

104TH CONGRESS
1ST SESSION

H. R. 1440

To amend title 49, United States Code, to simplify and improve the organization of the Department of Transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1995

Mr. MINETA (by request) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to simplify and improve the organization of the 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Trans-
5 portation Reorganization Act of 1995”.

6 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

7 Except as otherwise expressly provided, whenever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or a repeal of, a section or other
10 provision, the reference shall be considered to be made to

1 a section or other provision of title 49, United States
2 Code.

3 **SEC. 3. ORGANIZATION OF THE DEPARTMENT.**

4 Subsection (e) of section 102 (Department of Trans-
5 portation) is amended by striking the word “four” in the
6 first sentence and substituting “five”, and by striking the
7 second sentence.

8 **SEC. 4. ESTABLISHMENT OF INTERMODAL TRANSPOR-**
9 **TATION ADMINISTRATION.**

10 (a) Section 110 (Saint Lawrence Seaway Develop-
11 ment Corporation) is repealed and the following is sub-
12 stituted:

13 **“§ 110. Intermodal Transportation Administration**

14 “(a) The Intermodal Transportation Administration
15 is an administration in the Department of Transportation.

16 “(b)(1) The head of the Administration is the Admin-
17 istrator, who is appointed by the President, by and with
18 the advice and consent of the Senate. The Administrator
19 reports directly to the Secretary of Transportation.

20 “(2) The Administration has a Deputy Adminis-
21 trator, who is appointed by the President, by and with
22 the advice and consent of the Senate. The Deputy Admin-
23 istrator shall carry out duties and powers prescribed by
24 the Administrator.

1 “(c) Effective October 1, 1996, or at an earlier date
2 specified by the Secretary, which earlier date shall not be
3 before October 1, 1995, the Administrator shall carry
4 out—

5 “(1) duties and powers vested in the Secretary
6 by title 23, United States Code (Highways);

7 “(2) duties and powers related to motor carrier
8 safety vested in the Secretary by chapter 5 of this
9 title (Special Authority);

10 “(3) subtitle III of this title (General and Inter-
11 modal Programs);

12 “(4) subtitle V of this title (Rail Programs),
13 chapter 261 of this title, and section 4(t) of Public
14 Law 103–272;

15 “(5) subtitle VI of this title (Motor Vehicle and
16 Driver Programs);

17 “(6) subtitle VIII of this title (Pipelines);

18 “(7) duties administered on the effective date of
19 the ‘Department of Transportation Reorganization
20 Act of 1995’ by the Maritime Administration;

21 “(8) all bridge-related functions prescribed in
22 sections 401, 406, and 491–535i of title 33, United
23 States Code;

1 “(9) duties and responsibilities of the Office of
2 Intermodalism specified by subsection (d) of this
3 section; and

4 “(10) additional duties and powers prescribed
5 by the Secretary.

6 “(d) OFFICE OF INTERMODALISM.—(1) There is es-
7 tablished within the Administration an Office of
8 Intermodalism, which shall carry out on behalf of the Ad-
9 ministrators the responsibilities of the Secretary described
10 in section 301(3) of this title.

11 “(2) The Office shall develop, maintain, and dissemi-
12 nate intermodal transportation data through the Bureau
13 of Transportation Statistics, and shall coordinate the col-
14 lection of data for the data base with the States and met-
15 ropolitan planning organizations. The data base shall in-
16 clude—

17 “(A) information on the volume of goods and
18 number of people carried in intermodal transpor-
19 tation by relevant classification;

20 “(B) information on patterns of movement of
21 goods and people carried in intermodal transpor-
22 tation by relevant classification in terms of origin
23 and destination; and

1 “(C) information on public and private invest-
2 ment in intermodal transportation facilities and
3 services.

4 The Office shall make information from the data base
5 available to the public.

6 “(3) The Office shall be responsible for coordinating
7 Federal research on intermodal transportation in accord-
8 ance with the plan developed pursuant to section 6009(b)
9 of the Intermodal Surface Transportation Efficiency Act
10 of 1991 and for carrying out additional research needs
11 identified by the Office.

12 “(4) The Office shall provide technical assistance to
13 States and to metropolitan planning organizations for
14 urban areas having a population of 1,000,000 or more in
15 collecting data relating to intermodal transportation in
16 order to facilitate the collection of such data by such
17 States and metropolitan planning organizations.”.

18 (b) Section 1 of the Act of May 13, 1954, Public Law
19 358 (33 U.S.C. 981), as amended, is amended to read as
20 follows:

21 “(a) There is hereby created a body corporate to be
22 known as the Saint Lawrence Seaway Development Cor-
23 poration (hereinafter referred to as the ‘Corporation’).

