

and involving notice and hearing required by law is administratively final.”

1996—Subsec. (e). Pub. L. 104-324 added subsec. (e).

1994—Subsec. (b)(1). Pub. L. 103-272, §4(j)(2), substituted “Administrator” for “Admininistrator” before “who is”.

Subsec. (c)(2). Pub. L. 103-272, §5(m)(2), substituted “315” for “31”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-159, title I, §107(a), Dec. 9, 1999, 113 Stat. 1758, provided that: “This Act [see Tables for classification] shall take effect on the date of the enactment of this Act [Dec. 9, 1999]; except that the amendments made by section 101 [enacting section 113 of this title and amending this section, sections 5314 and 5316 of Title 5, Government Organization and Employees, and section 104 of Title 23, Highways] shall take effect on January 1, 2000.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES

Pub. L. 105-178, title I, §1220, June 9, 1998, 112 Stat. 221, provided that:

“(a) IN GENERAL.—

“(1) ELIMINATION.—The Secretary [of Transportation] shall eliminate any programmatic decision-making responsibility of the regional offices of the Federal Highway Administration for the Federal-aid highway program as part of the Administration’s efforts to restructure its field organization.

“(2) ACTIVITIES.—In carrying out paragraph (1), the Secretary shall eliminate regional offices, create technical resource centers, and, to the maximum extent practicable, delegate authority to State offices of the Federal Highway Administration.

“(b) PREFERENCE.—In locating the technical resource centers, the Secretary shall give preference to cities that house, on the date of enactment of this Act [June 9, 1998], the Federal Highway Administration regional offices and are in locations that minimize the travel distance between the technical resource centers and the Federal Highway Administration division offices that will be served by the new technical resource centers.

“(c) REPORT TO CONGRESS.—The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan to carry out this section not later than September 30, 1998, and thereafter provide periodic progress reports on carrying out this section to such Committees.

“(d) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (c) not later than December 31, 1998.”

§ 105. National Highway Traffic Safety Administration

(a) The National Highway Traffic Safety Administration is an administration in the Department of Transportation.

(b) The head of the Administration is the Administrator who is appointed by the President, by and with the advice and consent of the Sen-

ate. The Administration has a Deputy Administrator who is appointed by the Secretary of Transportation, with the approval of the President.

(c) The Administrator shall carry out—

(1) duties and powers vested in the Secretary by chapter 4 of title 23, except those related to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety; and

(2) additional duties and powers prescribed by the Secretary.

(d) The Secretary may carry out chapter 301 of this title through the Administrator.

(e) The Administrator shall consult with the Federal Highway Administrator on all matters related to the design, construction, maintenance, and operation of highways.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2415; Pub. L. 103-272, §5(m)(3), July 5, 1994, 108 Stat. 1375.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
105	23:401 (note).	Sept. 9, 1966, Pub. L. 89-564, §201(a) (less pay of Administrator and Deputy Administrator), (b)(2), (c), (d), 80 Stat. 735; Oct. 15, 1966, Pub. L. 89-670, §8(h), 80 Stat. 943; restated Dec. 31, 1970, Pub. L. 91-605, §202(a), 84 Stat. 1739.

In subsection (a), the words “The . . . is an administration in the” are substituted for “There is hereby established within the”, in section 201(a) (1st sentence) of the Highway Safety Act of 1966 (Pub. L. 89-564, 80 Stat. 731) to conform to other sections of the revised title. The words “(hereafter in this section referred to as the ‘Administration’)” are omitted as unnecessary.

In subsection (c), the words “carry out . . . duties and powers . . . prescribed by the Secretary” are substituted for “perform such duties as are delegated to him by the Secretary” to eliminate surplus words and for consistency. The list of excepted programs in clause (1) is substituted for “highway safety programs, research and development not specifically referred to in paragraph (1) of this subsection”, in section 201(b)(2) of the Highway Safety Act of 1966 for clarity.

In subsection (d), the words “Administration . . . authorized by this section” are omitted as surplus.

The text of section 201(d) of the Highway Safety Act of 1966 is omitted as executed.

Editorial Notes

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-272 substituted “chapter 301 of this title” for “the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.)”.

Statutory Notes and Related Subsidiaries

REQUIRED REPORTING OF NHTSA AGENDA

Pub. L. 114-94, div. B, title XXIV, §24401, Dec. 4, 2015, 129 Stat. 1720, provided that: “Not later than December 1 of the year beginning after the date of enactment of this Act [Dec. 4, 2015], and each year thereafter, the Administrator of the National Highway Traffic Safety Administration shall publish on the public website of the Administration, and file with the Committees on Energy and Commerce and Transportation and Infrastruc-

ture of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual plan for the following calendar year detailing the Administration's projected activities, including—

- “(1) the Administrator's policy priorities;
- “(2) any rulemakings projected to be commenced;
- “(3) any plans to develop guidelines;
- “(4) any plans to restructure the Administration or to establish or alter working groups;
- “(5) any planned projects or initiatives of the Administration, including the working groups and advisory committees of the Administration; and
- “(6) any projected dates or timetables associated with any of the items described in paragraphs (1) through (5).”

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE

Pub. L. 112–141, div. C, title I, §31401, July 6, 2012, 126 Stat. 772, provided that:

“(a) **COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.**—

“(1) **IN GENERAL.**—The Secretary [of Transportation] shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies (referred to in this section as the ‘Council’) to build, integrate, and aggregate the Administration's expertise in passenger motor vehicle electronics and other new and emerging technologies.

“(2) **IMPLEMENTATION OF ROADMAP.**—The Council shall research the inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, lower emissions, meet fuel economy standards, and enhance passenger motor vehicle safety through continued utilization of the Administration's Plastic and Composite Intensive Vehicle Safety Roadmap (Report No. DOT HS 810 863).

“(3) **INTRA-AGENCY COORDINATION.**—The Council shall coordinate with all components of the Administration responsible for vehicle safety, including research and development, rulemaking, and defects investigation.

“(b) **HONORS RECRUITMENT PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Secretary shall establish, within the National Highway Traffic Safety Administration, an honors program for engineering students, computer science students, and other students interested in vehicle safety that will enable such students to train with engineers and other safety officials for careers in vehicle safety.

“(2) **STIPEND.**—The Secretary is authorized to provide a stipend to any student during the student's participation in the program established under paragraph (1).

“(c) **ASSESSMENT.**—The Council, in consultation with affected stakeholders, shall periodically assess the implications of emerging safety technologies in passenger motor vehicles, including the effect of such technologies on consumers, product availability, and cost.”

§ 106. Federal Aviation Administration

(a) **IN GENERAL.**—The Federal Aviation Administration is an administration in the Department of Transportation.

(b) **ADMINISTRATION LEADERSHIP.**—

(1) **ADMINISTRATOR.**—

(A) **IN GENERAL.**—The head of the Administration is the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) **QUALIFICATIONS.**—The Administrator shall—

- (i) be a citizen of the United States;
- (ii) not be an active duty member of the Armed Forces;

(iii) not have retired from the Armed Forces within the 7 years preceding nomination; and

(iv) have experience in organizational management and a field directly related to aviation.

(C) **FITNESS.**—In appointing an individual as Administrator, the President shall consider the fitness of such individual to carry out efficiently the duties and powers of the office.

(D) **TERM OF OFFICE.**—The term of office for any individual appointed as Administrator shall be 5 years.

(E) **REPORTING CHAIN.**—Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation.

(2) **DEPUTY ADMINISTRATOR.**—

(A) **IN GENERAL.**—The Administrator has a Deputy Administrator, who shall be appointed by the President.

(B) **QUALIFICATIONS.**—The Deputy Administrator shall—

- (i) be a citizen of the United States; and
- (ii) have experience in organizational management and a field directly related to aviation.

(C) **FITNESS.**—In appointing an individual as Deputy Administrator, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office, including the duty to act for the Administrator when the Administrator is absent or unable to serve, or when the office of Administrator is vacant.

(D) **REPORTING CHAIN.**—The Deputy Administrator reports directly to the Administrator.

(E) **DUTIES.**—The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

(F) **COMPENSATION.**—

(i) **ANNUAL RATE OF BASIC PAY.**—The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator.

(ii) **EXCEPTION.**—A retired regular officer of the Armed Forces serving as the Deputy Administrator is entitled to hold a rank and grade not lower than that held when appointed as the Deputy Administrator and may elect to receive—

(I) the pay provided for the Deputy Administrator under clause (i); or

(II) the pay and allowances or the retired pay of the military grade held.

(iii) **REIMBURSEMENT OF EXPENSES.**—If the Deputy Administrator elects to receive compensation described in clause (ii)(II), the Administration shall reimburse the appropriate military department from funds available for the expenses of the Administration.

(3) **LEADERSHIP OF THE ADMINISTRATION DEFINED.**—In this section, the term “leadership of the Administration” means—

(A) the Administrator under paragraph (1); and