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SEPTEMBER 20, 1966

Calendar No.

80TH CONGRESS
2d Session

S. 3010

[Report No.]

IN THE SENATE OF THE UNITED STATES

MARCH 2, 1966

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

SEPTEMBER , 1966

Reported by Mr. _____, with amendments

(Omit the part struck through and insert the part printed in italic)

A BILL

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

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

5 DECLARATION OF PURPOSE

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

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

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

23 *It is hereby declared to be the national policy that in*
24 *carrying out the provisions of this Act, special effort should*
25 *be made to preserve the natural beauty of the countryside*

1 and public park and recreation lands, wildlife and waterfowl
 2 refuges, and historic sites. ~~The Secretary shall cooperate~~
 3 ~~and consult with the Secretaries of the Interior, Housing~~
 4 ~~and Urban Development, and Agriculture, and with the~~
 5 ~~States in developing all transportation plans and programs~~
 6 ~~that carry out such policy and include measures to maintain~~
 7 ~~or enhance the natural beauty of the lands traversed. After~~
 8 ~~the effective date of this Act, the Secretary shall not approve~~
 9 ~~any program or project which requires the use of any land~~
 10 ~~from a public park, recreation area, wildlife and waterfowl~~
 11 ~~refuge, or historic site unless (1) there is no feasible alterna-~~
 12 ~~tive to the use of such land, and (2) such program includes~~
 13 ~~all possible planning to minimize harm to such park, recrea-~~
 14 ~~tional area, or historic site resulting from such use.~~

*made
to P. 11
or (f)*

ESTABLISHMENT OF DEPARTMENT

16 SEC. 3. (a) There is hereby established at the seat of
 17 government an executive department to be known as the
 18 Department of Transportation (hereinafter referred to as the
 19 "Department"). There shall be at the head of the Depart-
 20 ment a Secretary of Transportation (hereinafter referred to
 21 as the "Secretary"), who shall be appointed by the Presi-
 22 dent, by and with the advice and consent of the Senate.

23 (b) There shall be in the Department an Under Secre-
 24 tary, who shall be appointed by the President, by and with
 25 the advice and consent of the Senate. The Under Secretary

1 (or, during the absence or disability of the Under Secretary,
2 or in the event of a vacancy in the office of Under Secretary,
3 an Assistant Secretary *or the General Counsel*, determined
4 according to such order as the Secretary shall prescribe)
5 shall act for, and exercise the powers of the Secretary, dur-
6 ing the absence or disability of the Secretary or in the event
7 of a vacancy in the office of Secretary. The Under Secre-
8 tary shall perform such functions, powers, and duties as the
9 Secretary shall prescribe from time to time.

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

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

20 (e) (1) *The Secretary shall establish within the Depart-*
21 *ment a Federal Highway Administration; a Federal Rail-*
22 *road Administration; a Federal Maritime Administration;*
23 *and a Federal Aviation Administration. Each of these com-*
24 *ponents shall be headed by an Administrator, and in the case*
25 *of the Federal Aviation Administration there shall also be*

1 a Deputy Administrator. The Administrators and the Dep-
 2 uty Federal Aviation Administrator shall be appointed by
 3 the President, by and with the advice and consent of the
 4 Senate.

5 (2) The qualifications of the Administrator of the Fed-
 6 eral Aviation Agency specified in section 301(b) of the Fed-
 7 eral Aviation Act of 1958, as amended ^(72 Stat. 744, 49 U.S.C. 1341) and the qualifications
 8 and status of the Deputy Administrator specified in section
 9 302(b) of the Federal Aviation Act of 1958, as amended ^(72 Stat. 744, 49 U.S.C. 1342)
 10 shall apply, respectively, to the Administrator and Deputy
 11 Administrator of the Federal Aviation Administration.
 12 However, nothing in this Act shall be construed to preclude
 13 the appointment of the present Administrator of the Federal
 14 Aviation Agency as Administrator of the Federal Aviation
 15 Administration in accordance with the provisions of the Act of
 16 June 22, 1965, as amended (79 Stat. 171).

17 (3) The Administrators and the Commandant of the
 18 Coast Guard shall report directly to the Secretary. They
 19 shall carry out such functions, powers, and duties as the
 20 Secretary may prescribe and such additional functions, pow-
 21 ers, and duties as specified in this Act

22 (4) The functions, powers, and duties specified in this
 23 Act to be carried out by each Administrator ^{and by the Maritime Board} shall not be
 24 transferred elsewhere in the Department unless specifically
 25 provided for by reorganization plan submitted pursuant to

Chapter 9
of title 23
of the United States
Code

1 provisions of the Reorganization Act of 1949, as amended
2 (63 Stat. 203), or by statute.

3 (f)(1) The Secretary shall carry out the provisions of
4 the National Traffic and Motor Vehicle Safety Act of 1966
5 (80 Stat. 718) through a National Traffic Safety Bureau
6 (hereinafter referred to as "Bureau"), which he shall estab-
7 lish in the Department of Transportation. The Bureau
8 shall be headed by a Director who shall be appointed by the
9 President, by and with the advice and consent of the Senate,
10 and shall be compensated at the rate prescribed for level V
11 of the Federal Executive Salary Schedule. All other pro-
12 visions of the National Traffic and Motor Vehicle Safety
13 Act of 1966 shall apply.

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

25 (3) The President is authorized, as provided in section

1 201 of the Highway Safety Act of 1966, to carry out the
2 provisions of the National Traffic and Motor Vehicle Safety
3 Act of 1966 through the Bureau and Director authorized by
4 section 201 of the Highway Safety Act of 1966.

5 (4) The office of Federal Highway Administrator,
6 created by section 303 of title 23, United States Code, is
7 hereby transferred to and continued within the Department
8 under the title Director of Public Roads. The Director
9 shall be the operating head of the Bureau of Public Roads,
10 or any other agency created within the Department to carry
11 out the primary functions carried out on the effective day
12 of this Act by the Bureau of Public Roads, and he shall
13 be compensated at the rate prescribed for level IV of the
14 Federal Executive Salary Schedule.

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 provide general leadership in the development of na-
22 tional transportation policies and programs, and make
23 recommendations to the President and the Congress for their
24 implementation; promote and undertake development, col-
25 lection, and dissemination of technological, statistical, eco-

1 nomic and other information relevant to domestic and
 2 international transportation; ~~and~~ promote and undertake re-
 3 search and development in and among all modes and types
 4 of transportation and types of transportation services and
 5 facilities; ^{PROMOTE AND UNDERTAKE RESEARCH AND DEVELOPMENT WITH RESPECT TO} including noise abatement, with particu-
 6 lar attention to aircraft noise; and consult with the heads of
 7 other Federal departments and agencies engaged in the pro-
 8 curement of transportation or the operation of their own
 9 transport services to encourage them to establish and observe
 10 policies consistent with the maintenance of a coordinated
 11 transportation system operated by private enterprise.

12 (b) In exercising the functions, powers, and duties
 13 herein conferred on and transferred to the Secretary, the
 14 Secretary shall give full consideration to the need for opera-
 15 tional continuity of the functions transferred, to the need for
 16 effectiveness and safety in transportation systems, and to
 17 the needs of the national defense.

18 (b)(1) In carrying out his duties and responsibilities
 19 under this Act, the Secretary shall be governed by all appli-
 20 cable statutes including the policy standards set forth in
 21 title I of the Federal Aviation Act of 1958, as amended (49
 22 U.S.C. 1301 et seq.); the national transportation policy
 23 of the Interstate Commerce Act, as amended (49 U.S.C.,
 24 preceding §§ 1, 301, 901, and 1001); the Merchant Marine
 25 Act of 1920, as amended (41 Stat. 988; 46 U.S.C. 861

1 et seq.) the Merchant Marine Act, ~~of~~ 1928, as amended
 2 (45 Stat. 689; 46 U.S.C. 891 et seq.) the Merchant Ma-
 3 rine Act, ~~of~~ 1936, as amended (49 Stat. 1985 (title I);
 4 46 U.S.C. 1101 et seq.) the Shipping Act, ~~of~~ 1916, as
 5 amended (60 Stat. 41; 46 U.S.C. 801 et seq.) and the
 6 Merchant Marine Ship Sales Act of 1940, as amended (60
 7 Stat. 41; 50 U.S.C. App. 1735 et seq.); the Act of August
 8 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 101 et
 9 seq. Federal-Aid Highways); and title 14 U.S.C., titles
 10 LII and LIII of the Revised Statutes (46 U.S.C., ^{as amended} chs. 2A,
 11 7, 11, 14, 15, and 18), the Act of April 25, 1940, (54 Stat.
 12 163; 46 U.S.C. 526-526u), and the Act of September 2,
 13 1958, (72 Stat. 1754; 46 U.S.C. 527-527h), as amended,
 14 all relating to the United States Coast Guard.

15 (2) Nothing in this Act shall be construed to authorize
 16 without appropriate action by Congress, the adoption, revi-
 17 sion, or implementation of any transportation policy, or
 18 investment standards or criteria contrary to or inconsistent
 19 with any Act of Congress.

20 (c) Orders and actions of the Secretary or the National
 21 Transportation Safety Board in the exercise of functions,
 22 powers, and duties transferred under this Act, and orders
 23 and actions of the Administrators taken pursuant to the
 24 functions, powers, and duties specifically assigned to them

1 by this Act, shall be subject to judicial review to the same
 2 extent and in the same manner as if such orders and actions
 3 had been taken by the department or agency exercising such
 4 functions, powers, and duties immediately preceding their
 5 transfer.

6 ~~(1)~~ (d) In the exercise of the functions, powers, and
 7 duties transferred under this Act, the ~~Secretary~~ is Secretary,
 8 the Administrators, and the National Transportation Safety
 9 Board ^{shall have} ~~are~~ authorized the same authority as ^{that} ~~is~~ vested in the
 10 department or agency exercising such functions, powers, and
 11 duties immediately preceding their transfer, and ~~his~~ their
 12 actions in exercising such functions, powers, and duties shall
 13 have the same force and effect as when exercised by such
 14 department or agency.

15 (e) It shall be the duty of the Secretary to investigate the
 16 safety compliance record of each carrier (or person) seek-
 17 ing authority from the Interstate Commerce Commission
 18 ^{his} ~~the~~ "Commission") and to report ~~their~~ findings to the Commis-
 19 sion, and in addition (1) to intervene and present evidence
 20 of the applicant's fitness in Commission application proceed-
 21 ings for permanent authority or for approval of proposed
 22 transactions when applicant's safety record fails to satisfy
 23 the Secretary; (2) to furnish promptly upon request of the
 24 Commission a statement regarding the safety record of any
 25 carrier (or person) seeking temporary operating authority

Referred
to in this
subsection
as the

1 from the Commission; and (3) to furnish upon request of
 2 the Commission a complete report of the safety compliance
 3 of any carrier and also have made such additional inspections
 4 or safety compliance surveys which thereafter the Commission
 5 deems necessary or desirable in order to process an applica-
 6 tion or to determine the fitness of a carrier, including inter-
 7 vention and presentation of evidence upon request of the
 8 Commission.

9 ~~(f)~~(e) As necessary, and when not otherwise available,
 10 the Secretary is authorized to provide for, construct, or main-
 11 tain the following for employees and their dependents sta-
 12 tioned at remote localities:

- 13 ~~(1)~~ Emergency medical services and supplies;
- 14 ~~(2)~~ Food and other subsistence supplies;
- 15 ~~(3)~~ Messing facilities;
- 16 ~~(4)~~ Motion picture equipment and film for recrea-
 17 tion and training;
- 18 ~~(5)~~ Reimbursement for food, clothing, medicine,
 19 and other supplies furnished by such employees in emer-
 20 gencies for the temporary relief of distressed persons;
 21 and

22 ~~(6)~~ Living and working quarters and facilities.
 23 The furnishing of medical treatment under paragraph ~~(1)~~
 24 and the furnishing of services and supplies under para-
 25 graphs ~~(2)~~ and ~~(3)~~ of this subsection shall be at prices

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(f) The Secretary shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, and he shall include in all transportation plans and programs 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 alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, or historic site resulting from such use.

~~Part 4 (g)~~ The Secretary and the Secretary of Housing and Urban Development shall consult and exchange information regarding their respective 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 enactment 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.

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1 reflecting reasonable value as determined by the Secretary,
2 and the proceeds therefrom shall be credited to the appro-
3 priation from which the expenditure was made.

4 (d) The Secretary is authorized to accept, hold, admin-
5 ister, and utilize gifts and bequests of property, both real and
6 personal, for the purpose of aiding or facilitating the work of
7 the Department of Transportation. Gifts and bequests of
8 money and the proceeds from sales of other property re-
9 ceived as gifts or bequests shall be deposited in the Treasury
10 in a separate fund and shall be disbursed upon order of the
11 Secretary of Transportation. Property accepted pursuant to
12 this provision, and the proceeds thereof, shall be used as
13 nearly as possible in accordance with the terms of the gift or
14 bequest.

15 (e) For the purpose of Federal income, estate, and gift
16 taxes, property accepted under section 4(d) of this Act
17 shall be considered as a gift or bequest to or for use of the
18 United States.

19 (f) Upon the request of the Secretary, the Secretary of
20 the Treasury may invest and reinvest in securities of the
21 United States or in securities guaranteed as to principal and
22 interest by the United States any moneys contained in the
23 fund authorized herein. Income accruing from such secu-
24 rities, and from any other property pursuant to section 4(d)
25 of this Act, shall be deposited to the credit of the fund author-

1 ized herein, and shall be disbursed upon order of the Secre
2 tary of Transportation.