1 “(b) The Secretary of Transportation may delegate
2 his or her authority to the Administrator as the Secretary
3 deems appropriate or as directed by law.”.

4 (c) Section 5002 of Public Law 102–240 (Intermodal
5 Surface Transportation Efficiency Act of 1991) (105 Stat.
6 2158; Dec. 18, 1991) is repealed and reserved.

7 (d) Section 3 of the Ports and Waterways Safety Act,
8 as amended (33 U.S.C. 1222) is amended in paragraph
9 (2), after “operating,” by inserting “, except for those ac-
10 tions concerning the prevention of damage to, or destruc-
11 tion of, bridges under section 1225(a)(1) of this title, in
12 which case ‘Secretary’ means the Secretary of the Depart-
13 ment of Transportation.”.

14 (e) The item in the analysis of Chapter 1 of title 49
15 for section 110 is amended to read as follows:

“110. Intermodal Transportation Administration.”.

16 **SEC. 5. COMMERCIAL SPACE TRANSPORTATION.**

17 Paragraph (g)(1) of section 106 (Federal Aviation
18 Administration) is amended by—

19 (1) striking “and” from the end of paragraph
20 (A);

21 (2) redesignating paragraph (B) as paragraph
22 (C); and

23 (3) adding a new paragraph (B) to read as fol-
24 lows:

1 “(B) Subtitle IX (Commercial Space
2 Transportation); and”.

3 **SEC. 6. REPEAL OF EXISTING MODAL STRUCTURE.**

4 (a) Title 49, United States Code, is amended by—

5 (1) repealing section 103 (Federal Railroad Ad-
6 ministration), 104 (Federal Highway Administra-
7 tion), 105 (National Highway Traffic Safety Admin-
8 istration), 107 (Federal Transit Administration),
9 109 (Maritime Administration), and 112 (Research
10 and Special Programs Administration);

11 (2) redesignating section 111 (Bureau of
12 Transportation Statistics) as section 103;

13 (3) redesignating section 108 (Coast Guard) as
14 section 104; and

15 (4) redesignating section 110, as amended by
16 this Act (Intermodal Transportation Administra-
17 tion), as section 105.

18 (b) The amendments made by this section are effec-
19 tive October 1, 1996. Concurrent with these amendments,
20 the analysis of Chapter 1 of title 49 is revised accordingly.

21 **SEC. 7. COOPERATIVE AGREEMENTS; REIMBURSEMENT OF**
22 **EXPENSES.**

23 (a) Title 49, United States Code, is amended by the
24 addition of the following immediately following section
25 333:

1 **“§ 334. Cooperative agreements**

2 “Subject to the provisions of the Federal Property
3 and Administrative Services Act of 1949, as amended (40
4 U.S.C. 471, et seq.) with regard to leases, and the Steven-
5 son-Wylder Technology Innovation Act of 1980, as amend-
6 ed, with regard to cooperative research and development
7 agreements, the Secretary of Transportation may make,
8 enter into, and perform such contracts, grants, leases, co-
9 operative agreements, cooperative research and develop-
10 ment agreements, and other similar transactions with
11 Federal or other public agencies (including State and local
12 governments), nonprofit organizations, and private organi-
13 zations and persons, and make such payments, by way of
14 advance or reimbursement, as the Secretary may deter-
15 mine to be necessary or appropriate to carry out the func-
16 tions of the Department. Authority to enter into contracts
17 or to make payments under this section shall be effective
18 only as provided for in appropriations Acts.

19 **“§ 335. Reimbursement of expenses relating to pro-**
20 **moting transportation technology**

21 “In order to undertake international trips related to
22 promoting international trade in United States goods and
23 services, the Secretary of Transportation may accept reim-
24 bursement for costs attributable to the participation of
25 non-Federal individuals incurred by the Department for
26 such trips from non-Federal sources, including inter-

1 national organizations, foreign governments, and private
2 individuals, firms, and associations. Reimbursement may
3 be in the form of funds or property. Funds collected by
4 the Secretary, including the proceeds from sales of prop-
5 erty received, shall be credited to the appropriation ac-
6 count that incurred the costs and shall be available for
7 the purposes of that appropriation. Where more than one
8 account is involved, the funds will be credited to the appro-
9 priation accounts in proportion to the costs incurred.”.

10 (b) The analysis of chapter 3 of title 49, United
11 States Code, is revised by—

12 (1) striking the item referring to sections 334
13 and 335; and

14 (2) inserting the following immediately follow-
15 ing item 333:

“Sec. 334. Cooperative agreements.

