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(f) *Office of the Assistant Secretary for Governmental Affairs.* This Office contains the following functional areas: Congressional Affairs and Intergovernmental Affairs; and includes a Deputy Assistant Secretary for Tribal Government Affairs.

(g) *Office of the Assistant Secretary for Administration.* This Office is composed of:

- (1) The Office of Audit Relations,
- (2) The Office of Human Resource Management,
- (3) The Office of Hearings,
- (4) The Office of Security,
- (5) The Office of the Senior Procurement Executive,
- (6) The Office of Financial Management and Transit Benefit Programs, and
- (7) The Office of Facilities, Information and Asset Management.

§ 1.17 OST Line of Secretarial Succession.

(a) The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability ceases, or in the case of a vacancy, until a successor is appointed. Notwithstanding the provisions of this section, the President retains discretion, to the extent permitted by the law, to depart from this order in designating an acting Secretary of Transportation.

- (1) Deputy Secretary.
- (2) Under Secretary of Transportation for Policy.
- (3) General Counsel.
- (4) Assistant Secretary for Budget and Programs and CFO.
- (5) Assistant Secretary for Transportation Policy.
- (6) Assistant Secretary for Governmental Affairs.
- (7) Assistant Secretary for Aviation and International Affairs.
- (8) Assistant Secretary for Administration.
- (9) Administrator of the Federal Highway Administration.
- (10) Administrator of the Federal Aviation Administration.
- (11) Administrator of the Federal Motor Carrier Safety Administration.
- (12) Administrator of the Federal Railroad Administration.

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(13) Administrator of the Federal Transit Administration.

(14) Administrator of the Maritime Administration.

(15) Administrator of the Pipeline and Hazardous Materials Safety Administration.

(16) Administrator of the National Highway Traffic Safety Administration.

(17) Administrator of the Research and Innovative Technology Administration.

(18) Administrator of the Saint Lawrence Seaway Development Corporation.

(19) Regional Administrator, Southern Region, Federal Aviation Administration.

(20) Director, Resource Center, Lakewood, Colorado, Federal Highway Administration.

(21) Regional Administrator, Northwest Mountain Region, Federal Aviation Administration.

(b) Without regard to the foregoing, a person directed to perform the duties of the Secretary pursuant to 5 U.S.C. 3347 (the Vacancies Act) shall act as Secretary of Transportation.

OST OFFICIALS

§ 1.20 Secretary of Transportation.

The Secretary is the head of the Department. The Secretary exercises oversight of all of the OST components, as well as each of the Operating Administrations, and overall planning, direction, and control of the Department's agenda.

§ 1.21 Reservations of Authority to the Secretary of Transportation.

(a) All powers and duties that are not delegated by the Secretary in 49 CFR Part 1, or otherwise vested in officials other than the Secretary, are reserved to the Secretary. Except as otherwise provided, the Secretary may exercise powers and duties delegated or assigned to officials other than the Secretary.

(b) The delegations of authority in this part do not extend to the following actions, authority for which is reserved to the Secretary or the Secretary's delegatee within the Office of the Secretary:

Office of the Secretary of Transportation

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(1) General transportation matters.

(i) Transportation leadership authority pursuant to 49 U.S.C. 301 (Duties of the Secretary of Transportation: Leadership, consultation, and cooperation).

(ii) Functions relating to transportation activities, plans, and programs under 49 U.S.C. 304 (Joint activities with the Secretary of Housing and Urban Development).

(iii) Authority to develop, prepare, coordinate, transmit, and revise transportation investment standards and criteria under 49 U.S.C. 305 (Transportation investment standards and criteria).

(iv) Authority relating to standard time zones and advanced (daylight) time (15 U.S.C. 260 *et seq.*).

(2) *Legislation, rulemakings, and reports.* (i) Submission to the President, the Director of the Office of Management and Budget, or Congress of proposals or recommendations for legislation, significant rulemakings and related documents as authorized by law, Executive Orders, proclamations or reorganization plans, or other Presidential action.

(ii) Submission to the President or Congress of any report or any proposed transportation policy or investment standards or criteria, except with the prior written approval of the Secretary.

(iii) Submission of the annual statement on systems of internal accounting and administrative control under the Federal Managers' Financial Integrity Act of 1982 (FMFIA) (31 U.S.C. 3512 note).

(3) *Budget and finance.* (i) Approval and submission to the Office of Management and Budget of original or amended budget estimates or requests for allocations of personnel ceiling (31 U.S.C. 1108).

(ii) Approval of requests for legislation which, if enacted, would authorize subsequent appropriations for the Department (31 U.S.C. 581b).

(iii) Transfer of the balance of an appropriation from one operating element to another within the Department (31 U.S.C. 581c).

(iv) Submission to the Director of the Office of Management and Budget of requests for the transfer of the balance or portions of an appropriation from

one element to another within the Department (31 U.S.C. 665).