3 ~~(g)~~ The Secretary is authorized, upon the written re-
4 quest of any person, firm, or corporation, to make special
5 statistical studies relating to foreign and domestic transporta-
6 tion, and other matters falling within the province of the De-
7 partment of Transportation, to prepare from its records
8 special statistical compilations, and to furnish transcripts of
9 its studies, tables, and other records upon the payment of
10 the actual cost of such work by the person, firm, or corpora-
11 tion requesting it.

12 ~~(h)~~ All moneys received by the Department of Trans-
13 portation in payment of the cost of work under section 4~~(g)~~
14 of this Act shall be deposited in a special account to be
15 administered under the direction of the Secretary of Trans-
16 portation. These moneys may be used, in the discretion
17 of the Secretary of Transportation, and notwithstanding
18 any other provisions of law, for the ordinary expenses inci-
19 dental to the work and/or to secure in connection there-
20 with the special services of persons who are neither officers
21 nor employees of the United States.

22 ~~(i)~~ The Secretary is authorized to appoint such ad-
23 visory committees as shall be appropriate for the purpose
24 of consultation with and advice to the Department in per-
25 formance of its functions. Members of such committees

1 shall be entitled to per diem and travel expenses as author-
2 ized by the Administrative Expenses Act of 1946 (60
3 Stat. 808), for all persons employed intermittently as con-
4 sultants or experts receiving compensation on a per diem
5 basis.

6 ~~(j)~~ Orders and actions of the Secretary or the National
7 Transportation Safety Board in the exercise of functions,
8 powers, and duties transferred under this Act shall be sub-
9 ject to judicial review to the same extent and in the same
10 manner as if such orders and actions had been by the agency
11 originally exercising such functions, powers, and duties.

12 ~~(k)~~ In the exercise of the functions, powers, and duties
13 transferred under this Act, the Secretary is authorized the
14 same authority as vested in the agency originally exercising
15 such functions, powers, and duties, and his actions in exer-
16 cising such functions, powers, and duties shall have the same
17 force and effect as when exercised by such agency.

18 ~~(l)(1)~~ Nothing in this Act or other law shall pre-
19 clude appointment, detail, or assignment of a member on
20 active duty of the Coast Guard to any position in the De-
21 partment, other than Secretary, Under Secretary, and Assist-
22 ant Secretary for Administration.

23 ~~(2)~~ Nothing in this Act or other law shall preclude
24 appointment of a retired member of the Coast Guard to
25 any position in the Department.

1 ~~(3)~~ The provisions of section 9(c)(1) shall apply to
2 persons appointed, detailed, or assigned under authority of
3 this subsection.

4 NATIONAL TRANSPORTATION SAFETY BOARD.

5 SEC. 5. (a) There is hereby established within the De-
6 partment a National Transportation Safety Board. The
7 Board shall exercise the functions, powers, and duties trans-
8 ferred to the Secretary by sections 6 and 8 of this Act with
9 regard to ~~(1)~~ determining the cause or probable cause of
10 transportation accidents, and shall report the facts, condi-
11 tions, and circumstances relating to such accidents; and ~~(2)~~
12 to review on appeal of the suspension, amendment, modifi-
13 cation, revocation, or denial of any certificate or license
14 issued by the Secretary. In exercising these functions,
15 powers, and duties, the Board shall be independent of the
16 Secretary and the operating units of the Department.

17 ~~(b)~~ The Board shall consist of five members to be ap-
18 pointed by the President, by and with the advice and con-
19 sent of the Senate, and who shall continue in office as
20 designated by the President at time of nomination through
21 the last day of the first, second, third, fourth, and fifth full
22 calendar years, respectively, following the year of enact-
23 ment of this Act. Their successors shall be appointed for
24 terms of five years, in the same manner as the members
25 originally appointed under this Act. Members of the Board

1 shall be appointed with due regard to their fitness for the
2 efficient dispatch of the functions, powers, and duties vested
3 in and imposed upon the Board. Members of the Board
4 may be removed by the President for inefficiency, neglect
5 of duty, or malfeasance in office.

6 ~~(c)~~ Any person appointed to fill a vacancy occurring
7 prior to the expiration of a term for which his predecessor
8 was appointed shall serve only for the remainder of such
9 term. Upon the expiration of his term of office, except in
10 the case of a member removed for cause under section 5(b),
11 a member shall continue to serve until his successor is ap-
12 pointed and shall have qualified.

13 ~~(d)~~ The President shall designate from time to time
14 one of the members of the Board as Chairman and one of
15 the members as Vice Chairman, who shall act as Chairman
16 in the absence or incapacity of the Chairman, or in the event
17 of a vacancy in the office of the Chairman. The Chairman
18 shall be the chief executive and administrative officer of the
19 Board and shall exercise the responsibility of the Board with
20 respect to ~~(1)~~ the appointment and supervision of personnel
21 employed by the Board; ~~(2)~~ the distribution of business
22 among the Board's personnel; and ~~(3)~~ the use and expendi-
23 ture of funds. In executing and administering the functions
24 of the Board on its behalf, the Chairman shall be governed
25 by the general policies of the Board and by its decisions,

1 findings, and determinations. Three of the members shall
2 constitute a quorum of the Board.

3 ~~(e)~~ The Chairman of the Board shall be compensated
4 at the rate provided for at level V of the Federal Executive
5 Salary Act of 1964 ~~(78 Stat. 416)~~, as provided in section
6 ~~10(d)(4)~~ of this Act. Members of the Board shall be
7 compensated at the rate now or hereafter established for
8 grade 18 of the General Schedule of the Classification Act
9 of 1949 ~~(63 Stat. 954)~~.

10 ~~(f)~~ The Board is authorized to establish such rules, reg-
11 ulations, and procedures as are necessary to the exercise of
12 its functions.

13 ~~(g)~~ The Board, any member thereof, or any hearing
14 examiner assigned to the Board shall have the same powers
15 as are vested in the Secretary to hold hearings, sign and
16 issue subpoenas, administer oaths, examine witnesses, and
17 receive evidence at any place in the United States it may
18 designate.

19 ~~(h)~~ Subject to the proviso in section 701~~(g)~~ of the
20 Federal Aviation Act of 1958 ~~(72 Stat. 731)~~, the Board
21 may delegate to any officer or official of the Board or, with
22 the approval of the Secretary, to any officer or official of the
23 Department such of its functions as it may deem appropriate.

24 ~~(i)~~ The Board is further authorized to make such rec-

1 ommendations concerning transportation safety to the Sec-
 2 retary as it may deem appropriate, including recommenda-
 3 tions for the conduct of special safety studies on matters
 4 pertaining to safety in transportation and the prevention of
 5 accidents, the initiation of accident investigations, and rules,
 6 regulations, and procedures for the conduct of accident
 7 investigations.

8 ~~(j)~~ Subject to the civil service and classification laws,
 9 the Board is authorized to select, appoint, employ, and fix
 10 compensation of such officers and employees, including attor-
 11 neys, as shall be necessary to carry out its powers and duties
 12 under this Act.

13 ~~(k)~~ The Secretary shall provide to the Board financial
 14 and administrative services, the cost of which shall be paid
 15 in advance, or by reimbursement, from funds of the Board.

16 *NATIONAL TRANSPORTATION SAFETY BOARD*
 17 *SEC. 5. (a) There is hereby established within the De-*
 18 *partment a National Transportation Safety Board (referred*
 19 *to hereafter in this Act as "Board").*

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

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

1 (2) reviewing on appeal the suspension, amend-
 2 ment, modification, revocation, or denial of any certifi-
 3 cate or license issued by the Secretary or by an Admin-
 4 istrator.

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

8 (d) The Board is further authorized to—

9 (1) make such recommendations to the Secretary^{or Administrator}
 10 as, in its opinion, will tend to prevent transportation
 11 accidents;

12 (2) conduct special studies on matters pertaining
 13 to safety in transportation and the prevention of acci-
 14 dents;

15 (3) insure that in cases in which it is required to
 16 determine cause or probable cause, reports of investi-
 17 gation adequately state the circumstances of the accident
 18 involved. Where additional information is needed, the
 19 Board may request the Secretary or the appropriate
 20 Administrator to conduct further investigations or to take
 21 such other measures as are required in the opinion of
 22 the Board to insure development of all facts and cir-
 23 cumstances surrounding the accident. In addition, the
 24 Board may on its own motion initiate or conduct rail,

1 highway, or pipeline accident investigations as the Board
2 deems necessary or appropriate;

3 (4) make recommendations to the Secretary or ap-
4 propriate Administrator concerning policies, programs,
5 and procedures for transportation safety, and rules, reg-
6 ulations, and procedures for the conduct of accident
7 investigations;

8 (5) request the Secretary or appropriate Admin-
9 istrator to initiate specific accident investigations as the
10 Board determines to be necessary or appropriate;

11 (6) arrange for the personal participation of mem-
12 bers or other personnel of the Board in accident inves-
13 tigations conducted by the Secretary or appropriate
14 Administrator in such cases as it deems appropriate; and

15 (7) request from the Secretary or appropriate
16 Administrators notification of transportation accidents
17 and reports of such accidents as the Board deems
18 necessary.

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

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

1 (2) every special study conducted; and

2 (3) every action of the Board requesting the Secre-
3 tary or an Administrator to take action pursuant to sec-
4 tion 5(d) (1), (2), (3), (4), (5), or (7).

5 (f) In the exercise of its functions, powers, and duties,
6 the Board shall be independent of the Secretary and the other
7 offices and officers of the Department.

8 (g) The Board shall report to the Congress annually on
9 the conduct of its functions under this Act and the effective-
10 ness of accident investigations in the Department, together
11 with such recommendations for legislation as it may deem
12 appropriate.

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

22 (i) Members of the Board shall be appointed for terms
23 of five years, except that (1) any member appointed to fill
24 a vacancy occurring prior to the expiration of the term for

1 which his predecessor was appointed shall be appointed only
2 for the remainder of such term, and (2) the five members
3 first appointed shall serve for terms (designated by the
4 President at the time of appointment) ending on the last
5 day of the first, second, third, fourth, and fifth calendar
6 years beginning after the year of enactment of this Act.
7 Upon the expiration of his term of office, a member shall
8 continue to serve until his successor is appointed and shall
9 have qualified.

10 (j) The President shall designate from time to time
11 one of the members of the Board as Chairman and one of
12 the members as Vice Chairman, who shall act as Chairman
13 in the absence or incapacity of the Chairman, or in the event
14 of a vacancy in the office of the Chairman. The Chairman
15 shall be the chief executive and administrative officer of the
16 Board and shall exercise the responsibility of the Board with
17 respect to (1) the appointment and supervision of personnel
18 employed by the Board; (2) the distribution of business
19 among the Board's personnel; and (3) the use and expendi-
20 ture of funds. In executing and administering the functions
21 of the Board on its behalf, the Chairman shall be governed by
22 the general policies of the Board and by its decisions, find-
23 ings, and determinations. Three of the members shall con-
24 stitute a quorum of the Board.

25 (k) The Chairman of the Board shall be compensated

1 at the rate provided for level III of the Federal Executive
 2 Salary Schedule. Members of the Board shall be compen-
 3 sated at the rate provided for level IV of such schedule.

4 (l) The Board is authorized to establish such rules,
 5 regulations, and procedures as are necessary to the exercise
 6 of its functions.

RENUMBER
 FOLLOWING
 SECTIONS

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

14 (n) Subject to the proviso in section 701(g) of the Fed-
 15 eral Aviation Act of 1958, as amended (72 Stat. 782; 49
 16 U.S.C. 1441(g)), the Board may delegate to any officer or
 17 official of the Board or, with the approval of the Secretary,
 18 to any officer or official of the Department such of its func-
 19 tions as it may deem appropriate.

see
 attached

20 (o) Subject to the civil service and classification laws, the
 21 Board is authorized to select, appoint, employ, and fix com-
 22 pensation of such officers and employees, including investi-
 23 gators, attorneys and hearing examiners, as shall be necessary
 24 to carry out its powers and duties under this Act.

25 (p) The Board is authorized, on a reimbursable basis

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the Board may delegate to any officer or official of the Board such of its functions as it may deem appropriate, and, with the approval of the Secretary, may delegate to any officer or official of the Department the investigation of minor aircraft accidents.

1 when appropriate, to use the available services, equipment,
 2 personnel, and facilities of the Department and of other
 3 civilian or military agencies and instrumentalities of the Fed-
 4 eral Government, and to cooperate with the Department and
 5 such other agencies and instrumentalities in the establishment
 6 and use of services, equipment, and facilities of the Board.
 7 The Board is further authorized to confer with and avail
 8 itself of the cooperation, services, records, and facilities of
 9 State, territorial, municipal, or other local agencies.

10 TRANSFERS TO DEPARTMENT

11 SEC. 6. (a) There are hereby transferred to and vested
 12 in the Secretary all functions, powers, and duties of the
 13 Secretary of Commerce and other officers and offices of the
 14 Department of Commerce under title 23, United States
 15 Code, relating to highways; the Federal Aid Highway Act
 16 of 1962 (76 Stat. 1145), relating to engineering and plan-
 17 ning surveys concerning highway construction programs in
 18 Alaska; the Act of July 14, 1960 (74 Stat. 526) relating to
 19 the National Driver Register Service; the Federal Aid High-
 20 way Act of 1954 (68 Stat. 70), relating to the Great River
 21 Road; the Highway Revenue Act of 1956 (70 Stat. 387),
 22 relating to the highway trust fund; the Highway Beautifica-
 23 tion Act of 1965 (79 Stat. 1028); the Alaska Omnibus Act
 24 (73 Stat. 141), relating to transfers of lands, buildings, fix-
 25 tures, and other property used in connection with Bureau of

1 Public Roads activities in Alaska; S.J. Res. 81 (70 Stat.
2 578); relating to reports of highway needs to Congress; sec-
3 tion 525(c) of the General Bridge Act of 1946 (60 Stat.
4 847); relating to the location of and plans for interstate
5 bridges; the Act of July 26, 1956 (70 Stat. 669); relating
6 to the Muscatine Bridge Commission; the Act of December
7 21, 1944 (58 Stat. 846); relating to the City of Clinton
8 Bridge Commission; the Act of April 12, 1941 (55 Stat.
9 140); relating to the White County Bridge Commission;
10 the Act of April 27, 1962 (76 Stat. 59); relating to the an-
11 nual audit of bridge commissions; the Act of September 30,
12 1965; relating to high speed ground transportation (70 Stat.
13 803); the Urban Mass Transportation Act of 1964 (78 Stat.
14 302); the Act of September 7, 1957 (71 Stat. 629); and
15 section 410 of the Federal Aviation Act of 1958 (72 Stat.
16 769); relating to guarantee of loans for the purchase of air-
17 craft and aircraft equipment; title XIII, War Risk Insur-
18 ance, of the Federal Aviation Act of 1958 (72 Stat. 800);
19 the Great Lakes Pilotage Act of 1960 (74 Stat. 259); the
20 Merchant Marine Act, 1920 (41 Stat. 988); the Merchant
21 Marine Act, 1928 (45 Stat. 689); the Merchant Marine
22 Act, 1936 (49 Stat. 1985); the Shipping Act, 1916 (30
23 Stat. 728); the Merchant Ship Sales Act of 1946 (60 Stat.
24 41); the Maritime Academy Act of 1958 (62 Stat. 622);

1 the Act of June 12, 1940 (54 Stat. 346), relating to assist-
2 ance to maritime schools; the Act of August 30, 1964 (78
3 Stat. 614), relating to the fishing fleet; the Act of Septem-
4 ber 14, 1961 (75 Stat. 514), relating to appointments to
5 the Merchant Marine Academy; the Act of June 13, 1957
6 (71 Stat. 73), to the extent it relates to operating differ-
7 ential subsidies; the Act of June 12, 1951 (65 Stat. 59),
8 relating to vessel operations revolving fund; the Act of July
9 24, 1956 (70 Stat. 605), relating to the grant of medals and
10 decorations for service in the United States merchant
11 marine; the Act of August 9, 1954 (68 Stat. 675), relating
12 to emergency foreign merchant vessel acquisition and opera-
13 tion; Reorganization Plan Numbered 21 of 1950 (64 Stat.
14 1273); Reorganization Plan Numbered 7 of 1961 (75 Stat.
15 840); Reorganization Plan Numbered 7 of 1949 (63 Stat.
16 1070); and the Act of August 1, 1947 (61 Stat. 715), to
17 the extent that it authorizes scientific and professional posi-
18 tions which relate primarily to functions transferred by this
19 subsection.

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

25 (2) Notwithstanding the transfer of the Coast Guard

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

11 (3) Notwithstanding any other provision of this Act,
12 the functions, powers, and duties of the General Counsel of
13 the Department of the Treasury set out in the Uniform Code
14 of Military Justice (title 10, United States Code, section
15 801, et seq.) are hereby transferred to and vested in the
16 General Counsel of the Department.

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

21 (d) There are hereby transferred to and vested in the
22 Secretary all functions, powers, and duties of the Civil Aero-
23 nautics Board, and of the Chairman, members, officers, and
24 offices thereof under titles VI (72 Stat. 776) and VII (72
25 Stat. 781) of the Federal Aviation Act of 1958.

1 (e) There are hereby transferred to and vested in the
 2 Secretary all functions, powers, and duties of the Interstate
 3 Commerce Commission under the Act of March 2, 1893 (27
 4 Stat. 531), as amended by the Act of August 14, 1957 (71
 5 Stat. 352), the Act of March 2, 1903 (32 Stat. 943), as
 6 amended by the Act of April 11, 1958 (72 Stat. 86), and
 7 the Act of April 14, 1910 (36 Stat. 298), as amended by
 8 the Act of August 14, 1957 (71 Stat. 352), relating to
 9 safety appliances; the Act of May 30, 1908 (35 Stat. 476),
 10 relating to ash pans; the Act of February 17, 1911 (36 Stat.
 11 913), the Act of March 4, 1915 (38 Stat. 1192), the Act
 12 of June 26, 1918 (40 Stat. 616), the Act of June 7, 1924
 13 (43 Stat. 659), the Act of June 27, 1930 (46 Stat. 822),
 14 and the Act of April 22, 1940 (54 Stat. 148), the Act of
 15 May 27, 1947 (61 Stat. 120), the Act of June 25, 1948
 16 (62 Stat. 909), the Act of October 28, 1949 (63 Stat.
 17 972), the Act of August 14, 1957 (71 Stat. 352), relating
 18 to boiler inspection; Recognition Plan Numbered 3 of
 19 1965 (79 Stat. 1320), relating to locomotive inspection;
 20 the resolution of June 30, 1906 (34 Stat. 838), relating to
 21 block signals; the Act of May 27, 1908 (35 Stat. 325), the
 22 Act of March 4, 1909 (35 Stat. 965), relating to investiga-
 23 tion and testing of appliances and inspection of mail cars;
 24 the Act of May 6, 1910 (36 Stat. 350), the Act of Septem-
 25 ber 12, 1960 (74 Stat. 993), relating to accident reports;

1 the Act of March 4, 1907 (34 Stat. 1415); the Act of
 2 May 4, 1916 (39 Stat. 61); the Act of June 25, 1948 (62
 3 Stat. 909); the Act of August 41, 1957 (71 Stat. 352);
 4 relating to hours of service of employees; the Act of Feb-
 5 ruary 23, 1905 (33 Stat. 743); the Act of June 13, 1957
 6 (71 Stat. 69); relating to awards; title 18, United States
 7 Code, sections 831-835; relating to explosives and other dan-
 8 gerous articles; the Act of March 19, 1918 (40 Stat. 450);
 9 the Act of March 4, 1921 (41 Stat. 1446); and the Act of
 10 March 3, 1923 (42 Stat. 1434); as amended by the Act of
 11 June 24, 1948 (62 Stat. 646); relating to the Standard
 12 Time Act; and the following sections of the Interstate Com-
 13 merce Act (24 Stat. 379); sections 1(10), 1(11), 1(12);
 14 1(13), 1(14)(a) (but not including establishment of the
 15 compensation to be paid for the use of any locomotive, car,
 16 or other vehicle not owned by the carrier using it); 1(15);
 17 1(16), 1(17), 6(8); the final sentence of 15(4), 15(10);
 18 and 420; relating to car service; section 25 relating to
 19 safety appliances, methods and systems; section 226; relat-
 20 ing to investigation of motor vehicle sizes and weights; sec-
 21 tion 1(21) except to the extent that it relates to the exten-
 22 sion of line or lines of common carriers; section 204(a) (1)
 23 and (2) to the extent that they relate to qualifications and
 24 maximum hours of service of employees and safety of opera-

1 tion and equipment; and section 204(a) (3), (3a), and
2 (5), relating to safety.

3 Nothing in this subsection shall diminish the functions,
4 powers, and duties of the Interstate Commerce Commission
5 under sections 1(6), 206, 207, 208, 210a, 212, and 216 of
6 the Interstate Commerce Act or under any other section of
7 that Act not specifically referred to in the first paragraph
8 of this subsection.

9 (f) There are hereby transferred to and vested in the
10 Secretary all functions, powers, and duties of the Secretary
11 of the Army and other officers and offices of the Department
12 of the Army under section 7 of the River and Harbor Act
13 of March 4, 1915 (38 Stat. 1053), and the Act of April 22,
14 1940 (54 Stat. 150), relating to water vessel anchorages;
15 section 5 of the Act of August 18, 1894 (28 Stat. 362),
16 relating to drawbridge operating regulations; the Act of
17 June 21, 1940 (54 Stat. 497), relating to obstructive
18 bridges; section 4 of the Act of March 23, 1906 (34 Stat.
19 85), section 503 of the General Bridge Act (60 Stat. 847),
20 section 17 of the Act of June 10, 1930 (46 Stat. 552), the
21 Act of June 27, 1930 (46 Stat. 821), and the Act of August
22 21, 1935 (49 Stat. 670), relating to the reasonableness of
23 tolls; the Oil Pollution Act of 1961 (75 Stat. 402), relating
24 to the detection of oil pollution and enforcement of measures

1 against same; and section 9 of the Act of March 3, 1899 (30
2 Stat. 1151); the Act of March 23, 1906 (34 Stat. 84); and
3 the General Bridge Act (60 Stat. 847); insofar as they relate
4 to the location and clearances of bridges in the navigable
5 waters of the United States.

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

10 *(1) the following laws and provisions of law re-*
11 *lating generally to highways:*

12 *(A) Title 23, United States Code.*

13 *(B) The Federal-Aid Highway Act of 1966*
14 *(80 Stat. 766).*

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

17 *(D) The Act of July 14, 1960, as amended*
18 *(74 Stat. 526; 23 U.S.C. 313 note).*

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

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

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

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

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

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

9 (K) *Section 502 of the General Bridge Act of*
 10 *1946, as amended (60 Stat. 847; 33 U.S.C. 525*
 11 *(c)).*

12 (L) *The Act of April 27, 1962, as amended*
 13 *(76 Stat. 59).*

14 (M) *Reorganization Plan No. 7 of 1949, ~~as~~*
 15 *~~amended~~ (63 Stat. 1070; 5 U.S.C. 133z-15 note).*

16 (2) *the following laws and provisions of law relat-*
 17 *ing generally to ground transportation:*

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

20 (B) *The Urban Mass Transportation Act of*
 21 *1964, as amended (78 Stat. 306, 49 U.S.C. 1607).*

22 (3) *the following laws and provisions of law relat-*
 23 *ing generally to aircraft:*

24 (A) *The Act of September 7, 1957, as amended*
 25 *(71 Stat. 629; 49 U.S.C. 1324 note).*

1 (B) Section 410 of the Federal Aviation Act of
2 1958, as amended (72 Stat. 769; 49 U.S.C. 1380):

3 (C) Title XIII of the Federal Aviation Act of
4 1958, as amended (72 Stat. 800; 49 U.S.C. 1531
5 et seq.).

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

9 ^(A)
10 (5) the following laws and provisions of law relat-
11 ing generally to the Merchant Marine:

12 ¹
13 (~~A~~) The Merchant Marine Act, 1920, as
14 amended (41 Stat. 988; 46 U.S.C. 861 et seq.).

15 ²
16 (~~B~~) The Merchant Marine Act, 1928, as
17 amended (45 Stat. 689; 46 U.S.C. 891 et seq.).

18 ³
19 (~~C~~) The Merchant Marine Act, 1936, as
20 amended (49 Stat. 1985; 46 U.S.C. 1101 et seq.).

21 ⁴
22 (~~D~~) The Shipping Act, 1916, as amended
23 (39 Stat. 728; 46 U.S.C. 801 et seq.).

24 ⁵
25 (~~E~~) The Merchant Ship Sales Act of 1946,
26 as amended (60 Stat. 41; 50 U.S.C. App. 1735
27 et seq.).

28 ⁶
29 (~~F~~) The Maritime Academy Act of 1958,
30 as amended (72 Stat. 622; 46 U.S.C. 1381 et
31 seq.).

7
1. ~~(G)~~ The Act of June 12, 1940, as amended
2. (54 Stat. 346; 46 U.S.C. 1331 et seq.).

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

9
6. ~~(I)~~ The Act of September 14, 1961, as
7. amended (75 Stat. 514; 46 U.S.C. 1126b-1).

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

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

14
12
14. ~~(L)~~ The Act of July 24, 1956, as amended
15. (70 Stat. 605; 46 U.S.C. 249 et seq.).

16
13
16. ~~(M)~~ The Act of August 9, 1954, as amended
17. (68 Stat. 675; 50 U.S.C. 196 et seq.).

18
14
18. ~~(N)~~ Section 500 of the Transportation Act,
19. 1920, as amended (41 Stat. 499; 49 U.S.C. 142).

20
15
20. ~~(O)~~ Reorganization Plan No. 21 of 1950, ~~as~~
21. amended (64 Stat. 1273; 46 U.S.C. 1111 note).

22
16
22. ~~(P)~~ Reorganization Plan No. 7 of 1961, ~~as~~
23. amended (75 Stat. 840; 46 U.S.C. 1111 note).

24
17
24. ~~(Q)~~ Reorganization Plan No. 6 of 1949, ~~as~~
25. amended (63 Stat. 1069; 46 U.S.C. 111 note).

1 ~~The Federal Maritime Administrator shall carry out~~
 2 ~~those functions, powers, and duties of the Secretary which~~
 3 ~~require the holding of hearings as set forth in the Merchant~~
 4 ~~Marine Act, 1936, as amended.~~

5 ~~Decisions of the Federal Maritime Administrator made~~
 6 ~~pursuant to the exercise of his functions, powers, and duties~~
 7 ~~specified in this subsection shall be administratively final, and~~
 8 ~~appeals as authorized by law or this Act shall be taken~~
 9 ~~directly to the courts.~~

INSEAT
 (2)(3)(4)

10 (6) the following law to the extent it authorizes
 11 scientific and professional positions which relate pri-
 12 marily to functions transferred by this subsection: The
 13 Act of August 1, 1947, as amended (61 Stat. 715;
 14 5 U.S.C. 1161).

15 (7) The following laws and provisions of law relat-
 16 ing generally to traffic and highway safety:

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

19 (B) The Highway Safety Act of 1966 (80 Stat.
 20 731).