“Sec. 335. Reimbursement of expenses relating to promoting transportation
technology.”.

16 **SEC. 8. REPORTS ELIMINATION AND MODIFICATION.**

17 (a) REPORT ON DEEPWATER PORT ACT OF 1974.—
18 Section 20 of the Deepwater Port Act of 1974 (33 U.S.C.
19 1519) is repealed.

20 (b) REPORT ON COAST GUARD LOGISTICS CAPABILI-
21 TIES CRITICAL TO MISSION PERFORMANCE.—Sections
22 5(a)(2) and 5(b) of the Coast Guard Authorization Act
23 of 1988 (10 U.S.C. 2304 note) are repealed.

1 (c) REPORT ON RAILROAD USER FEES.—Section
2 20115 of title 49, United States Code (User fees), is
3 amended by striking subsection (d) and redesignating sub-
4 section (e) as subsection (d).

5 (d) REPORT ON APPLIED RESEARCH AND TECH-
6 NOLOGY PROGRAM.—Section 307(e)(11) of title 23,
7 United States Code, is repealed.

8 (e) REPORT ON HIGHWAY SAFETY IMPROVEMENT
9 PROGRAMS (REPORT ON HAZARD ELIMINATION PRO-
10 GRAM).—Section 152(g) of title 23, United States Code,
11 is amended by striking the last 3 sentences.

12 (f) REPORT ON HIGHWAY SAFETY PERFORMANCE
13 (FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS
14 IN THE UNITED STATES).—Section 207 of the Highway
15 Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

16 (g) REPORTS TO CONGRESS ON THE ADMINISTRA-
17 TION OF CHAPTER 301 (MOTOR VEHICLE SAFETY) AND
18 ON THE IMPORTED VEHICLE SAFETY COMPLIANCE ACT
19 OF 1988.—Section 30169 of title 49, United States Code,
20 is repealed.

21 (h) REPORT ON RAILROAD-HIGHWAY DEMONSTRA-
22 TION PROJECTS.—Section 163(o) of the Federal-Aid
23 Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

24 (i) REPORT ON UNIFORM RELOCATION ACT AMEND-
25 MENTS OF 1987.—Section 103(b)(2) of the Uniform Relo-

1 cation Assistance and Real Property Acquisition Policies
2 Act of 1970, as amended (42 U.S.C. 4604(b)(2)), is re-
3 pealed.

4 (j) REPORT ON RAILROAD FINANCIAL ASSIST-
5 ANCE.—Section 308(d) of title 49, United States Code,
6 is repealed.

7 (k) REPORT ON USE OF ADVANCED TECHNOLOGY BY
8 THE AUTOMOBILE INDUSTRY.—Section 305 of the Auto-
9 motive Propulsion Research and Development Act of 1978
10 (15 U.S.C. 2704) is amended by striking the last sentence.

11 (l) REPORT ON OBLIGATIONS.—Subsection (b) of sec-
12 tion 5335 of title 49, United States Code, is repealed, and
13 subsections (c) and (d) are redesignated as subsections (b)
14 and (c).

15 (m) REPORT ON SUSPENDED LIGHT RAIL SYSTEM
16 TECHNOLOGY PILOT PROJECT.—Section 5320(k) of title
17 49, United States Code, is repealed.

18 (n) REPORTS ON PIPELINES ON FEDERAL LANDS.—
19 Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C.
20 185(w)(4)) is repealed.

21 (o) REPORTS ON NATURAL GAS AND HAZARDOUS
22 LIQUID PIPELINE SAFETY.—Section 60124 of title 49,
23 United States Code, is repealed, and section 60125 is re-
24 designated as section 60124.

1 (p) REPORT ON JOINT FEDERAL AND STATE MOTOR
2 FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1)
3 of the Intermodal Surface Transportation Efficiency Act
4 of 1991 (23 U.S.C. 101 note) is amended by striking
5 “September 30 and”.

6 (q) REPORT ON PUBLIC TRANSPORTATION.—Section
7 308(e)(1) of title 49, United States Code, is amended by—

8 (1) striking “January of each even-numbered
9 year” and inserting “March 1995, and March of
10 each odd-numbered year thereafter”; and

11 (2) inserting the following sentence at the end
12 of the text: “The Secretary may combine this report
13 with the report required by 23 U.S.C. 307(h) for
14 submission to Congress as a single report.”.

15 (r) REPORT ON NATION’S HIGHWAYS AND
16 BRIDGES.—Section 307(h) of title 23, United States
17 Code, is amended by—

18 (1) striking “January 1983, and in January of
19 every second year thereafter” and inserting “March
20 1995, and March of each odd-numbered year there-
21 after”; and

22 (2) inserting the following sentence at the end
23 of the text: “The Secretary may combine this report
24 with the report required by 49 U.S.C. 308(e) for
25 submission to Congress as a single report.”.

1 (s) Section 7207(c)(4) of the Anti-Drug Abuse Act
2 of 1988 (Public Law 100–690; 102 Stat. 4428) is
3 amended—

4 (1) by striking out “GAO”; and

5 (2) by striking out “the Comptroller General”
6 and inserting in lieu thereof “the Department of
7 Transportation Inspector General”.

8 (t) REPORT ON MARINE PLASTIC POLLUTION RE-
9 SEARCH AND CONTROL ACT OF 1987.—Section 2201(a)
10 of the Marine Plastic Pollution Research and Control Act
11 of 1987 (33 U.S.C. 1902 note) is amended by striking
12 “biennially” and inserting “triennially”.

13 (u) REPORT TO CONGRESS ON BUMPER STAND-
14 ARDS.—Section 32510 of title 49, United States Code, is
15 repealed, and section 32511 is redesignated as section
16 32110.

17 (v) REPORT TO CONGRESS ON THE ADMINISTRATION
18 OF THE HIGHWAY SAFETY ACT OF 1966.—Section 401
19 note of title 23, United States Code, directing the Sec-
20 retary to prepare and submit an annual report on the Ad-
21 ministration of the Highway Safety Act of 1966, is re-
22 pealed.

23 (w) REPORT ON OVERWEIGHT VEHICLES—PEN-
24 ALTIES AND PERMITS.—Section 123 of the Surface

1 Transportation Assistance Act (STAA) of 1978 (Pub. L.
2 95–599, 92 Stat. 2698, 2701) is repealed.

3 (x) ASSURED TIMETABLE FOR PROJECTS IN ALTER-
4 NATIVES ANALYSIS, PRELIMINARY ENGINEERING OR
5 FINAL DESIGN STATES.—Section 5328(b)(3) of title 49,
6 United States Code, is repealed.

7 (y) AIR TRAFFIC CONTROLLER STAFFING STAND-
8 ARDS.—Section 44506(d) of title 49, United States Code,
9 is repealed.

10 (z) ANNUAL AVIATION SECURITY REPORT.—Section
11 44938 of title 49, United States Code, is amended by—

12 (1) striking the word “annually” and inserting
13 the word “biennially” in the first sentence of sub-
14 section (b); and

15 (2) striking subsection (c).

16 (aa) NOISE COMPLIANCE REPORT.—Section
17 47528(d) of title 49, United States Code, is amended by
18 striking the word “annual” in the catchline and in para-
19 graph (2) and inserting the word “biennial”.

20 (bb) REPORT ON IMPLEMENTATION OF ENVIRON-
21 MENTAL COMPLIANCE AND RESTORATION PROGRAM.—
22 Section 693 of title 14, United States Code, is repealed
23 and reserved.

1 (cc) REPORT OF COAST GUARD USER FEES.—Sec-
2 tion 664 of title 14, United States Code, is amended by
3 striking subsection (c).

4 (dd) COAST GUARD MILITARY RETIREMENT SYSTEM
5 REPORT.—The Coast Guard shall not be required to sub-
6 mit an annual report required by section 9503 of title 31,
7 United States Code, with respect to its military retirement
8 system.

9 **SEC. 9. ADJUSTMENT OF EXECUTIVE LEVEL POSITIONS.**

10 (a) ADJUSTMENT OF EXECUTIVE LEVEL II COM-
11 PENSATION SCHEDULES.—The listing of positions at
12 Level II of the Executive Schedule (5 U.S.C. 5313) is
13 amended by addition of the following entry:

14 “Administrator, Intermodal Transportation Ad-
15 ministration”.

16 (b) ADJUSTMENT OF EXECUTIVE LEVEL IV COM-
17 PENSATION SCHEDULES.—The listing of positions at
18 Level IV of the Executive Schedule (5 U.S.C. 5315) is
19 amended by addition of the following entry:

20 “Deputy Administrator, Intermodal Transpor-
21 tation Administration”.

22 **SEC. 10. SAVINGS PROVISION.**

23 (a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—
24 All orders, determinations, rules, regulations, permits,

1 contracts, leases, certificates, licenses, agreements for real
2 and personal property, and privileges that—

3 (1) have been issued, made, granted, or allowed
4 to become effective by the President of the United
5 States, the Secretary, an Administrator, any Federal
6 agency or official thereof, or by a court of competent
7 jurisdiction, in the performance of functions which
8 are transferred by this Act; and

9 (2) are final on October 1, 1996, shall remain
10 in effect (or come into effect) according to their
11 terms until modified, terminated, superseded, set
12 aside, or revoked in accordance with law by the
13 President of the United States, the Secretary or his
14 or here designee, a court of competent jurisdiction,
15 or by operation of law.

16 (b) CONTINUED EFFECTIVENESS OF PENDING AC-
17 TIONS.—(1) The provisions of this Act shall not affect any
18 proceedings, including notices of proposed rulemaking, or
19 any application for any license, permit, certificate, or fi-
20 nancial assistance pending on October 1, 1996, before the
21 Department of Transportation, including any element or
22 any officer thereof, with respect to functions transferred
23 by this Act; but such proceedings or applications, to the
24 extent that they relate to functions transferred, shall be
25 continued in accord with transition regulations promul-

1 gated under the authority of this section. Orders issued
2 in any such proceedings shall continue in effect until modi-
3 fied, terminated, superseded, or revoked by the Depart-
4 ment or a succeeding Administration, by a court of com-
5 petent jurisdiction, or by operation of law. Nothing in this
6 subsection prohibits the discontinuance or modification of
7 any such proceeding under the same terms and conditions
8 and to the same extent that such proceeding could have
9 been discontinued or modified if this Act had not been en-
10 acted.

11 (2) The Secretary, an Administrator, and the Com-
12 mandant are authorized to issue transition regulations
13 providing for the orderly transfer of proceedings and oth-
14 erwise to accomplish the orderly transfer of functions, per-
15 sonnel and property under this Act.

16 (c) CONTINUED EFFECTIVENESS OF JUDICIAL AC-
17 TIONS.—No cause of action by or against the Department
18 of Transportation or an element of the Department with
19 respect to functions transferred by this Act, or by or
20 against any officer thereof in the official's capacity, shall
21 abate by reason of the enactment of this Act. Causes of
22 action and actions with respect to a function or office
23 transferred by this Act, or other proceedings may be as-
24 serted by or against the United States or an official of
25 the Department or a successor Administrator, as may be

1 appropriate, and, in an action pending on October 1,
2 1996, the court may at any time, on its own motion or
3 that of any party, enter an order which will give effect
4 to the provisions of this subsection.

5 (d) SUBSTITUTION OR ADDITION OF PARTIES TO JU-
6 DICIAL ACTION.—If, on October 1, 1996, the Department
7 of Transportation or an affected element, or any officer
8 thereof in the official's capacity, is a party to an action,
9 and under this Act any function relating to the action of
10 such Department, element, or officer is transferred to an-
11 other entity, then such action shall be continued with the
12 appropriate officer substituted or added as a party.

13 (e) CONTINUED JURISDICTION OVER ACTIONS
14 TRANSFERRED.—Orders and actions of a successor entity
15 in the exercise of functions transferred by this Act shall
16 be subject to judicial review to the same extent and in
17 the same manner as if such orders and actions had been
18 by the Department of Transportation or an element, or
19 any office or officer thereof, in the exercise of such func-
20 tions immediately preceding their transfer.

21 (f) CONTINUATION OF THE MARITIME SUBSIDY
22 BOARD.—Upon completion of the transfer of Maritime
23 Administration functions to the Intermodal Transpor-
24 tation Administration, or as the Secretary may otherwise
25 direct, the Maritime Subsidy Board, composed of the Mar-

1 itime Administrator, Deputy Maritime Administrator, and
2 Chief Counsel of the Maritime Administration, shall con-
3 tinue under the terms and conditions of the existing dele-
4 gation.

5 **SEC. 11. REFERENCE.**

6 With respect to any functions transferred by this Act
7 and exercised after October 1, 1996, reference in any fed-
8 eral law, executive order, or regulation to the Federal Rail-
9 road Administration, Federal Highway Administration,
10 National Highway Traffic Safety Administration, Federal
11 Transit Administration, Maritime Administration, or Re-
12 search and Special Programs Administration, or to any
13 officer or office of such entities, shall be considered to
14 refer to the Intermodal Transportation Administration or
15 its respective officers or offices, as appropriate.

16 **SEC. 12. SEPARABILITY.**

17 If a provision of this Act or its application to any
18 person or circumstance is held invalid, neither the remain-
19 der of this Act nor the application of the provision to other
20 persons or circumstances shall be affected.

21 **SEC. 13. EFFECTIVE DATE.**

22 Except as otherwise specified, the provisions of this
23 Act are effective October 1, 1995.

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