

104TH CONGRESS
1ST SESSION

S. 703

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

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 1995

Mr. HOLLINGS (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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11 ment Corporation) is repealed and the following is sub-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

24 “(C) information on public and private invest-
25 ment in intermodal transportation facilities and

1 services. The Office shall make information from the
2 data base available to the public.

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

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

15 (b) Section 1 of the Act of May 13, 1954, Public Law
16 358 (33 U.S.C. 981), as amended, is amended to read as
17 follows:

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

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

1 (c) Section 5002 of Public Law 102–240 (Intermodal
2 Surface Transportation Efficiency Act of 1991) (105 Stat.
3 2158; Dec. 18, 1991) is repealed and reserved.

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

11 (e) The item in the analysis of chapter 1 of title 49
12 for section 110 is amended to read as follows:

“110. Intermodal Transportation Administration.”

13 **SEC. 5. COMMERCIAL SPACE TRANSPORTATION.**

14 Paragraph (g)(1) of section 106 (Federal Aviation
15 Administration) is amended by—

16 (1) striking “and” from the end of paragraph

17 (A);

18 (2) redesignating paragraph (B) as paragraph

19 (C); and

20 (3) adding a new paragraph (B) to read as fol-
21 lows:

22 “(B) Subtitle IX (Commercial Space Transpor-
23 tation); and”.

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

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

1 (1) repealing sections 103 (Federal Railroad
2 Administration), 104 (Federal Highway Administra-
3 tion), 105 (National Highway Traffic Safety Admin-
4 istration), 107 (Federal Transit Administration),
5 109 (Maritime Administration), and 112 (Research
6 and Special Programs Administration);

7 (2) redesignating section 111 (Bureau of
8 Transportation Statistics) as section 103;

9 (3) redesignating section 108 (Coast Guard) as
10 section 104; and

11 (4) redesignating section 110, as amended by
12 this Act (Intermodal Transportation Administra-
13 tion), as section 105.

14 (b) The amendments made by this section are effec-
15 tive October 1, 1996. Concurrent with these amendments,
16 the analysis of chapter 1 of title 49 is revised accordingly.

17 **SEC. 7. COOPERATIVE AGREEMENTS; REIMBURSEMENT OF**
18 **EXPENSES.**

19 (a) Title 49, United States Code, is amended by the
20 addition of the following immediately following section
21 333:

22 **“§ 334. Cooperative agreements**

23 “Subject to the provisions of the Federal Property
24 and Administrative Services Act of 1949, as amended (40
25 U.S.C. 471, et seq.) with regard to leases, and the Steven-

1 son-Wydler Technology Innovation Act of 1980, as amend-
2 ed, with regard to cooperative research and development
3 agreements, the Secretary of Transportation may make,
4 enter into, and perform such contracts, grants, leases, co-
5 operative agreements, cooperative research and develop-
6 ment agreements, and other similar transactions with fed-
7 eral or other public agencies (including state and local gov-
8 ernments), non-profit organizations, and private organiza-
9 tions and persons, and make such payments, by way of
10 advance or reimbursement, as the Secretary may deter-
11 mine to be necessary or appropriate to carry out the func-
12 tions of the Department. Authority to enter into contracts
13 or to make payments under this section shall be effective
14 only as provided for in appropriations Acts.

15 **“§ 335. Reimbursement of expenses relating to pro-**
16 **moting transportation technology**

17 “In order to undertake international trips related to
18 promoting international trade in United States goods and
19 services, the Secretary of Transportation may accept reim-
20 bursement for costs attributable to the participation of
21 nonFederal individuals incurred by the Department for
22 such trips from nonFederal sources, including inter-
23 national organizations, foreign governments, and private
24 individuals, firms and associations. Reimbursement may
25 be in the form of funds or property. Funds collected by

1 the Secretary, including the proceeds from sales of prop-
 2 erty received, shall be credited to the appropriation ac-
 3 count that incurred the costs and shall be available for
 4 the purposes of that appropriation. Where more than one
 5 account is involved, the funds will be credited to the appro-
 6 priation accounts in proportion to the costs incurred.”.

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

9 (1) striking the item referring to sections 334
 10 and 335; and

11 (2) inserting the following immediately follow-
 12 ing item 333:

“Sec. 334. Cooperative agreements.

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

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

14 (a) REPORT ON DEEPWATER PORT ACT OF 1994.—
 15 Section 20 of the Deepwater Port Act of 1974 (33 U.S.C.
 16 1519) is repealed.

17 (b) REPORT ON COAST GUARD LOGISTICS CAPABILI-
 18 TIES CRITICAL TO MISSION PERFORMANCE.—Sections
 19 5(a)(2) and 5(b) of the Coast Guard Authorization Act
 20 of 1988 (10 U.S.C. 2304 note) are repealed.

21 (c) REPORT ON RAILROAD USER FEES.—Section
 22 20115 of title 49, United States Code (User fees), is
 23 amended by striking subsection (d) and redesignating sub-
 24 section (e) as subsection (d).

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

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

8 (f) REPORT ON HIGHWAY SAFETY PERFORMANCE
9 (FATAL AND INJURY ACCIDENT RATES ON PUBLIC
10 ROADS IN THE UNITED STATES).—Section 207 of the
11 Highway Safety Act of 1982 (23 U.S.C. 401 note) is re-
12 pealed.

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

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

21 (i) REPORT ON UNIFORM RELOCATION ACT AMEND-
22 MENTS OF 1987.—Section 103(b)(2) of the Uniform Relo-
23 cation Assistance and Real Property Acquisition Policies
24 Act of 1970, as amended (42 U.S.C. 4604(b)(2)), is re-
25 pealed.

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

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

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

12 (m) REPORT ON SUSPENDED LIGHT RAIL SYSTEM
13 TECHNOLOGY PILOT PROJECT.—Section 5320(k) of title
14 49, United States Code, is repealed.

15 (n) REPORTS ON PIPELINES ON FEDERAL LANDS.—
16 Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C.
17 185(w)(4)) is repealed.

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

22 (p) REPORT ON JOINT FEDERAL AND STATE MOTOR
23 FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1)
24 of the Intermodal Surface Transportation Efficiency Act

1 of 1991 (23 U.S.C. 101 note) is amended by striking
2 “September 30 and”.

3 (q) REPORT ON PUBLIC TRANSPORTATION.—Section
4 308(e)(1) of title 49, United States Code, is amended by—

5 (1) striking “January of each even-numbered
6 year” and inserting “March 1995, and March of
7 each odd-numbered year thereafter”; and

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

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

15 (1) striking “January 1983, and in January of
16 every second year thereafter” and inserting “March
17 1995, and March of each odd-numbered year there-
18 after”; and

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

23 (s) Section 7207(c)(4) of the Anti-Drug Abuse Act
24 of 1988 (Public Law 100–690; 102 Stat. 4428) is amend-
25 ed—

1 (1) by striking out “GAO”; and

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

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

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

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

20 (w) REPORT ON OVERWEIGHT VEHICLES—PEN-
21 ALTIES AND PERMITS.—Section 123 of the Surface
22 Transportation Assistance Act (STAA) of 1978 (Public
23 Law 95–599, 92 Stat. 2698, 2701) is repealed.

24 (x) ASSURED TIMETABLE FOR PROJECTS IN ALTER-
25 NATIVES ANALYSIS, PRELIMINARY ENGINEERING OR

1 FINAL DESIGN STATES.—Section 5328(b)(3) of title 49,
2 United States Code, is repealed.

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

6 (z) ANNUAL AVIATION SECURITY REPORT.—Section
7 44938 of title 49, United States Code, is amended by—

8 (1) striking the word “annually” and inserting
9 the word “biennially” in the first sentence of sub-
10 section (b); and

11 (2) striking subsection (c).

12 (aa) NOISE COMPLIANCE REPORT.—Section
13 47528(d) of title 49, United States Code, is amended by
14 striking the word “annual” in the catchline and in para-
15 graph (2) and inserting the word “biennial”.

16 (bb) REPORT ON IMPLEMENTATION OF ENVIRON-
17 MENTAL COMPLIANCE AND RESTORATION PROGRAM.—
18 Section 693 of title 14, United States Code, is repealed
19 and reserved.

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

23 (dd) COAST GUARD MILITARY RETIREMENT SYSTEM
24 REPORT.—The Coast Guard shall not be required to sub-
25 mit an annual report required by section 9503 of title 31,

1 United States Code, with respect to its military retirement
2 system.

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

4 (a) ADJUSTMENT OF EXECUTIVE LEVEL II COM-
5 PENSATION SCHEDULES.—The listing of positions at level
6 II of the Executive Schedule (5 U.S.C. 5313) is amended
7 by addition of the following entry:

8 “Administrator, Intermodal Transportation Ad-
9 ministration.”.

10 (b) ADJUSTMENT OF EXECUTIVE LEVEL IV COM-
11 PENSATION SCHEDULES.—The listing of positions at level
12 IV of the Executive Schedule (5 U.S.C. 5315) is amended
13 by addition of the following entry:

14 “Deputy Administrator, Intermodal Transpor-
15 tation Administration.”.

16 **SEC. 10. SAVINGS PROVISION.**

17 (a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—
18 All orders, determinations, rules, regulations, permits,
19 contracts, leases, certificates, licenses, agreements for real
20 and personal property, and privileges that—

21 (1) have been issued, made, granted, or allowed
22 to become effective by the President of the United
23 States, the Secretary, an Administrator, any Federal
24 agency or official thereof, or by a court of competent

1 jurisdiction, in the performance of functions which
2 are transferred by this Act; and

3 (2) are final on October 1, 1996, shall remain
4 in effect (or come in to effect) according to their
5 terms until modified, terminated, superseded, set
6 aside, or revoked in accordance with law by the
7 President of the United States, the Secretary or his
8 or her designee, a court of competent jurisdiction, or
9 by operation of law.

10 (b) CONTINUED EFFECTIVENESS OF PENDING AC-
11 TIONS.—(1) The provisions of this Act shall not affect any
12 proceedings, including notices of proposed rulemaking, or
13 any application for any license, permit, certificate, or fi-
14 nancial assistance pending on October 1, 1996, before the
15 Department of Transportation, including any element or
16 any officer thereof, with respect to functions transferred
17 by this Act; but such proceedings or applications, to the
18 extent that they relate to functions transferred, shall be
19 continued in accord with transition regulations promul-
20 gated under the authority of this section. Orders issued
21 in any such proceedings shall continue in effect until modi-
22 fied, terminated, superseded, or revoked by the Depart-
23 ment or a succeeding Administration, by a court of com-
24 petent jurisdiction, or by operation of law. Nothing in this
25 subsection prohibits the discontinuance or modification of

1 any such proceeding under the same terms and conditions
2 and to the same extent that such proceeding could have
3 been discontinued or modified if this Act had not been en-
4 acted.

5 (2) The Secretary, an Administrator, and the Com-
6 mandant are authorized to issue transition regulations
7 providing for the orderly transfer of proceedings and oth-
8 erwise accomplish the orderly transfer of functions, per-
9 sonnel and property under this Act.

10 (c) CONTINUED EFFECTIVENESS OF JUDICIAL AC-
11 TIONS.—No cause of action by or against the Department
12 of Transportation or an element of the Department with
13 respect to functions transferred by this Act, or by or
14 against any officer thereof in the official's capacity, shall
15 abate by reason of the enactment of this Act. Causes of
16 action and actions with respect to a function or office
17 transferred by this Act, or other proceedings may be as-
18 serted by or against the United States or an official of
19 the Department or a successor Administration, as may be
20 appropriate, and, in an action pending on October 1,
21 1996, the court may at any time, on its own motion or
22 that of any party, enter an order which will give effect
23 to the provisions of this subsection.

24 (d) SUBSTITUTION OR ADDITION OF PARTIES TO JU-
25 DICIAL ACTIONS.—If, on October 1, 1996, the Depart-

1 ment of Transportation or an affected element, or any of-
2 ficer thereof in the official's capacity, is a party to an ac-
3 tion, and under this Act any function relating to the action
4 of such Department, element, or officer is transferred to
5 another entity, then such action shall be continued with
6 the appropriate officer substituted or added as a party.

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

15 (f) CONTINUATION OF THE MARITIME SUBSIDY
16 BOARD.—Upon completion of the transfer of Maritime
17 Administration functions to the Intermodal Transpor-
18 tation Administration, or as the Secretary may otherwise
19 direct, the Maritime Subsidy Board, composed of the Mar-
20 itime Administrator, Deputy Maritime Administrator, and
21 Chief Counsel of the Maritime Administration, shall con-
22 tinue under the terms and conditions of the existing dele-
23 gation.

1 **SEC. 11. REFERENCE.**

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

12 **SEC. 12. SEPARABILITY.**

13 If a provision of this Act or its application to any
14 person or circumstance is held invalid, neither the remain-
15 der of this Act nor the application of the provision to other
16 persons or circumstances shall be affected.

17 **SEC. 13. EFFECTIVE DATE.**

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

○

S 703 IS—2