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

2

(B) There are hereby transferred to the Federal Maritime Administrator and it shall be his duty to exercise the functions, powers and duties of the Secretary ~~RELATING TO THE MERCHANT MARINE TRANSFERRED UNDER SUBSECTION (a)(5) OF~~ ^{MARITIME} ~~pertaining to maritime matters,~~ ^{THIS SECTION,} except such as the Maritime ~~Board~~ ^{Board} shall exercise in accordance with subsection ^{(a)(5)(C)} of this section, as set forth in

(C) There is hereby established a Maritime ~~Board~~ ^{MARITIME} (hereinafter in this Act referred to as the "Board"). The Board shall exercise the following functions:

(1) All functions of the Federal Maritime Board transferred to it under section 105 (1), (2), and (3) of Reorganization Plan Numbered 21 of 1950 and subsequently vested in the Secretary of Commerce by section 202(b) of Reorganization Plan Numbered 7 of 1961.

(2) The administration of the provisions of title XI of the Merchant Marine Act, 1936 (52 Stat. 969; 46 U.S.C. 1271 et seq.).

^{MARITIME} (B) The Board shall be composed of three members as follows: The Federal Maritime Administrator ~~(hereinafter referred to as the "Administrator")~~ ^{MARITIME}, who shall be Chairman of the Board, and two additional members appointed by the President, by and with the advice and consent of the Senate. Not more than two members of the Board shall be from the same political party. The two additional ^{MARITIME} Board members appointed by the President shall --

(1) be appointed for terms of 4 years; except that the terms of the members first appointed shall expire as follows: one on June 30, 1968, and one on June 30, 1970; and

(2) be compensated at the rate provided for level IV of the Federal Executive Salary Schedule, ~~and the Federal Maritime~~

3

~~Administrator shall be compensated at the rate provided for level III of the Federal Executive Salary Schedule.~~ Each member appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. Upon expiration of his term of office, each member shall continue to serve until his successor shall have been appointed and shall have qualified. No member shall engage in any other business, vocation, or employment.

(3) A vacancy in the Board shall be filled in the same manner as in the case of the original appointment. A vacancy in the Board shall not impair the power of the remaining members to exercise the authority of the Board. Any two members of the Board shall constitute a quorum for the transaction of business, and the concurring votes of any two members shall be sufficient for the disposition of any matter which may come before the Board.

(4) The provisions of the last sentence of section 201(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1111(b)), shall apply with respect to the Administrator, members of the Board, and all officers and employees thereof. The first two sentences of section 201(b) of the Merchant Marine Act of 1936 (46 U.S.C. 1111(b)), are repealed.

FEDERAL MARITIME

MARITIME

(5) The Administrator and members of the Board shall be appointed with due regard to their fitness for the efficient discharge of the powers and duties vested in them. ~~The Two Additional Maritime Board Members~~ and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(6) So much of the ~~possession~~ ^{POSITIONS}, property, and records employed, used, held, available, or to be made available, in connection with the functions transferred to the Administrator and to the Board by the provisions of this Act, as the Director of the Bureau of the Budget determines necessary, shall be transferred to the Administrator, or to the Board, as the case may be. ^{FEDERAL MARITIME}

(7) Part II of Reorganization Plan Numbered 21 of 1950, and part II and section 303(c) of Reorganization Plan Numbered 7 of 1961, are hereby superseded by this Act and the amendments made by this Act.

~~(8) The Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1001 et seq.) shall apply with respect to the Administrator and the Board.~~

(8) Nothing in this Act or any of the amendments made by this Act shall be deemed to affect (1) the Federal Maritime Commission established by part I of Reorganization Plan Numbered 7 of 1961, or (2) any of the functions of such Commission.

(E) Decisions of the Board made pursuant to the exercise of the functions, powers, and duties enumerated in subsection (a) of this section shall be administratively final, and appeals as authorized by law or this Act shall be taken directly to the courts. ^{(4)(5)(C)}

~~2. Section 6, pages 25-26, is further amended to read as follows: subsections (b) through (e) of subsection (a) through (j)~~

1 (2) Notwithstanding the transfer of the Coast Guard
2 to the Department and the transfer to the Secretary of the
3 functions, powers, and duties, relating to the Coast Guard,
4 of the Secretary of the Treasury and of other officers and
5 offices of the Department of the Treasury, effected by the
6 provisions of paragraph (1) of this subsection, the Coast
7 Guard, together with the functions, powers, and duties
8 relating thereto, shall operate as a part of the Navy, subject
9 to the orders of the Secretary of the Navy, in time of war
10 or when the President shall so direct, as provided in section
11 3 of title 14, United States Code, as amended.

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

18 (c) There are hereby transferred to and vested in the
19 Secretary all functions, powers, and duties of the Federal
20 Aviation Agency, and of the Administrator and other officers
21 and offices thereof, including the development and construc-
22 tion of a civil supersonic aircraft: Provided, however, That
23 there are hereby transferred to the Federal Aviation Admin-
24 istrator, and it shall be his duty to exercise the functions,
25 powers, and duties of the Secretary pertaining to aviation

1 safety as set forth in sections 306, 307, 308, 309, 312,
 2 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX,
 3 and XII of the Federal Aviation Act of 1958, as amended.
 4 In exercising these enumerated functions, powers, and duties,
 5 the Administrator shall be guided by the declaration of
 6 policy in section 103 of the Federal Aviation Act of 1958,
 7 as amended. Decisions of the Federal Aviation Admin-
 8 istrator made pursuant to the exercise of the functions,
 9 powers, and duties enumerated in this subsection, ^{To be exercised by the} shall be ^{Administrator}
 10 administratively final, and appeals as authorized by law or
 11 this Act shall be taken directly to the National Transporta-
 12 tion Safety Board or to the courts, as appropriate.

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

17 ~~(2)~~ Nothing in this Act shall affect the power of the
 18 President under section 302(e) of the Federal Aviation Act
 19 of 1958 ~~(49 U.S.C. 1343(e))~~ to transfer, to the Depart-
 20 ment of Defense in the event of war, any functions trans-
 21 ferred by this Act from the Federal Aviation Agency to
 22 the Secretary.

23 (d) There are hereby transferred to and vested in the
 24 Secretary all functions, powers, and duties of the Civil Aero-

49 U.S.C. 1441 et seq.

5 U.S.C. 1421 et seq.

1. *Navigation Board, and of the Chairman, members, officers, and*
2. *offices thereof under titles VI (72 Stat. ⁷⁷⁵ ~~776~~) and VII (72*
3. *Stat. 781) of the Federal Aviation Act of 1958, as*
4. *amended: Provided, however, That these functions, powers,*
5. *and duties are hereby transferred to and shall be exercised*
6. *by the National Transportation Safety Board. Decisions*
7. *of the National Transportation Safety Board made pur-*
8. *suant to the exercise of the functions, powers, and duties*
9. *enumerated in this subsection shall be administratively final,*
10. *and appeals as authorized by law or this Act shall be taken*
11. *directly to the courts.*

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

16. (1) *the following laws relating generally to safety*
17. *appliances and equipment on railroad engines and cars,*
18. *and protection of employees and travelers:*

19. (A) *The Act of March 2, 1893, as amended*
20. *(27 Stat. 531; 45 U.S.C. 1 et seq.).*

21. (B) *The Act of March 2, 1903, as amended*
22. *(32 Stat. 943; 45 U.S.C. 8 et seq.).*

23. (C) *The Act of April 14, 1910, as amended*
24. *(36 Stat. 298; 45 U.S.C. 11 et seq.).*

1 (D) The Act of May 30, 1908, as amended
2 (35 Stat. 476; 45 U.S.C. 17 et seq.).

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

5 (F) The Act of March 4, 1915, as amended
6 (38 Stat. 1192; 45 U.S.C. 30).

7 (G) Reorganization Plan No. 3 of 1965, as
8 amended (79 Stat. 1320).

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

11 (I) The Act of May 27, 1908, as amended
12 (35 Stat. 325; 45 U.S.C. 36 et seq.).

13 (J) The Act of March 4, 1909, as amended
14 (35 Stat. 965; 45 U.S.C. 37).

15 (K) The Act of May 6, 1910, as amended
16 (36 Stat. 350; 45 U.S.C. 38 et seq.).

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

20 (3) the following law relating generally to medals
21 for heroism: The Act of February 23, 1905, as amended
22 (33 Stat. 743; 49 U.S.C. 1201 et seq.).

23 (4) the following provisions of law relating gen-

1 *erally to explosives and other dangerous articles: Sec-*
2 *tions 831-835 of title 18, United States Code, as amended.*

3 *(5) the following laws relating generally to stand-*
4 *ard time zones and daylight saving time:*

5 *(A) The Act of March 19, 1918, as amended*
6 *(40 Stat. 450; 15 U.S.C. 261 et seq.).*

7 *(B) The Act of March 4, 1921, as amended*
8 *(41 Stat. 1446; 15 U.S.C. 265).*

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

11 *(6) the following provisions of the Interstate Com-*
12 *merce Act, as amended—*

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

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

18 *(C) relating generally to qualifications and*
19 *maximum hours of service of employees and safety*
20 *of operation and equipment: Sections 204(a) (1)*
21 *and (2), to the extent that they relate to qualifica-*
22 *tions and maximum hours of service of employees*
23 *and safety of operation and equipment; and sections*
24 *204(a) (3), (3a), and (5) (49 U.S.C. 304).*

25 *(D) to the extent they relate to private car-*

1 riers of property by motor vehicle and carriers of
2 migrant workers by motor vehicle other than con-
3 tract carriers: Sections 221(a), 221(c), and 224
4 (49 U.S.C. 321 et seq.).

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

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

21 (B) For purposes of this paragraph—

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

24 (ii) the term "administrative powers under the
25 Interstate Commerce Act" means any functions under

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

10 The Federal Railroad Administrator shall carry out
 11 the functions, powers, and duties of the Secretary pertain-
 12 ing to railroad and pipeline safety as set forth in the statutes
 13 transferred to the Secretary by ~~this~~ subsection (e) of *THIS SECTION*.

14 The Federal Highway Administrator shall carry out
 15 the functions, powers, and duties of the Secretary pertain-
 16 ing to motor carrier safety as set forth in the statutes trans-
 17 ferred to the Secretary by this subsection (e) of *THIS SECTION*.

18 Decisions of the Federal Railroad Administrator and
 19 the Federal Highway Administrator made pursuant to the
 20 exercise of the functions, powers, and duties enumerated in
 21 ~~this subsection~~ shall be administratively final, and appeals
 22 as authorized by law or this Act shall be taken directly to
 23 the courts.

24 (g) There are hereby transferred to and vested in the
 25 Secretary all functions, powers, and duties of the Secretary

THE TWO IMMEDIATELY
 PRECEDING PARAGRAPHS
 OF THIS SUBSECTION
 TO BE CARRIED OUT
 BY THE ADMINISTRATOR

1 of the Army and other officers and offices of the Department
2 of the Army under—

3 (1) the following law and provisions of law relat-
4 ing generally to water vessel anchorages:

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

7 (B) Article 11 of section 1 of the Act of June
8 7, 1897, as amended (30 Stat. 98; 33 U.S.C.
9 180).

10 (C) Rule 9 of section 1 of the Act of February
11 8, 1895, as amended (28 Stat. 647; 33 U.S.C.
12 258).

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

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

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

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

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

1 (B) Section 503 of the General Bridge Act of
2 1946, as amended (60 Stat. 847; 33 U.S.C. 526).

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

5 (D) The Act of June 27, 1930, as amended
6 (46 Stat. 821; 33 U.S.C. 498b).

7 (E) The Act of August 21, 1935, as amended
8 (49 Stat. 670; 33 U.S.C. 503 et seq.).

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

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

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

18 (B) The Act of March 23, 1906, as amended
19 (34 Stat. 84; 33 U.S.C. 491 et seq.).

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

22 (h) Notwithstanding any other provision of this Act,
23 the transfer of functions, powers, and duties to the Secretary
24 or any other officer in the Department shall not include
25 functions vested by the Administrative Procedure Act, as

1 amended (60 Stat. 237; 5 U.S.C. 1001 et seq.) in hear-
 2 ing examiners employed by any department, agency, or com-
 3 ponent thereof whose functions are transferred under the pro-
 4 visions of this Act.

5 (i) The administration of the Alaska Railroad, estab-
 6 lished pursuant to the Act of March 12, 1914 (38 Stat.
 7 308), as amended, and all of the functions ^{AUTHORIZED To be CARRIED OUT BY} ~~vested in~~ the Sec-
 8 retary of the Interior ^{PURSUANT TO} ~~by~~ Executive Order Numbered 11107,
 9 April 25, 1963 (28 F.R. 4225), relative to the operation of
 10 said Railroad, are hereby transferred to and vested in the
 11 Secretary of Transportation who shall exercise the same
 12 authority with respect thereto as is now exercised by the
 13 Secretary of the Interior pursuant to said Executive order.

14 TRANSPORTATION INVESTMENT STANDARDS

15 SEC. 7. (a) The Secretary shall develop and from time
 16 to time in the light of experience revise standards and criteria
 17 consistent with national transportation policies, for the for-
 18 mulation and economic evaluation of all proposals for the in-
 19 vestment of Federal funds in transportation facilities or equip-
 20 ment, except such proposals as are concerned with (1) the
 21 acquisition of transportation facilities or equipment by Fed-
 22 eral agencies in providing transportation services for their
 23 own use; (2) an interoceanic canal located outside the con-
 24 tiguous United States; (3) defense features included at the
 25 direction of the Department of Defense in the design and con-

1 struction of civil air, sea, and land transportation; or (4).
2 programs of foreign assistance; assistance; or (5) water re-
3 source projects. The standards and criteria for economic
4 evaluation of the transportation features of multipurpose
5 water resource projects shall be developed by the Secretary
6 after consultation with the Water Resources Council, and
7 shall be compatible with the standards and criteria for eco-
8 nomic evaluation applicable to nontransportation features of
9 such projects. The standards and criteria developed or re-
10 vised pursuant to this subsection shall be promulgated by the
11 Secretary upon their approval by the President. Congress.

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

1 *The Water Resources Council established under section*
2 *101 of Public Law 89-80 is hereby expanded to include the*
3 *Secretary of Transportation on matters pertaining to naviga-*
4 *tion features of water resource projects.*

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

22 AMENDMENTS TO OTHER LAWS

23 SEC. 8. (a) Section 406 (b) of the Federal Aviation
24 Act of 1958, as amended (72 Stat. 763, 49 U.S.C.
25 1376(b)), is amended by adding the following sentence at

1 the end thereof: "In applying clause (3) of this subsection,
2 the Board shall take into consideration any standards and
3 criteria prescribed by the Secretary of Transportation, for
4 determining the character and quality of transportation re-
5 quired for the commerce of the United States and the na-
6 tional defense."

7 (b) Section 201 of the Appalachian Regional Develop-
8 ment Act of 1965, as amended (79 Stat. 10) ^{140 U.S.C. APP. 206} is amended
9 as follows:

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

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

17 (3) Subsection (b) of that section is amended by in-
18 serting after the word "Secretary", the words "of Com-
19 merce".

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

25 (5) The second sentence of subsection (c) of that sec-

1 tion is amended by inserting after the word "Secretary" the
2 words "of Transportation".

3 (6) Subsection (e) of that section is amended by in-
4 serting after the word "Secretary" the words of "of Trans-
5 portation".

6 (7) Subsection (f) of that section is amended by in-
7 serting after the word "Secretary", the words "of Com-
8 merce and the Secretary of Transportation". Subsection
9 (f) of that section is further amended by striking the word
10 "determines" and inserting in lieu thereof "determine".

11 (8) Subsection (g) of that section is amended by
12 striking the period at the end thereof and adding the follow-
13 ing: "to the Secretary of Commerce, who shall transfer
14 funds to the Secretary of Transportation for administration
15 of projects approved by both Secretaries."

16 (c) Section 206(c) of the Appalachian Regional De-
17 velopment Act of 1965, *as amended* (79 Stat. 15; 40
18 *U.S.C. App. 206*) is amended by inserting after "Interior,"
19 the words "Secretary of Transportation,".

20 ~~(d) Sections 12, 13(1), 13(2), 20 (except clauses~~
21 ~~(3), (4), (11) and (12) thereof), 204(a) (except~~
22 ~~clauses 4 and 4a thereof), 204(c), 205(d), 205(f), 220~~
23 ~~(except subsection (c) thereof), and 222 (except subsec-~~
24 ~~tions (b)(2) and (b)(3) thereof) of the Interstate Com-~~
25 ~~merce Act (27 Stat. 379) are amended by inserting "(See~~

1 retary of Transportation with respect to the establishment
 2 and enforcement of reasonable requirements with respect to
 3 qualifications and maximum hours of service of employees;
 4 safety of operation and equipment)" immediately after
 5 "Commission" where it first occurs in each such section; and
 6 by inserting "or Secretary of Transportation as the case may
 7 be" after "Commission" in every other place where it occurs
 8 in each such section, except where it occurs in the proviso of
 9 section 220(a) and the last time in section 222(h).

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

14 ~~(f)~~ (c) Section 13(b)(1) of the Fair Labor Standards
 15 Act of 1938, as amended (52 Stat. 1067) is amended by
 16 striking the words "Interstate Commerce Commission" and
 17 inserting in lieu thereof "Secretary of Transportation."

18 ~~(g)~~ Section 18(1) of the Interstate Commerce Act
 19 ~~(24 Stat. 386)~~ is amended by inserting "or Secretary of
 20 Transportation with respect to the establishment and en-
 21 forcement of reasonable requirements with respect to quali-
 22 fications and maximum hours of service of employees; safety
 23 of operation and equipment; and ear service" after "Com-
 24 mission" where it last occurs therein.

25 ~~(h)~~ (f) The second sentence of section 3 of the Federal

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

7 (g) (1) Section 1 of the Act of May 13, 1954 (68 Stat. 92)
8 ~~Public Law 83-558~~ as amended, is further amended
9 as follows: Strike the entire section 1; and insert in lieu
10 thereof the following:

11 "SECTION 1. There is hereby created, subject to the
12 direction and supervision of the Secretary of the Department
13 of Transportation, a body corporate to be known as the
14 Saint Lawrence Seaway Development Corporation (here-
15 inafter referred to as the 'Corporation')."

16 (2) Notwithstanding any other provision of this Act,
17 the Administrator of the Saint Lawrence Seaway Develop-
18 ment Corporation shall report directly to the Secretary.

19 (h) Section 201 of the Highway Safety Act of 1966
20 (80 Stat. 731) is amended by striking the words "Federal
21 Highway Administrator" and inserting in lieu thereof the
22 words "Director of Public Roads", by striking the word
23 "Agency" wherever it occurs in such section and inserting
24 in lieu thereof the word "Bureau", and by striking the

1 word "Administrator" wherever it occurs in such section
2 and inserting in lieu thereof the word "Director".

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

9 (j) Section 3(a) of the Marine Resources and Engineer-
10 ing Development Act of 1966 (80 Stat. 204) is amended
11 by striking the words "the Treasury" and inserting in lieu
12 thereof "Transportation".

✓ 13 (k) Section 2(e) of the Act of (S. 3051) (Stat.),
14 is amended by striking the words "of Commerce" and insert-
15 ing in lieu thereof the words "of Transportation".

16 ADMINISTRATIVE PROVISIONS

17 SEC. 9. (a) In addition to the authority contained in
18 any other Act which is transferred to and vested in the
19 Secretary, the National Transportation Safety Board, or *ANY*
20 other officers in the Department, the Secretary is authorized,
21 subject to the civil service and classification laws, to select,
22 appoint, employ, and fix the compensation of such officers
23 and employees, including investigators, attorneys, and hear-
24 ing examiners, as are necessary to carry out the provisions
25 of this Act and to prescribe their authority and duties.

1 (b) Subsection b of section 505 of the Classification
 2 Act of 1949, as amended (63 Stat. 959, 5 U.S.C. 1105),
 3 relating to the maximum number of positions authorized
 4 at any one time for grades 16, 17, and 18 of the General
 5 Schedule of such Act, is further amended by striking the
 6 number "twenty-four hundred" and by inserting in lieu
 7 thereof "twenty-four hundred and forty-five."

8 (c) The Secretary may obtain services as authorized
 9 by section 15 of the Act of August 2, Administrative Ex-
 10 penses Act of 1946, as amended (60 Stat. 810, 5 U.S.C.
 11 55a), but at rates not to exceed \$100 per diem for indi-
 12 viduals unless otherwise specified in an appropriation Act.

13 (d) The Secretary is authorized to provide for partic-
 14 ipation of military personnel in carrying out his functions;
 15 the functions of the Department. Members of the Army,
 16 the Navy, the Air Force, or the Marine Corps may be
 17 detailed for service in the Department by the appropriate
 18 Secretary, pursuant to cooperative agreements with the
 19 Secretary of Transportation. Members so detailed shall not
 20 be charged against any statutory limitation on grades or
 21 strengths applicable to the military departments.

22 (e) (1) Appointment, detail, or assignment to, accept-
 23 ance of, and service in any appointive or other position in
 24 the Department under the authority of section 4(1) 9(d)
 25 and section 9(d)(q) shall in no way affect status, office,

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1 rank, or grade which officers or enlisted men may occupy
2 or hold or any emolument, perquisite, right, privilege, or
3 benefit incident to or arising out of any such status, office,
4 rank, or ~~grade~~ grade, nor shall any member so appointed, de-
5 tailed, or assigned be charged against any statutory limitation
6 on grades or strengths applicable to the Armed Forces. A
7 person so appointed, detailed, or assigned shall not be subject
8 to direction by or control by his armed force or any officer
9 thereof directly or indirectly with respect to the responsibili-
10 ties exercised in the position to which appointed, detailed,
11 or assigned.

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

17 (f) (1) In addition to the authority to delegate and redele-
18 gate contained in any other Act in the exercise of the func-
19 tions transferred to or vested in the Secretary in this Act,
20 the Secretary may delegate any of his functions, powers, and
21 duties to such officers and employees of the Department
22 as he may designate, may authorize such successive redele-
23 gations of such functions, powers, and duties as he may deem
24 desirable, and may make such rules and regulations as may
25 be necessary to carry out his functions, powers, and duties.

1 (2) In addition to the authority to delegate and redele-
 2 gate contained in any other Act in the exercise of the func-
 3 tions transferred to or specified by this Act to be carried out
 4 by any officer in the Department, such officer may with the
 5 approval of the Secretary, delegate any of such functions,
 6 powers, and duties to such other officers and employees of
 7 the Department as he may designate; may, with the approval
 8 of the Secretary, authorize such successive redelegations of
 9 such functions, powers, and duties as he may deem desirable,
 10 and may make such rules and regulations as may be neces-
 11 sary to carry out such functions, powers, and duties.

... section 3(e) of

provided, however, that the personnel, assets, liabilities, contracts,
 property and unexpended balances of appropriations, authorizations and
 other funds employed in carrying out the duties and functions transferred
 by this Act to the Secretary which are to be carried out by the
 Administrator shall be assigned by the Secretary to the Administrator for
 these purposes.

21 and offices thereof, and
 22 (h) So much of the personnel positions, assets, liabili-
 23 ties, contracts, property, records, and unexpended balances
 24 of appropriations, authorizations, allocations, and other funds
 25 employed, held, used, arising from, available or to be made

1 (2) In addition to the authority to delegate and redele-
 2 gate contained in any other Act in the exercise of the func-
 3 tions transferred to or specified by this Act to be carried out
 4 by any officer in the Department, such officer may with the
 5 approval of the Secretary, delegate any of such functions,
 6 powers, and duties to such other officers and employees of
 7 the Department as he may designate; may, with the approval
 8 of the Secretary, authorize such successive redelegations of
 9 such functions, powers, and duties as he may deem desirable,
 10 and may make such rules and regulations as may be neces-
 11 sary to carry out such functions, powers, and duties.

12 (3) The Administrators established by section 3(e) of
 13 this Act may not delegate any of the statutory duties and
 14 responsibilities specifically assigned to them by this Act out-
 15 side of their respective administrations.

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

22 (h) So much of the personnel positions, assets, liabili-
 23 ties, contracts, property, records, and unexpended balances
 24 of appropriations, authorizations, allocations, and other funds
 25 employed, held, used, arising from, available or to be made

INSERT

5

- 1 available in connection with the functions, powers, and duties
- 2 transferred by sections 6 (except section 6 (c)) and 8 (d),
- 3 and (e), ~~(f)~~ and ~~(g)~~ of this Act as the Director of the
- 4 Bureau of the Budget shall determine shall be transferred
- 5 to the Secretary. *Except as provided in subsection (i),*

INSERT
(6)

(6)

; provided, however, that the personnel, assets, liabilities, contracts, property, records and unexpended balances of appropriations; authorizations, allocations and other funds employed by the CAB 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.

- 15 by law, all the functions, powers, and duties of which are
- 16 transferred pursuant to this Act shall lapse: *Provided, how-*
- 17 *ever, That this sentence shall not apply to the Coast Guard:*
- 18 *And provided further, That any person holding a position*
- 19 *compensated in accordance with the Federal Executive Sal-*
- 20 *ary Schedule who, without a break in service, is appointed*
- 21 *in the Department to a position having duties comparable to*
- 22 *those performed at the effective date of this Act shall con-*
- 23 *tinue to be compensated at not less than the rate provided*
- 24 *for such level for the duration of his service in such position:*
- 25 (i) *The transfer of personnel pursuant to subsections*

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

INSERT
(6)

9 ~~(i)~~ The transfer of personnel pursuant to subsections
 10 ~~(e)~~ and ~~(f)~~ of this section shall be without reduction in clas-
 11 sification and compensation, except that this requirement
 12 shall not operate after one year from the date such transfers
 13 are made.

14 ~~(j)~~ Any offices and any agency heretofore established
 15 by law, all the functions, powers, and duties of which are
 16 transferred pursuant to this Act shall lapse: *Provided, how-*
 17 *ever, That this sentence shall not apply to the Coast Guard:*
 18 *And provided further, That any person holding a position*
 19 *compensated in accordance with the Federal Executive Sal-*
 20 *ary Schedule who, without a break in service, is appointed*
 21 *in the Department to a position having duties comparable to*
 22 *those performed at the effective date of this Act shall con-*
 23 *tinue to be compensated at not less than the rate provided*
 24 *for such level for the duration of his service in such position:*

25 (i) The transfer of personnel pursuant to subsections

1 (g) and (h) of this section shall be without reduction in
2 classification or compensation for one year after such
3 transfer.

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

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

1 central messenger, mail, telephone, and other communica-
2 tions services; office space, central services for document re-
3 production, and for graphics and visual aids; and a central
4 library service. The capital of the fund shall consist of the
5 fair and reasonable value of such stocks of supplies, equip-
6 ment, and other assets and inventories on order as the Sec-
7 retary may transfer to the fund, less the related liabilities and
8 unpaid obligations, together with any appropriations made
9 for the purpose of providing capital, which appropriations
10 are hereby authorized. Such funds shall be reimbursed in
11 advance from available funds of agencies and offices in the
12 Department, or from other sources, for supplies and services
13 at rates which will approximate the expense of operation,
14 including the accrual of annual leave and the depreciation
15 of equipment. The fund shall also be credited with receipts
16 from sale or exchange of property and receipts in payment
17 for loss or damage to property owned by the fund. The
18 *Comptroller General of the United States shall make an an-*
19 *nual audit of the working capital fund at the end of each*
20 *fiscal year and there shall be covered into the United States*
21 *Treasury as miscellaneous receipts any surplus found therein,*
22 *all assets, liabilities, and prior losses considered, above the*
23 *amounts transferred or appropriated to establish and main-*
24 *tain said fund. and the Comptroller General shall report to*
25 *the Congress annually the results of the audit, together with*

1 *such recommendations as he may have regarding the status*
2 *and operations of the fund.*

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

6 (m) *In addition to the authority contained in any other*
7 *Act which is transferred to and vested in the Secretary, the*
8 *National Transportation Safety Board, or other officer in*
9 *the Department, as necessary, and when not otherwise avail-*
10 *able, the Secretary is authorized to provide for, construct,*
11 *or maintain the following for employees and their dependents*
12 *stationed at remote localities:*

13 (1) *Emergency medical services and supplies;*

14 (2) *Food and other subsistence supplies;*

15 (3) *Messing facilities;*

16 (4) *Motion picture equipment and film for recrea-*
17 *tion and training;*

18 (5) *Reimbursement for food, clothing, medicine,*
19 *and other supplies furnished by such employees in emer-*
20 *gencies for the temporary relief of distressed persons;*
21 *and*

22 (6) *Living and working quarters and facilities.*

23 *The furnishing of medical treatment under paragraph (1)*

24 *and the furnishing of services and supplies under paragraphs*

1 (2) and (3) of this subsection shall be at prices reflecting
2 reasonable value as determined by the Secretary, and the pro-
3 ceeds therefrom shall be credited to the appropriation from
4 which the expenditure was made.

5 (n)(1) The Secretary is authorized to accept, hold,
6 administer, and utilize gifts and bequests of property, both
7 real and personal, for the purpose of aiding or facilitating the
8 work of the Department of Transportation. Gifts and
9 bequests of money and the proceeds from sales of other prop-
10 erty received as gifts or bequests shall be deposited in the
11 Treasury in a separate fund and shall be disbursed upon
12 order of the Secretary of Transportation. Property accepted
13 pursuant to this paragraph, and the proceeds thereof, shall be
14 used as nearly as possible in accordance with the terms of the
15 gift or bequest.

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

19 (3) Upon the request of the Secretary, the Secretary of
20 the Treasury may invest and reinvest in securities of the
21 United States or in securities guaranteed as to principal and
22 interest by the United States any moneys contained in the
23 fund provided for in paragraph (1). Income accruing
24 from such securities, and from any other property held by
25 the Secretary pursuant to paragraph (1) shall be deposited

1 to the credit of the fund, and shall be disbursed upon order
2 of the Secretary of Transportation.

3 (o)(1) The Secretary is authorized, upon the written
4 request of any person, or any State, territory, possession, or
5 political subdivision thereof, to make special statistical
6 studies relating to foreign and domestic transportation, and
7 other matters falling within the province of the Department
8 of Transportation, to prepare from its records special sta-
9 tistical compilations, and to furnish transcripts of its studies,
10 tables, and other records upon the payment of the actual
11 cost of such work by the person or body requesting it.

12 (2) All moneys received by the Department of Trans-
13 portation in payment of the cost of work under paragraph
14 (1) shall be deposited in a separate account to be adminis-
15 tered under the direction of the Secretary. These moneys
16 may be used, in the discretion of the Secretary, ~~and notwith-~~
17 ~~standing any other provisions of law,~~ for the ordinary ex-
18 penses incidental to the work and/or to secure in connection
19 therewith the special services of persons who are neither
20 officers nor employees of the United States.

21 (p) The Secretary is authorized to appoint, without
22 regard to the civil service laws, such advisory committees
23 as shall be appropriate for the purpose of consultation with
24 and advice to the Department in performance of its functions.
25 Members of such committee, other than those regularly em-

1 *ployed by the Federal Government, while attending meetings*
 2 *of such committees or otherwise serving at the request of the*
 3 *Secretary, may be paid compensation at rates not exceeding*
 4 *those authorized for individuals under subsection (c) of this*
 5 *section, and while so serving away from their homes or*
 6 *regular places of business, may be allowed travel expenses,*
 7 *including per diem in lieu of subsistence, as authorized by*
 8 *section D of the Administrative Expenses Act of 1946 (60*
 9 *Stat. 808, 5 U.S.C. 73b-2) for persons in the Government*
 10 *service employed intermittently. Payments under this sub-*
 11 *section shall not render members of advisory committees*
 12 *employees or officials of the United States for any purpose.*

5703 of
 TITLE V
 OF THE UNITED
 STATES CODE

13 *(j) Orders and actions of the Secretary or the National*
 14 *Transportation Safety Board in the exercise of functions,*
 15 *powers, and duties transferred under this Act shall be sub-*
 16 *ject to judicial review to the same extent and in the same*
 17 *manner as if such orders and actions had been by the agency*
 18 *originally exercising such functions, powers, and duties.*

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

24 *(2) Subject to the civil service laws, the Classification*
 25 *Act of 1949, as amended (63 Stat. 954, 5 U.S.C. 1071 et*

1 *seq.), and the Dual Compensation Act of 1964, as amended*
2 *(78 Stat. 484, 5 U.S.C. 3101 et seq.), a retired member of*
3 *the Coast Guard may be appointed to any position in the*
4 *Department.*

5 *(r) The responsibilities of the Secretary in research and*
6 *development, and in the development, collection, and dissemi-*
7 *nation of information may be conducted by the Secretary*
8 *through members of his staff, through payment of funds au-*
9 *thorized for this section to other departments or agencies of*
10 *the Federal Government, or through the employment of pri-*
11 *vate individuals, partnerships, firms, corporations, or suitable*
12 *institutions, under contracts entered into for such purposes,*
13 *or through grants to such individuals, organizations, or insti-*
14 *tutions, or through conferences and similar meetings orga-*
15 *nized for such purposes.*

16 CONFORMING AMENDMENTS TO OTHER LAWS

17 SEC. 10. (a) Section 19 (d) (1) of title 3, United States
18 Code, *as amended*, is hereby amended by striking out the
19 period at the end thereof and inserting a comma and the
20 following: "Secretary of Transportation."

21 (b) Section 158 of the Revised Statutes, *as amended*
22 (5 U.S.C. 1) is amended by adding at the end thereof:

23 "Twelfth. The Department of Transportation."

24 (c) The amendment made by subsection (b) of this

1 section shall not be construed to make applicable to the
2 Department any provision of law inconsistent with this Act.

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

6 (1) Subsection (a) of that section is amended by adding
7 at the end thereof the following:

SECTION
5312

8 "(11) Secretary of Housing and Urban Development.

9 "(12) Secretary of Transportation."

10 ~~(2) Subsection (c) of that section is amended by strik-~~
11 ~~ing "(6) Under Secretary of Commerce for Transportation"~~
12 ~~and inserting in lieu thereof "(6) Under Secretary of Trans-~~
13 ~~portation".~~

14 ~~(3) Subsection (d) of that section is amended by add-~~
15 ~~ing the following:~~

16 ~~"(22a) Assistant Secretaries, Department of Transpor-~~
17 ~~tation (4)".~~

18 ~~"(47a) General Counsel, Department of Transporta-~~
19 ~~tion".~~

20 ~~(4) Subsection (e) of that section is amended by add-~~
21 ~~ing the following:~~

22 ~~"(27a) Assistant Secretary for Administration, Depart-~~
23 ~~ment of Transportation".~~

24 ~~"(101) Chairman, National Transportation Safety~~
25 ~~Board, Department of Transportation".~~

1 (2) Subsection (b) of that section is amended by strik-
2 ing out "(7) Administrator of the Federal Aviation
3 Agency" and inserting in lieu thereof "(7) Under Secretary
4 of Transportation", and by adding at the end thereof the
5 following:

6 ¹⁹ "(20) Administrator, Federal Aviation Administra-
7 tion."

SECTION 5314

8 (3) Subsection (c) of that section is amended by adding
9 at the end thereof the following:

10 ⁴⁶ "(47) Assistant Secretaries of Transportation (4).

11 ⁴⁷ "(48) Administrator, Federal Highway Administra-
12 tion.

13 ⁴⁸ "(49) Administrator, Federal Railroad Administration.

14 ⁴⁹ "(50) Administrator, Federal Maritime Administra-
15 tion.

16 ⁵⁰ "(51) Chairman, National Transportation Safety
17 Board."

(SECTION 5315)

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

20 ⁷⁸ "(70) Members, National Transportation Safety
21 Board.

22 ⁷⁹ "(71) General Counsel, Department of Transporta-
23 tion.

24 ⁸⁰ "(72) Deputy Administrator, Federal Aviation Ad-
25 ministration.

1 "(73) Assistant Secretary for Administration, Depart-
 2 ment of Transportation." (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

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(1)

"(82) Director of Public Roads."

10 (12), (13), (14), (76), (82), and (89) of section 303 of
 11 the Federal Executive Salary Act of 1964, as amended (78
 12 Stat. 416) are repealed, subject to the provisions of section 9
 13 of the Department of Transportation Act.
 14 (f) The Act of August 1, 1956, as amended (70 Stat.

(2)

(1) (A) After section 5317 insert a new section as follows:

"Sec. 5318. Presidential authority to place a position at level III.

"The President is further authorized to place one position in level III."

(B) Amend the table of contents at the beginning of chapter 53 by
 inserting at the end of the material relating to subchapter II the following:

"5318. Presidential authority to place one position in level III."

Sections 5314 (6), 5315 (2), and 5316 (12), (13), (14),
 (76), (82), and (89) of Title V of the United States Code

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1 "(73) Assistant Secretary for Administration, Depart-
2 ment of Transportation."

3 (5) Subsection (f) of that section is amended by strik-
4 ing out "thirty" and inserting in lieu thereof "thirty-nine".

5 (6) Immediately following subsection (g) of that sec-
6 tion, the following new subsection is added:

7 "(h) The President is further authorized to place one
8 position in level III."

9 (e) Subsections ~~(b) (7)~~, (c) (6), (d) (2), and (e)
10 (12), (13), (14), (76), (82), and (89) of section 303 of
11 the Federal Executive Salary Act of 1964, as amended (78
12 Stat. 416) are repealed, subject to the provisions of section 9
13 of the Department of Transportation Act.

14 (f) The Act of August 1, 1956, as amended (70 Stat.
15 897; 46 U.S.C. 1241c), is amended by striking the words
16 "Secretary of Commerce" where they appear therein and
17 inserting in lieu thereof "Secretary of Transportation".

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

22 (h) Subsection (1) of section 801, title 10, United
23 States Code, as amended, is amended by striking out "the
24 General Counsel of the Department of the Treasury" and

Sections 5314 (6), 5315 (2), and 5316 (12), (13), (14),
(76), (82), and (89) of Title V of the United States Code

(SECTION
5317)

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1 inserting in lieu thereof "the General Counsel of the De-
2 partment of Transportation".

3 ANNUAL REPORT

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

8 SAVINGS PROVISIONS

9 SEC. 12. (a) All orders, determinations, rules, regula-
10 tions, permits, contracts, certificates, licenses, and privileges
11 which have been issued, made, granted, or allowed to be
12 come effective by any department or agency, functions of
13 where are transferred by this Act, or by any court of com-
14 petent jurisdiction, or under any provision of law repealed
15 or amended by this Act, or in the exercise of duties, powers,
16 or functions which, under this Act are vested in the Secre-
17 tary, and which are in effect at the time this section takes
18 effect, shall continue in effect according to their terms until
19 modified, terminated, superseded, set aside, or repealed by
20 the Secretary, or by any court of competent jurisdiction, or
21 by operation of law.

22 (b) The provisions of this Act shall not affect any pro-
23 ceedings pending at the time this section takes effect before
24 any department, agency, or component thereof, functions of

1 which are transferred by this Act; but any such proceedings
2 involved in such transfer shall be continued before the De-
3 partment of Transportation, orders therein issued, appeals
4 therefrom taken, and payments made pursuant to such
5 orders, as if this Act had not been enacted; and orders
6 issued in any such proceedings shall continue in effect until
7 modified, terminated, superseded, or repealed by the Secre-
8 tary or by operation of law.

9 (e) The provisions of this Act shall not affect suits
10 commenced prior to the date on which this section takes
11 effect; and all such suits shall be continued by the Depart-
12 ment of Transportation, proceedings therein had, appeals
13 therein taken, and judgments therein rendered, in the same
14 manner and effect as if this Act had not been enacted. No
15 suit, action, or other proceeding commenced by or against
16 any officer in his official capacity of any department or
17 agency, functions of which are transferred by this Act, shall
18 abate by reason of the enactment of this Act. No cause of
19 action by or against any department or agency, functions
20 of which are transferred by this Act, or by or against any
21 officer thereof in his official capacity shall abate by reason
22 of the enactment of this Act. Causes of actions, suits, actions
23 or other proceedings may be asserted by or against the
24 United States or such official of the Department as may
25 be appropriate and, in any litigation pending when this

1 section takes effect, the court may at any time, on its own
2 motion or that of any party, enter an order which will give
3 effect to the provisions of this section.

4 (d) With respect to any function, power, or duty trans-
5 ferred by this Act and exercised hereafter, reference in any
6 other Federal law to any department or agency, officer or
7 office so transferred or functions of which are so transferred
8 shall be deemed to mean the Secretary.

9 *SEC. 12. (a) All orders, determinations, rules, regula-*
10 *tions, permits, contracts, certificates, licenses, and privi-*
11 *leges—*

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

14 (A) *under any provision of law amended by*
15 *this Act, or*

16 (B) *in the exercise of duties, powers, or func-*
17 *tions which are transferred under this Act,*

18 *by (i) any department or agency, any functions of*
19 *which are transferred by this Act, or (ii) any court of*
20 *competent jurisdiction, and*

21 (2) *which are in effect at the time this Act takes*
22 *effect,*

23 *shall continue in effect according to their terms until modified,*
24 *terminated, superseded, set aside, or repealed by the Secre-*
25 *tary, Administrators, Board, or General Counsel (in the ex-*

1 *ercise of any authority respectively vested in them by this*
2 *Act), by any court of competent jurisdiction, or by operation*
3 *of law.*

4 *(b) The provisions of this Act shall not affect any*
5 *proceedings pending at the time this section takes effect be-*
6 *fore any department or agency (or component thereof),*
7 *functions of which are transferred by this Act; but such*
8 *proceedings, to the extent that they relate to functions so*
9 *transferred, shall be continued before the Department. Such*
10 *proceedings, to the extent they do not relate to functions so*
11 *transferred, shall be continued before the department or*
12 *agency before which they were pending at the time of such*
13 *transfer. In either case orders shall be issued in such pro-*
14 *ceedings, appeals shall be taken therefrom, and payments*
15 *shall be made pursuant to such orders, as if this Act had not*
16 *been enacted; and orders issued in any such proceedings shall*
17 *continue in effect until modified, terminated, superseded, or*
18 *repealed by the Secretary, Administrators, Board, or General*
19 *Counsel (in the exercise of any authority respectively vested*
20 *in them by this Act), by a court of competent jurisdiction, or*
21 *by operation of law.*

22 *(c) (1) Except as provided in paragraph (2)—*

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

25 *(B) in all such suits proceedings shall be had, ap-*

1 *peals taken, and judgments rendered, in the same man-*
2 *ner and effect as if this Act had not been enacted.*
3 *No suit, action, or other proceeding commenced by or against*
4 *any officer in his official capacity as an officer of any depart-*
5 *ment or agency, functions of which are transferred by this*
6 *Act, shall abate by reason of the enactment of this Act.*
7 *No cause of action by or against any department or agency,*
8 *functions of which are transferred by this Act, or by or*
9 *against any officer thereof in his official capacity shall abate*
10 *by reason of the enactment of this Act. Causes of actions,*
11 *suits, actions, or other proceedings may be asserted by or*
12 *against the United States or such official of the Department*
13 *as may be appropriate and, in any litigation pending when*
14 *this section takes effect, the court may at any time, on its own*
15 *motion or that of any party, enter an order which will give*
16 *effect to the provisions of this subsection.*

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

20 *(A) such department or agency is transferred to the*
21 *Secretary, or*

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

24 *then such suit shall be continued by the Secretary (except in*
25 *the case of a suit not involving functions transferred to the*

1 *Secretary, in which case the suit shall be continued by the*
2 *department, agency, or officer which was a party to the suit*
3 *prior to the effective date of this Act).*

4 *(d) With respect to any function, power, or duty trans-*
5 *ferred by this Act and exercised after the effective date of this*
6 *Act, reference in any other Federal law to any department*
7 *or agency, officer or office so transferred or functions of*
8 *which are so transferred shall be deemed to mean the officer*
9 *or agency in which this Act vests such function after such*
10 *transfer.*

11 SEPARABILITY

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

17 CODIFICATION

18 SEC. 14. The Secretary is directed to submit to the
19 Congress within two years from the effective date of this
20 Act, a *proposed* codification of all laws that contain the
21 powers, duties, and functions transferred to ~~and~~ *or* vested in
22 the Secretary ~~of~~ *or* the Department by this Act.

23 EFFECTIVE DATE

24 SEC. 15. The President and the Secretary are authorized

1 to nominate and appoint any of the officers provided for in
2 sections 3 and 5 of this Act, as provided in such sections, at
3 any time after the date of enactment of this Act. Such
4 officers shall be compensated from the date they first take
5 office, in accordance with sections 5 and 10 of this Act.
6 Such compensation and related expenses of their offices shall
7 be paid from funds available for the functions to be trans-
8 ferred to the Department pursuant to this Act. All other
9 provisions of this Act shall take effect ninety days after the
10 Secretary first takes office, or on such prior date after en-
11 actment of this Act as the President shall prescribe and
12 publish in the Federal Register.

13 *EFFECTIVE DATE; INITIAL APPOINTMENT OF*
14 *OFFICERS*

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

19 *(b) Any of the officers provided for in sections 3 or 5*
20 *of this Act may (notwithstanding subsection (a)) be ap-*
21 *pointed in the manner provided for in such sections, at any*
22 *time after the date of enactment of this Act. Such officers*
23 *shall be compensated from the date they first take office, at*
24 *the rates provided for in sections 3, 5, and 10 of this Act.*

- 1 *Such compensation and related expenses of their offices shall*
- 2 *be paid from funds available for the functions to be trans-*
- 3 *ferred to the Department pursuant to this Act.*

CONFIDENTIAL

[COMMITTEE PRINT NO. 3]

SEPTEMBER 20, 1966

Calendar No.

**89TH CONGRESS
2D SESSION**

S. 3010

[Report No.]

A BILL

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

By Mr. MAGNUSON

MARCH 2, 1966

Referred to the Committee on Government Operations

SEPTEMBER , 1966

Reported with amendments

*un-
file*

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

September 21, 1966
Wednesday - 3:00 PM

EXECUTIVE (3)

NDI-1
FJ 999-15
FJ 431/1

MEMORANDUM FOR THE PRESIDENT

FROM: Mike Manatos *M-M.*

Senator Mansfield wants to arrange transportation to
Oklahoma for ^XFred Harris tomorrow morning to insure
Fred's presence for the Committee vote on the Department
of Transportation. He feels it imperative we hold Harris
here to insure a quorum.

Yes _____

No _____

*
Government Operations

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SEP 22 1966

EXECUTIVE

FD 175

FD 431/11*

FD 155

FD 155-11

5

Paul Southwick

September 22, 1966

12:00 p.m.

Al Keefer

Department of Transportation.

Senate^{*} Government Operations Committee today ordered reported S. 3010 as revised by Senator Jackson. In addition to these revisions, which were contained in Committee Print 3, the Committee adopted a far-reaching amendment affecting the Maritime Administration. Under this amendment, all powers except on subsidies would be transferred directly to Maritime Administrator, by-passing the Secretary. Subsidy functions would be given to an Independent Subsidy Board consisting of the Maritime Administrator and two other members to be appointed by the President with Senate confirmation. The Board's decisions could not be appealed to the Secretary.

The bill will be reported to the Senate on Monday, September 26, or Tuesday, September 27, with prompt Senate action expected later in the week. Dan O'Keefe is going over all provisions of the approved bill with the Committee staff, and will supply a detailed memo later today.

Nothing else sent to
Central Files as of 5/2/67
D.H.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Wednesday, 7:30 p.m.
September 22, 1965

EXECUTIVE
LE (3)
TN
FG11-3
FG155
SA2
FG999-15

TO: THE PRESIDENT

FROM: Joe Califano *Joe*

I have just been over the first cut of the proposals and ideas in the area of transportation for the 1967 legislative program. The proposals are not imaginative enough and will not give you the opportunity to select a variety of alternatives. In my opinion, this is an area where there are major things to be done that will not cost a lot of money. Charlie Schultze agrees, as does Art Okun of the Council of Economic Advisers. Furthermore, it is my understanding that you have asked Secretary Connor and Secretary Boyd to come up with an imaginative transportation program.

Unless you have some objection, therefore, I am planning to have a meeting with Secretaries Connor and Boyd on Saturday morning and ask them to consider and prepare papers on the following ideas:

1. A Department of Transportation (or some reorganization of the executive transportation functions).
2. Reorganization of the regulatory transportation functions.
3. Program of deregulation to make transportation rates more competitive and rational.
4. A major highway safety program (present projections are that over 50,000 people will be killed on the highway this year -- almost every American has a friend or relative who has been seriously injured in an automobile accident).

Fully developing some proposals obviously involves no commitment to carry them out, but if we are to have for your consideration a full range of alternatives, we must have imaginative, low-cost programs from which to choose. These proposals are in line with your ideas about improving administration and, in the case of deregulation and competition, could put you in the position of getting the Federal government out of some of its current activity.

Approved ✓ Disapproved _____

Hoover *L*

Aug. 7 Mrs. Service

11/16/66
15P
MEMORANDUM

5)
THE WHITE HOUSE

WASHINGTON

Saturday, October 1, 1966
1:30 p.m.

FG 999-15

FG 155-11

FG 400

MEMORANDUM FOR THE PRESIDENT

FROM: Henry H. Wilson, Jr. *HHW*

I want to give you a few thoughts on the subject of the conference on the Department of Transportation Bill.

Just as a matter of perspective, I take it that it is agreed that with the exception of the inclusion of the Maritime Administration, the House bill is infinitely better than the Senate bill.

Put another way, the House bill contains 4/5ths of the original proposal in excellent shape, and the Senate bill contains 4/5ths of the original proposal in bad shape.

I take it that it is at least equally important that the conference report as to the remainder of the Department be as near as possible to the House bill as it is that the conference report contain the Maritime Administration.

I say this with the full realization that it is essential that the conference report contain the Maritime Administration.

I understand that Jim Reynolds is very near to negotiating out an agreement on the Maritime issue along lines that will not unduly tie your hands and that will not constitute a surrender on your part.

If this is the case, and we should know in a day or two, and if, as a result of this the Maritime issue is effectively put to rest as a source of contention between the conferees, then the House conferees will be in far stronger position to bargain effectively with the Senate conferees to make the balance of the Department as good as possible.

The less Congressional controversy to flare up at the moment over the Maritime issue, the better off we will be.

It could be important which House first considers the conference report and thus which House permits a motion to recommit the conference report. And it is, therefore, important which House first ask for the conference.

It would be my estimate that if we now attempt to position Holifield and the Speaker to insure that the Senate first act on the conference report with the obvious implication that the conference report would contain Maritime language and which would be presented to the House on the basis of accepting or rejecting the total conference report, the reactions would be strong enough so that even if satisfactorily resolved they would effectively make Maritime the dominant issue of the conference.

And then you still would have to negotiate with the lobbyists to get the conference report adopted.

My suggested solution, at least for a couple of days, is to preserve options by asking that neither the House nor the Senate ask for the conference in the hope that meanwhile Reynolds can resolve the Maritime issue.

If so, then the conference could move constructively.

I will pursue this course through Monday and Tuesday unless you instruct me to the contrary.

EXECUTIVE

7G 175

THE WHITE HOUSE
WASHINGTON

8:00 p.m., Wednesday
October 5, 1966

FOR THE PRESIDENT

FROM Joe Califano *John*

As the attached letter from Joe Curran's^x
Washington representatives indicates, there
apparently is some splitting of the ranks
on the Maritime issue in the Transportation
Department.

O'Brien and I at this point are continuing to
play it with no give.

Attachment

Earl W. Clark

Hoyt S. Haddock

100 INDIANA AVENUE, N. W. / WASHINGTON, D. C. 20001 / 347-9771

Co-Chairmen
JOSEPH CURRAN
JOHN M. FRANKLIN
Co-Directors
EARL W. CLARK
HOYT S. HADDOCK

October 3, 1966

The Honorable Henry M. Jackson
United States Senate
Washington, D. C.

Dear Senator Jackson:

We take this opportunity to express our gratitude for the splendid job which you did on the floor of the Senate in bringing about acceptable modification of the new Department of Transportation Bill (S. 3010).

We feel that 1) that complete independency given the new Maritime Board coupled with its appointment by the President with the advice and consent of the Senate; 2) the increased authority given the Presidentially appointed Maritime Administrator with finality of actions in matters entailing hearings and public notice; and, 3) the retention of authority in the Congress for authorizing broad changes in criteria and standards (thus modifying section 7), along with other minor modifications, are all excellent changes and have given real meaning to the legislation.

We believe the maritime industry, both labor and management, will preponderantly if not completely support the Senate version. We implore the Conferees when appointed, to fight for the Senate version as the answer to a long-debated and difficult matter.

We are equally certain, however, that if the Conferees accept the House version or any portion of it

- 2 -

with which the Senate action is in conflict, the entire maritime community will again oppose the bill. We do hope the Senate version will predominate.

Your action and support was excellent and the maritime community is indeed grateful.

Respectfully,

Earl W. Clark
Earl W. Clark

Hoyt S. Haddock
Hoyt S. Haddock
Co-Directors

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

9:15 a.m., Thursday
October 6, 1966

EXECUTIVE

76 175
SP2-3/1966/TN

FOR THE PRESIDENT

FROM Joe Califano

Attached are the quotes on the Transportation Department from the major sources you mentioned in your Transportation Message.

- The Hoover Commission Task Force on Transportation (1949).
- President Eisenhower's Budget Message (1961).
- A Special Study Group of the Senate Commerce Committee (1961). The committee consisted of Magnuson, Pastore, Monroney, Smathers, Thurmond, Lausche, Yarborough, Bartlett, Hartke, McGee, Cotton, Case, Morton, and Scott. In a Foreword to the Report, Maggie pointed out that the recommendations were neither approved nor disapproved by the Committee.

Attachment

Orig sent to Mrs. J. J. J.

THE WHITE HOUSE
WASHINGTON

October 6, 1966

From Charlie Zwick:

It was the Doyle Report, submitted to the Interstate and Foreign Commerce Committee, of which Magnuson was and is Chairman.

The other members: Pastore, Monroney, Smathers, Thurmon, Lausche, Yarborough, Engle, Bartlett, Hartke, McGee, Chappell, Butler, Cotton, Case, Morton, Scott.

However, Mr. Zwick points out that Magnuson put a Foreword in front of the report saying:

"I wish to emphasize that the conclusions and recommendations incorporated in this staff report, and which are extremely controversial, represent the views of the members of the Special Study Group and have neither been approved, disapproved nor considered by the Senate Interstate and Foreign Commerce Committee."

Lora

QUOTATIONS FROM SOURCES CITED IN THE
PRESIDENT'S TRANSPORTATION MESSAGE

1949 - The Hoover Commission Task Force on Transportation

"Primary administrative responsibility for maintaining a national transportation system should be centralized in the executive branch of government. All programming, operating and management activities should be centered in an executive agency. Promotional and administrative activities now lodged in regulatory agencies should be transferred to the executive in order to free the regulatory process from these encumbrances and to make it possible for the executive branch of government to carry out its constitutional responsibilities."