(4) *Personnel.* (i) Recommendations to the Office of Personnel Management regarding the allocation of a position to the Senior Executive Service (SES) or Senior Level (SL), or Scientific and Professional Positions (ST) (5 U.S.C. 5108).

(ii) Recommendations to the Office of Personnel Management of approval of the qualifications of any candidate for a position in the SES or SL.

(iii) Recommendations to the Office of Personnel Management of a Lump-Sum Incentive Award in Excess of \$10,000 (5 U.S.C. 4502).

(iv) Approval of the following actions relating to Schedules A, B, C, or D and noncareer executive assignment positions or incumbents, except for actions under Schedules A and B limited to one year or less at grade GS-9 or lower, or an equivalent level:

(A) Establishment or abolition of positions;

(B) Hires;

(C) Promotions other than quality and periodic within-grade promotions;

(D) Transfer of personnel to Schedule A, B, C, or D positions or non-career executive assignment positions, either permanently or on detail; and

(E) Transfer of personnel from Schedule A, B, C, or D or non-career executive assignment positions to career Civil Service positions.

(v) Approval of employment of experts or consultants.

(vi) Authority to determine the maximum limit of age for appointment of air traffic controllers as provided by 5 U.S.C. 3307(b).

(vii) Authority to develop, coordinate, and issue wage schedules under the Federal Wage system.

(5) *Security.* (i) Authorizing the filling of a critical-sensitive position for a limited period by a person on whom a preappointment full field investigation has not been completed (Executive Order 10450) as amended and Executive Order 12968 as amended by Executive Order 13467.

(ii) Requesting Presidential approval of a claim of executive privilege with respect to information requested by a Congressional committee or Member of Congress.

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(iii) Making determinations prescribed by Executive Order 12968 as amended by Executive Order 13467 and 32 CFR Part 147 relating to the adjudication and final denial of access to classified information to industry personnel.

(iv) Making those determinations or delegations prescribed by Executive Order 13526 that are reserved to the head of the Department.

(6) *Procurement.* Exercising the extraordinary authority for defense contracts provided for in Public Law 85-804 [(50 U.S.C. 1431-1435)].

(7) *Printing.* Requesting approval of the Joint Committee on Printing for any procurement or other action requiring Committee approval.

(8) *Interagency agreements.* Executing any written interdepartmental or interagency agreement with the head of another executive department or agency.

(9) *Withholding of funds.* Withholding or suspension of Federal-Aid Highway funds on a state-wide basis and the waiver or compromise of such withholding or suspension, except for the administration of 23 U.S.C. 141 and 154, which are specifically delegated in § 1.85 (FHWA) and § 1.95 (NHTSA).

(10) *National Highway Safety Advisory Committee.* Directing the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(11) *Maritime Subsidy Board.* Reviewing decisions, reports, orders and other actions of the Maritime Subsidy Board.

(12) *Cash purchases of passenger transportation.* The authority under Federal Property Management Regulation G-72, as amended, to authorize and approve cash purchases for emergency passenger transportation services costing more than \$100.

(13) *Solicitation of gifts.* The implied authority to solicit gifts associated with 49 U.S.C. 326(a).

(14) *Foreign travel.* Approving official travel outside of the United States.

(15) *United States Merchant Marine Academy.* Pursuant to 49 U.S.C. 51303, the authority to appoint each year without competition as cadets at the United States Merchant Marine Academy not more than 40 qualified individuals with qualities the Secretary con-

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siders to be of special value to the Academy.

(16) *Challenges and Competitions.* Approving any challenge or competition administered by any office or Operating Administration of the Department.

(17) *Committees.* Approving the establishment, modification, extension, or termination of all advisory committees (including industry advisory committees) subject to the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App.), and the designation of Departmental representatives to those committees.

(18) *Credit assistance approval.* Granting final approval of applications for credit assistance under the Transportation Infrastructure Finance and Innovation Act (TIFIA), 23 U.S.C. 601-609.

§ 1.22 Deputy Secretary.

Along with the Secretary, the Deputy Secretary exercises oversight of all of the OST components, as well as each of the Operating Administrations, and overall planning, direction, and control of the Department's agenda. The Deputy Secretary:

(a) May exercise the authority of the Secretary, except where specifically limited by law, order, regulation, or instructions of the Secretary;

(b) Serves as the Chief Operating Officer; and

(c) Serves as the Chief Acquisition Officer.

§ 1.23 Delegations to the Deputy Secretary.

The Deputy Secretary may exercise the authority of the Secretary, except where specifically limited by law, order, regulations, or instructions of the Secretary. In addition, the Deputy Secretary is delegated authority to:

(a) Exercise executive control over Departmental Budgeting and Program Evaluation.

(b) Serve as Chairman of the Departmental Executive Resources Board and its Executive Committee.

(c) Serve as the Chair of the Department's Safety Council.

(d) Serve as the Chair of the Department's Credit Council.

(e) Approve the establishment, modification, extension, or termination of: