipping Act, 1916 (39 Stat. 728,
21 46 U.S.C. 801 et seq.).

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

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

1 (G) The Act of June 12, 1940 (54 Stat. 346,
2 46 U.S.C. 1331 et seq.).

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

6 (I) The Act of September 14, 1961 (75 Stat.
7 514, 46 U.S.C. 1126b-1).

8 (J) The Act of June 13, 1957 (71 Stat. 73,
9 46 U.S.C. 1177a), to the extent it relates to
10 operating-differential subsidies.

11 (K) The Act of June 2, 1951 (65 Stat. 59,
12 46 U.S.C. 1241a), to the extent it relates to the
13 vessel operations revolving fund.

14 (L) The Act of July 24, 1956 (70 Stat. 605,
15 46 U.S.C. 249 et seq.).

16 (M) The Act of August 9, 1954 (68 Stat. 675,
17 50 U.S.C. 196 et seq.).

18 (N) Section 500 of the Transportation Act,
19 1920 (41 Stat. 499, 49 U.S.C. 142).

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

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

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

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

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

10 (2) Notwithstanding the transfer of the Coast Guard
11 to the Department and the transfer to the Secretary of the
12 functions, powers, and duties, relating to the Coast Guard,
13 of the Secretary of the Treasury and of other officers and
14 offices of the Department of the Treasury, effected by the
15 provisions of paragraph (1) of this subsection, the Coast
16 Guard, together with the functions, powers, and duties
17 relating thereto, shall operate as a part of the Navy, subject
18 to the orders of the Secretary of the Navy, in time of war
19 or when the President shall so direct, as provided in section
20 3 of title 14, United States Code.

21 (3) Notwithstanding any other provision of this Act,
22 the functions, powers, and duties of the General Counsel of
23 the Department of the Treasury set out in chapter 47 of
24 title 10, United States Code (Uniform Code of Military

1 Justice) are hereby transferred to and vested in the General
2 Counsel of the Department.

3 (c) (1) There are hereby transferred to and vested in
4 the Secretary all functions, powers, and duties of the Federal
5 Aviation Agency, and of the Administrator and other officers
6 and offices thereof.

7 (2) Nothing in this Act shall affect the power of the
8 President under section 302 (e) of the Federal Aviation Act
9 of 1958 (49 U.S.C. 1343 (c)) to transfer, to the Depart-
10 ment of Defense in the event of war, any functions transferred
11 by this Act from the Federal Aviation Agency to the
12 Secretary.

13 (d) There are hereby transferred to and vested in the
14 Secretary all functions, powers, and duties of the Civil Aero-
15 nautics Board, and of the Chairman, members, officers, and
16 offices thereof under the following provisions of law relating
17 generally to aviation safety: Titles VI and VII of the Fed-
18 eral Aviation Act of 1958 (72 Stat. 776, 49 U.S.C. 1421
19 et seq.).

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

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

4 (A) The Act of March 2, 1893 (27 Stat. 531,
5 45 U.S.C. 1 et seq.).

6 (B) The Act of March 2, 1903 (32 Stat. 943,
7 45 U.S.C. 8 et seq.).

8 (C) The Act of April 14, 1910 (36 Stat. 298,
9 45 U.S.C. 11 et seq.).

10 (D) The Act of May 30, 1908 (35 Stat. 476,
11 45 U.S.C. 17 et seq.).

12 (E) The Act of February 17, 1911 (36 Stat.
13 913, 45 U.S.C. 22 et seq.).

14 (F) The Act of March 4, 1915 (38 Stat.
15 1192, 45 U.S.C. 30).

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

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

20 (I) The Act of May 27, 1908 (35 Stat. 325,
21 45 U.S.C. 36 et seq.).

1 (J) The Act of March 4, 1909 (35 Stat. 965,
2 45 U.S.C. 37).

3 (K) The Act of May 6, 1910 (36 Stat. 350,
4 45 U.S.C. 38 et seq.).

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

8 (3) the following law relating generally to medals
9 for heroism: The Act of February 23, 1905 (33 Stat.
10 743, 49 U.S.C. 1201 et seq.).

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

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

16 (A) The Act of March 19, 1918 (40 Stat.
17 450, 15 U.S.C. 261 et seq.).

18 (B) The Act of March 4, 1921 (41 Stat.
19 1446, 15 U.S.C. 265).

20 (C) The Uniform Time Act of 1966 (80
21 Stat. 107).

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

24 (A) relating generally to car service: Sections
25 1 (10), 1 (11), 1 (12), 1 (13), 1 (14) (a) (but not

1 including establishment of the compensation to be
2 paid for the use of any locomotive, car, or other
3 vehicle not owned by the carrier using it), 1 (15),
4 1 (16), 1 (17), 6 (8), the final sentence of 15 (4),
5 15 (10), and 420 (49 U.S.C. 1 et seq. and 1020).

6 (B) relating generally to safety appliances
7 methods and systems: Section 25 (49 U.S.C. 26).

8 (C) relating generally to investigation of motor
9 vehicle sizes, weights and service of employees: Sec-
10 tion 226 (49 U.S.C. 325).

11 (D) relating generally to facilities for car
12 service: Section 1 (21), except to the extent that it
13 relates to extension of lines of common carriers (49
14 U.S.C. 1 (21)).

15 (E) relating generally to qualifications and
16 maximum hours of service of employees and safety
17 of operation and equipment: Sections 204 (a) (1)
18 and (2), to the extent that they relate to qualifica-
19 tions and maximum hours of service of employees
20 and safety of operation and equipment; and sections
21 204 (a) (3), (3a), and (5) (49 U.S.C. 304).

22 (F) to the extent they relate to private carriers
23 of property by motor vehicle and carriers of migrant
24 workers by motor vehicle other than contract car-

1 riers: Sections 221 (a), 221 (c), and 224 (49
2 U.S.C. 321 et seq.).

3 (f) (1) Nothing in subsection (e) shall diminish the
4 functions, powers, and duties of the Interstate Commerce
5 Commission under sections 1 (6), 206, 207, 209, 210a, 212,
6 and 216 of the Interstate Commerce Act (49 U.S.C. 1 (6),
7 306 et seq.) or under any other section of that Act not
8 specifically referred to in the first paragraph of this
9 subsection.

10 (2) (A) With respect to any function which is trans-
11 ferred to the Secretary by subsection (e) and which was
12 vested in the Interstate Commerce Commission preceding
13 such transfer, the Secretary shall have the same adminis-
14 trative powers under the Interstate Commerce Act as the
15 Commission had before such transfer with respect to such
16 transferred function. After such transfer, the Commission
17 may exercise its administrative powers under the Interstate
18 Commerce Act only with respect to those of its functions
19 not transferred by subsection (e).

20 (B) For purposes of this paragraph—

21 (i) the term “function” includes power and duty,
22 and

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

1 the following provisions of the Interstate Commerce Act:
2 Sections 12, 13 (1), 13 (2), 14, 16 (12), the last sen-
3 tence of 18 (1), sections 20 (except clauses (3), (4),
4 (11), and (12) thereof), 204 (a) (6) and (7), 204
5 (c), 204 (d), 205 (d), 205 (f), 220 (except subsection
6 (c) and the proviso of subsection (a) thereof), 222
7 (except subsections (b) (2) and (b) (3) thereof), and
8 417 (b) (1) (49 U.S.C. 12 et seq., 304 et seq., and
9 1017).

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

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

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

18 (B) Article 11 of section 1 of the Act of June
19 7, 1897 (30 Stat. 98; 33 U.S.C. 180).

20 (C) Rule 9 of section 1 of the Act of February
21 8, 1895 (28 Stat. 647; 33 U.S.C. 258).

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

1 (2) the following provision of law relating gen-
2 erally to drawbridge operating regulations: Section 5
3 of the Act of August 18, 1894 (28 Stat. 362; 33 U.S.C.
4 499).

5 (3) the following law relating generally to obstruc-
6 tive bridges: The Act of June 21, 1940 (54 Stat. 497;
7 33 U.S.C. 511 et seq.).

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

10 (A) Section 4 of the Act of March 23, 1906
11 (34 Stat. 85; 33 U.S.C. 494).

12 (B) Section 503 of the General Bridge Act of
13 1946 (60 Stat. 847; 33 U.S.C. 526).

14 (C) Section 17 of the Act of June 10, 1930
15 (46 Stat. 552; 33 U.S.C. 498a).

16 (D) The Act of June 27, 1930 (46 Stat. 821;
17 33 U.S.C. 498b).

18 (E) The Act of August 21, 1935 (49 Stat.
19 670; 33 U.S.C. 503 et seq.).

20 (5) the following law relating to prevention of pol-
21 lution of the sea by oil: The Oil Pollution Act, 1961
22 (75 Stat. 402; 33 U.S.C. 1001 et seq.).

23 (6) the following laws and provision of law to the
24 extent that they relate generally to the location and clear-

1 ances of bridges and causeways in the navigable waters
2 of the United States:

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

5 (B) The Act of March 23, 1906 (34 Stat. 84;
6 33 U.S.C. 491 et seq.).

7 (C) The General Bridge Act of 1946 (60 Stat.
8 847; 33 U.S.C. 525 et seq.).

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

16 TRANSPORTATION INVESTMENT STANDARDS

17 SEC. 7. (a) The Secretary shall develop and from time
18 to time in the light of experience revise standards and criteria
19 consistent with national transportation policies, for the formu-
20 lation and economic evaluation of all proposals for the invest-
21 ment of Federal funds in transportation facilities or equip-
22 ment, except such proposals as are concerned with (1) the
23 acquisition of transportation facilities or equipment by Federal
24 agencies in providing transportation services for their own

1 use; (2) grant-in-aid programs authorized by law; (3) an
2 interoceanic canal located outside the continental United
3 States; (4) defense features included at the direction or
4 upon official certification of the Department of Defense
5 in the design and construction of civil air, sea, and land trans-
6 portation; or (5) programs of foreign assistance. The stand-
7 ards and criteria developed by the Secretary shall be appli-
8 cable to transportation features of water resource projects
9 upon concurrence of the Water Resources Council and shall
10 be compatible with the standards and criteria for economic
11 evaluation applicable to nontransportation features of such
12 projects. For purposes of considering such standards and
13 criteria in relation to water resource projects, the Secretary
14 shall be a member of the Water Resources Council. The
15 Secretary shall, at a time selected by him, prior to the
16 presentation of standards and criteria to the President for
17 approval, publish a notice of proposed standards and criteria
18 in the Federal Register and provide an opportunity for
19 interested persons to present their views on them. The
20 standards and criteria developed or revised pursuant to this
21 subsection shall be promulgated by the Secretary upon their
22 approval by the President.

23 (b) Every survey, plan, or report formulated by a Fed-
24 eral agency which includes a proposal as to which the Sec-
25 retary has promulgated standards and criteria pursuant to

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

15 AMENDMENTS TO OTHER LAWS

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

24 (b) Section 201 of the Appalachian Regional Develop-

1 ment Act of 1965 (79 Stat. 10, 40 U.S.C. App. 201) is
2 amended as follows:

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

7 (2) The last sentence of subsection (a) of that section
8 is amended by inserting "of Transportation" after "Secre-
9 tary".

10 (3) Subsection (b) of that section is amended by in-
11 serting "of Commerce" after "Secretary".

12 (4) Subsection (c) of that section is amended by strik-
13 ing out the first sentence and inserting in lieu thereof the fol-
14 lowing: "Such recommendations as are approved by the
15 Secretary of Commerce shall be transmitted to the Secretary
16 of Transportation for his approval."

17 (5) The second sentence of subsection (c) of that sec-
18 tion is amended by inserting "of Transportation" after "Sec-
19 retary".

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

22 (7) Subsection (f) of that section is amended by strik-
23 ing out "Secretary determines", and inserting in lieu thereof
24 "Secretary of Commerce and the Secretary of Transportation
25 determine".

1 (8) Subsection (g) of that section is amended by in-
2 serting before the period at the end thereof the following:
3 “to the Secretary of Commerce, who shall transfer funds to
4 the Secretary of Transportation for administration of projects
5 approved by both Secretaries”.

6 (c) Section 206 (c) of the Appalachian Regional De-
7 velopment Act of 1965 (79 Stat. 15, 40 U.S.C. App.
8 206 (c)) is amended by inserting “Secretary of Transporta-
9 tion,” after “Interior,”.

10 (d) Section 212 (a) of the Interstate Commerce Act
11 (49 Stat. 555, 49 U.S.C. 312 (a)) is amended by striking
12 out “of the Commission” the second, third, and fourth times
13 those words occur.

14 (e) Section 13 (b) (1) of the Fair Labor Standards
15 Act of 1938 (52 Stat. 1067, 29 U.S.C. 213 (b) (1)) is
16 amended by striking out “Interstate Commerce Commis-
17 sion” and inserting in lieu thereof “Secretary of Transporta-
18 tion”.

19 (f) The second sentence of section 3 of the Federal
20 Explosives Act (40 Stat. 385, 50 U.S.C. 123) is amended
21 to read as follows: “This Act shall not apply to explosives
22 or ingredients which are in transit upon vessels, railroad
23 cars, aircraft, or other conveyances in conformity with statu-
24 tory law or with the rules and regulations of the Secretary
25 of Transportation.”

ADMINISTRATIVE PROVISIONS

1
2 SEC. 9. (a) In addition to the authority contained in
3 any other Act which is transferred to and vested in the
4 Secretary, the Secretary is authorized, subject to the civil
5 service and classification laws, to select, appoint, employ,
6 and fix the compensation of such officers and employees, in-
7 cluding attorneys, as are necessary to carry out the pro-
8 visions of this Act and to prescribe their authority and
9 duties.

10 (b) Notwithstanding any provision of this Act or other
11 law—

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

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

18 (c) The Secretary may obtain services as authorized
19 by section 15 of the Administrative Expenses Act of 1946
20 (60 Stat. 810, 5 U.S.C. 55a), but at rates not to exceed
21 \$100 per diem for individuals unless otherwise specified in
22 an appropriation Act.

23 (d) The Secretary is authorized to provide for par-
24 ticipation of military personnel in carrying out his func-
25 tions. Members of the Army, the Navy, the Air Force, or

1 the Marine Corps may be detailed for service in the Depart-
2 ment by the appropriate Secretary, pursuant to cooperative
3 agreements with the Secretary of Transportation.

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

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

24 (f) In addition to the authority to delegate and redele-
25 gate contained in any other Act, in the exercise of the func-

1 tions transferred to or vested in the Secretary in this Act,
2 the Secretary may delegate any of his functions, powers, and
3 duties to such officers and employees of the Department
4 as he may designate, may authorize such successive redele-
5 gations of such functions, powers, and duties as he may deem
6 desirable, and may make such rules and regulations as may
7 be necessary to carry out his functions, powers, and duties.

8 (g) The personnel, assets, liabilities, contracts, prop-
9 erty, records, and unexpended balances of appropriations,
10 authorizations, allocations, and other funds employed, held,
11 used, arising from, available or to be made available, of the
12 Federal Aviation Agency, and of the head and other officers
13 and offices thereof, are hereby transferred to the Secretary.

14 (h) So much of the positions, assets, liabilities, con-
15 tracts, property, records, and unexpended balances of ap-
16 propriations, authorizations, allocations, and other funds
17 employed, held, used, arising from, available or to be made
18 available in connection with the functions, powers, and duties
19 transferred by sections 6 (except section 6 (c)), 8 (d) , and
20 8 (e) of this Act as the Director of the Bureau of the Budget
21 shall determine shall be transferred to the Secretary. Ex-
22 cept as provided in subsection (i) , personnel engaged in
23 these functions, powers, and duties shall be transferred in
24 accordance with applicable laws and regulations relating
25 to transfer of functions.

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

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

17 (k) The Secretary is authorized to establish a working
18 capital fund, to be available without fiscal year limitation,
19 for expenses necessary for the maintenance and operation of
20 such common administrative services as he shall find to be
21 desirable in the interest of economy and efficiency in the De-
22 partment, including such services as a central supply service
23 for stationery and other supplies and equipment for which
24 adequate stocks may be maintained to meet in whole or in

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

19 (l) The Secretary shall cause a seal of office to be
20 made for the Department, and judicial notice shall be taken
21 of such seal.

22 (m) In addition to the authority contained in any other
23 Act which is transferred to and vested in the Secretary, and
24 as necessary and when not otherwise available, the Secretary
25 is authorized to provide for, construct, or maintain the fol-

1 lowing for employees and their dependents stationed at re-
2 mote localities:

3 (1) Emergency medical services and supplies;

4 (2) Food and other subsistence supplies;

5 (3) Messing facilities;

6 (4) Motion picture equipment and film for recrea-
7 tion and training;

8 (5) Reimbursement for food, clothing, medicine,
9 and other supplies furnished by such employees in emer-
10 gencies for the temporary relief of distressed persons;
11 and

12 (6) Living and working quarters and facilities.

13 The furnishing of medical treatment under paragraph (1)
14 and the furnishing of services and supplies under para-
15 graphs (2) and (3) of this subsection shall be at prices
16 reflecting reasonable value as determined by the Secretary,
17 and the proceeds therefrom shall be credited to the appro-
18 priation from which the expenditure was made.

19 (n) (1) The Secretary is authorized to accept, hold, ad-
20 minister, and utilize gifts and bequests of property, both real
21 and personal, for the purpose of aiding or facilitating the
22 work of the Department. Gifts and bequests of money and
23 the proceeds from sales of other property received as gifts or
24 bequests shall be deposited in the Treasury in a separate fund
25 and shall be disbursed upon order of the Secretary of Trans-

1 portation. Property accepted pursuant to this paragraph,
2 and the proceeds thereof, shall be used as nearly as possible in
3 accordance with the terms of the gift or bequest.

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

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

16 (o) (1) The Secretary is authorized, upon the written
17 request of any person, or any State, territory, possession, or
18 political subdivision thereof to make special statistical studies
19 relating to foreign and domestic transportation, and other
20 matters falling within the province of the Department, to
21 prepare from its records special statistical compilations, and
22 to furnish transcripts of its studies, tables, and other records
23 upon the payment of the actual cost of such work by the
24 person or body requesting it.

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

10 (p) The Secretary is authorized to appoint, without
11 regard to the civil service laws, such advisory committees as
12 shall be appropriate for the purpose of consultation with and
13 advice to the Department in performance of its functions.
14 Members of such committees, other than those regularly em-
15 ployed by the Federal Government, while attending meet-
16 ings of such committees or otherwise serving at the request
17 of the Secretary, may be paid compensation at rates not
18 exceeding those authorized for individuals under subsection
19 (c) of this section, and while so serving away from their
20 homes or regular places of business, they may be allowed
21 travel expenses, including per diem in lieu of subsistence, as
22 authorized by section 5 of the Administrative Expenses Act
23 of 1946 (5 U.S.C. 73b-2) for persons in the Government
24 service employed intermittently.

1 CONFORMING AMENDMENTS TO OTHER LAWS

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

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

8 “Twelfth. The Department of Transportation.”

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

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

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

17 “(11) Secretary of Housing and Urban Develop-
18 ment.

19 “(12) Secretary of Transportation.”

20 (2) Subsection (c) of that section is amended by strik-
21 ing out “(6) Under Secretary of Commerce for Transporta-
22 tion” and inserting in lieu thereof “(6) Under Secretary of
23 Transportation”.

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

3 “(70) Assistant Secretaries, Department of Trans-
4 portation, (4).”

5 “(71) General Counsel, Department of Trans-
6 portation.”

7 “(72) Chairman, National Transportation Safety
8 Board, Department of Transportation.”

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

11 “(101) Assistant Secretary for Administration, De-
12 partment of Transportation.”

13 “(102) Members, National Transportation Safety
14 Board, Department of Transportation (4).”

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

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

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

21 (e) Subsections (b) (7), (d) (2), and (e) (12),
22 (13), (14), (76), (82), and (89) of section 303 of the

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

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

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

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

16 ANNUAL REPORT

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

21 SAVINGS PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1

SEPARABILITY

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

7

CODIFICATION

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

13

EFFECTIVE DATE; INITIAL APPOINTMENT OF

14

OFFICERS

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

19

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

1 shall be compensated from the date they first take office, at
2 the rates provided for in sections 5 and 10 of this Act.
3 Such compensation and related expenses of their offices shall
4 be paid from funds available for the functions to be trans-
5 ferred to the Department pursuant to this Act.