1961 - Budget Message of President Eisenhower

"A Department of Transportation should be established so as to bring together at Cabinet level the presently fragmented Federal functions regarding transportation activities."

1961 - Special Study group of the Senate Committee on Commerce

"In considering what would be a desirable organizational structure for economic and safety regulation and promotion of transportation, we recognize that the greatest degree of efficiency probably would be obtained through assignment of all these functions to a single agency."

"Application of the concept of organization by major purpose to the executive agencies having responsibilities for transportation activities inexorably leads to the need for a focal point which should be responsible directly to the President for coordinating the administration of promotional programs in the public interest, and for the conduct of related functions, including executive leadership in the formation of a national transportation policy and the development of an integrated national transportation system. We recommend that this focal point be a Department of Transportation."

October 6, 1966

EXECUTIVE

FG175

SP

October 12, 1966
3:30 p.m.

Bob Hardesty:

In accordance with our talk, would you prepare a draft in the event the President wants to sign the Transportation Department Bill tomorrow.

Attached is a draft from Under Secretary Boyd of Commerce. It was given us by Larry Levinson.

I should appreciate it if you could have this material in by 11:00 a.m. tomorrow, ^{NOON} Thursday, October 13. Please feel free to use Mr. Schoen.

Robert E. Kintner

Attachment

Draft statement for the
signing of the DOT Act

REK:gt

THE WHITE HOUSE
WASHINGTON

October 12, 1966
2:45 p.m.

Mr. Kintner:

Larry Levinson said that there may be a chance to squeeze in a Signing Ceremony tomorrow for the Transportation Department Bill.

He offered this draft as grist for the speech writers' mill -- indicating his feeling that it needed considerable work.

Dick Copaken

STATEMENT FOR THE SIGNING OF THE DOT ACT

The Act which I sign today is the most important transportation legislation of our lifetime. It is a logical result of our Nation's growth and development. It is one of the essential building blocks in our preparation for the future.

Creation of a new Cabinet Department is always an historic occasion. Each new Department is a significant milestone not only from the standpoint of a new area of national life receiving recognition, but also from the standpoint of substantive progress in that area. Transportation has truly emerged as a significant part of our national life.

As a basic force in our society, its progress must be accelerated so that the quality of our life can be improved. A Department of Transportation is required if we are to achieve this end.

This is the first time in our history that one Congress has created two new Departments of Government. It is no coincidence that the creation of a Department of Transportation follows so soon the creation of a Department of Housing and Urban Development. They are a recognition of the progress of American society.

Today the city and its metropolitan environs reflect a national way of life. This advanced civilization together with the highest standard of living the world has ever known is founded upon the dynamic movement of goods and people--from the farms to the cities, within the urban area, among the metropolitan centers of the Nation, and from our Nation to other countries throughout the world.

Creation of the Department of Transportation is thus a major step

in the mobilization of society's resources to meet the needs of our advancing civilization.

In 1953 we formed the Department of Health, Education, and Welfare in recognition that the Government has a stake in the well-being of its citizens, a function which had transcended the capacity of the family and neighborhood.

Earlier, in 1913, the Department of Labor was formed in the interest of the workers in modern industry. The creation of the Department of Commerce and Labor in 1903 symbolized the maturity of American business and industry and was a harbinger of our present urban predominance.

The creation of the Department of Agriculture in the middle of the last century was part of the same involvement in an advancing civilization--recognition that a great resource and a great industry should be improved through Government promotion for the benefit of all citizens.

Earlier in the 19th century the Department of the Interior was formed to administer our great natural resources and foster the economic and social unity of the Nation.

A definite pattern of political evolution has emerged in the Federal Government organization. Upon the foundation of the historic original Departments of Government dealing with foreign affairs, defense, finance, justice, and postal services, has risen a series of Departments suited to the social development of the country.

The creation of the Department of Transportation recognizes transportation as one of the most significant forces in our society. Transportation is imposing greater obligations upon our Federal Government and opportunities for greater service to the economy, well-being and

defense of the Nation. With the signing of this Act today, we assure ourselves that the Government will be in a position to meet its responsibilities. But the major force in Transportation will continue to be free private enterprise.

Each new Department has been a specialized agency. But this does not mean that each special interest is represented in our Government by its own department. Far from it. The urban dweller has benefited substantially from the Government's agricultural improvement programs; the whole country has benefited from western development fostered by the Department of the Interior; and the well-being of labor has improved business income and the opportunities of all.

The programs of the Department of Transportation will likewise bring benefits to the general public and to industry far in excess of the benefits to those directly involved in transportation.

We have created this Department because of the vast and rapidly increasing transportation responsibilities of Government. It includes:

1. The Office of the Under Secretary of Commerce for Transportation.
2. The Bureau of Public Roads and the Federal-aid highway program it administers.
3. The Federal Aviation Agency.
4. The Coast Guard.
5. The St. Lawrence Seaway Development Corporation.

6. The Alaska Railroad.
7. The Great Lakes Pilotage Administration.
8. The safety functions of the Civil Aeronautics Board.
9. The safety functions of the Interstate Commerce Commission.
10. Certain minor transportation-related activities of other agencies.

The Congress has followed my recommendation to create within the Department a National Transportation Safety Board independent of the operating units. It will assure that the safety of the public will receive expert attention and dedicated service.

Just a few weeks ago it was my pleasure to sign into law two Acts relating to highway safety. These Acts will be administered through a National Traffic Safety Agency which will be an integral part of the Department of Transportation.

This brings under one management the greatest part of the promotional programs and transportation responsibilities of the Federal Government. Even in areas not directly under his jurisdiction, the Secretary will have an important influence. The Civil Aeronautics Board is required to consider the Secretary's position in airline subsidy matters. The Secretary will contribute to the rivers and harbors program through his membership on the Water Resources Council. The urban transportation programs will require close cooperation between

the Department of Transportation and the Department of Housing and Urban Development.

Establishment of the Department of Transportation means that for the first time there will be:

- One Cabinet officer who will be the President's principal transportation adviser;
- One center of authority for the major Federal transportation programs;
- One man the transportation industry can look to, a man with both responsibility and authority for transportation;
- One man responsible for coordinating all the Government's research and development efforts in transportation.

I expect the Secretary of Transportation to take the responsibility for leadership in all matters affecting transportation--domestic and international--which are the concern of the Executive Branch.

I expect all the other Departments and Agencies of the Executive Branch to look to the Secretary on transportation matters and to respond to his leadership.

I expect the transportation industry to look to the Secretary as the Government's spokesman on transportation.

Let us look for a minute at some of the areas that will require urgent attention of the new Secretary.

- Vigorous administration of the new highway safety legislation in order to reduce the intolerable death and injury on our highways.
- Leadership in developing a new highway program for the post-1973 period after the Interstate Highway System has been completed.
- Upgrading and modernization of railroad service in this country. The good work begun under the High Speed Ground Transportation Act enacted last year should be accelerated and extended through the industry, with full cooperation of private enterprise.
- Development of an air transportation system--airways, airports, and aircraft--that takes full advantage of the headlong rush of technology. This includes SST's and large subsonic jets for both passengers and cargo.
- Improved maritime safety to make major maritime disasters a thing of the past.

In addition to these individual programs under the Department, there will be assignments involving broader areas of transportation policy. Many of these responsibilities will involve cooperation and coordination of other Departments of Government and I expect the Secretary of Transportation

to be the leader in this process of policy formation. Here are some examples:

-- The Secretary's best efforts will be required to end the congestion throttling our cities. He must develop a coordinated policy and program for transportation in our great metropolitan centers, involving highway construction, programs for mass transportation, and the coordination of continuing transportation plans and programs with comprehensive planning processes for metropolitan areas.

-- He must give close attention to the environmental and aesthetic aspects of transportation programs. The problems of air pollution and noise, especially aircraft noise, require action.

-- I am especially concerned with international transportation policy and I shall expect strong leadership from the Secretary of Transportation in making our transportation policy more effective in the international sphere. He will work with the Secretary of State, the Secretary of Defense and other appropriate agencies and I expect him to formalize this coordinative process throughout the Federal Government for increased effectiveness.

-- In the promotion of transportation safety by all modes, I shall expect leadership from the Secretary of Transportation to insure that the transport safety activities of other agencies be coordinated under his leadership.

-- Defense and emergency transportation planning must continue to receive thorough attention in the new Department and be actively coordinated with military and defense planning agencies.

-- In line with his statutory responsibilities under this Act, I expect that all public investment in transportation within his jurisdiction shall be soundly administered by the Secretary of Transportation. Where primary jurisdiction lies elsewhere, I shall expect him to make his views known on a continuing basis.

-- In labor relations involving transportation, I shall expect the Secretary to work closely with the Secretary of Labor in dealing with specific emergencies, to prevent such emergencies from becoming a way of transportation life, and to formulate recommendations for improving labor-management relations.

-- I shall expect the Secretary to review continuously the need of the Nation for transportation capacity of all kinds and to formulate programs where necessary to assist public and private agencies to improve their capacity and overcome shortages of facilities.

-- I am mindful that the transportation industry is subject to regulation by independent Federal regulatory agencies, and I shall continue to require respect of their historic independence. This will not preclude the development by the Secretary of Transportation of constructive legislative programs for the improvement of regulatory statutes and procedures so that regulation can evolve with progress. The Secretary will be the focal point within the Government for Executive Branch participation in proceedings before the regulatory agencies in accordance with applicable administrative procedures.

-- I desire the work of the Interagency Committee on Transport Mergers, under the leadership of the Department of Transportation, to continue so that all public interest factors will be fully considered in the evolving structure of the transportation industries.

Transportation coordination, an all important but often elusive goal, will now be realized to the fullest extent possible. By ending the disparity and diffusion among the myriad Federal transportation programs, I shall expect the Secretary to implement coordination in the actual movement of goods and people. His opportunities are many; I shall require action and expect results.

His efforts will range from furthering the standardization of containers and the uniformity of shipping documents to the broadest implementation of the 1962 Federal-Aid Highway Act which calls for Federal-State cooperation in coordinating long-range highway plans and programs with plans for improvements in other affected forms of transportation.

The institutionalized limitations of the past must give way to clear and imaginative thinking and policies as we approach the challenges and opportunities of the 21st century. I shall require programs which will permit the most meaningful flexibility of carrier capital and operations.

Private managerial initiative and incentive among carriers, shippers and the financial community must be encouraged.

Research and development are crucial to the future of transportation. I expect active technical leadership from the Secretary of Transportation to the end that the results of all the Federal Government's effort for research and development find increased application in transportation.

The new Department will have an important and far-reaching role to play. The Secretary will have tremendous responsibilities. Great results are attainable.

Realizing that the leadership of the Secretary of Transportation in his field will involve him in detailed relationships with most of the other agencies of the Government, I intend to issue an Executive Order similar to that recently issued for the Secretary of Housing and Urban Development, fixing responsibility for transportation policy leadership in the Secretary of Transportation and requiring suitable cooperation from other agencies to the extent that their resources, personnel, and interests are appropriately involved. Under such an Executive Order the Secretary of Transportation will have flexibility to invoke a great variety of coordinative processes in the interest of improved transportation policy.

During this Administration, important new transportation legislation has been enacted and important new transportation programs inaugurated.

The Urban Mass Transportation Act of 1964 was enacted.

The High Speed Ground Transportation Act of 1965 brings new resources for intercity transportation research, development and demonstration.

The Supersonic Air Transport Project is well on its way.

Highway safety legislation is a reality this year.

Legislative provision has been made to improve beauty and to prevent the scarring of our landscape, to eliminate air pollution, and to bring transportation programs into harmony with civic objectives in our cities.

The bill I am approving today is the most important of all transportation legislation in this Administration. It is the keystone in the arch to provide coordinated policies, to enable all the programs to work together in common objectives. It provides a focal point for tomorrow's legislation for the growth of our transportation system.

I am grateful to Congress for the support they have given my proposal for a Department of Transportation. The Administration now has the responsibility to make it work.

We are on our way toward realizing the hope I expressed in my Message of March 2, 1966. We have begun to build for the decades ahead and improve the quality of life for all Americans.

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D.C.

EXECUTIVE ①

FG175

FG11-1

October 13, 1966

MEMORANDUM FOR THE PRESIDENT

Subject: Getting ready for the new Department of Transportation

The staff work required to make the Department of Transportation a fully operating agency has been under way for several months. Some time ago we established an interagency task force to handle the technical details of preparing the Department bill and to deal with the Congressional committees on technical matters. This group has now finished its work.

The job of establishing a new civilian agency as complex as this, involving the consolidation of a dozen elements from several agencies, has not faced us since the creation of the Federal Security Agency in 1939.

I have now set up a new task force to undertake all the steps necessary to create the new Department.

1. The task force will prepare all the necessary papers and technical arrangements:
 - . required Executive Orders
 - . financing
 - . office space
 - . delegations of authority
 - . employee transfers
 - . etc.

The necessary action papers will be ready for the new Secretary.

RECEIVED
OCT 14 1966
CENTRAL FILES

Nothing else sent to
Central Files as of 11/17/66
F. H.

2. In addition, the task force will prepare an internal plan of organization for the new Secretary's consideration.

The Act requires that the new Department begin functioning ninety days after the Secretary takes office, or at an earlier date which you may prescribe. You therefore have flexibility in timing the appointment of the Secretary and the start of the new Department. The staff work already completed or under way puts us in a good position to have the new Department functioning quickly. We are far better prepared for the Department of Transportation than we were at this same legislative stage last year with the Department of Housing and Urban Development.

(signed) Charles L. Schultze

Charles L. Schultze
Director