

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.

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.)”.

§ 106. Federal Aviation Administration

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

(b) The head of the Administration is the Administrator. The Administration has a Deputy Administrator. They are appointed by the President, by and with the advice and consent of the Senate. When making an appointment, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office. Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation. The term of office for any individual appointed as Administrator after August 23, 1994, shall be 5 years.

(c) The Administrator must—

- (1) be a citizen of the United States;
- (2) be a civilian; and
- (3) have experience in a field directly related to aviation.

(d)(1) The Deputy Administrator must be a citizen of the United States and have experience in a field directly related to aviation. An officer on active duty in an armed force may be appointed as Deputy Administrator. However, if the Administrator is a former regular officer of an armed force, the Deputy Administrator may not be an officer on active duty in an armed force, a retired regular officer of an armed force, or a former regular officer of an armed force.

(2) An officer on active duty or a retired officer serving as Deputy Administrator is entitled to hold a rank and grade not lower than that held when appointed as Deputy Administrator.

The Deputy Administrator may elect to receive (A) the pay provided by law for the Deputy Administrator, or (B) the pay and allowances or the retired pay of the military grade held. If the Deputy Administrator elects to receive the military pay and allowances or retired pay, the Administration shall reimburse the appropriate military department from funds available for the expenses of the Administration.

(3) The appointment and service of a member of the armed forces as a Deputy Administrator does not affect the status, office, rank, or grade held by that member, or a right or benefit arising from the status, office, rank, or grade. The Secretary of a military department does not control the member when the member is carrying out duties and powers of the Deputy Administrator.

(e) The Administrator and the Deputy Administrator may not have a pecuniary interest in, or own stock in or bonds of, an aeronautical enterprise, or engage in another business, vocation, or employment.

(f) **AUTHORITY OF THE SECRETARY AND THE ADMINISTRATOR.**—

(1) **AUTHORITY OF THE SECRETARY.**—Except as provided in paragraph (2), the Secretary of Transportation shall carry out the duties and powers, and controls the personnel and activities, of the Administration. Neither the Secretary nor the Administrator may submit decisions for the approval of, or be bound by the decisions or recommendations of, a committee, board, or organization established by executive order.

(2) **AUTHORITY OF THE ADMINISTRATOR.**—The Administrator—

(A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

(i) the appointment and employment of all officers and employees of the Administration (other than Presidential and political appointees);

(ii) the acquisition and maintenance of property and equipment of the Administration;

(iii) except as otherwise provided in paragraph (3), the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration; and

(iv) any obligation imposed on the Administrator, or power conferred on the Administrator, by the Air Traffic Management System Performance Improvement Act of 1996 (or any amendment made by that Act);

(B) shall offer advice and counsel to the President with respect to the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;

(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

(D) except as otherwise provided for in this title, and notwithstanding any other provi-

sion of law, shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or employee of the Department of Transportation on any matter with respect to which the Administrator is the final authority.

(3) REGULATIONS.—

(A) IN GENERAL.—In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to issue, rescind, and revise such regulations as are necessary to carry out those functions. The issuance of such regulations shall be governed by the provisions of chapter 5 of title 5. The Administrator shall act upon all petitions for rulemaking no later than 6 months after the date such petitions are filed by dismissing such petitions, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking or advanced notice of proposed rulemaking. The Administrator shall issue a final regulation, or take other final action, not later than 16 months after the last day of the public comment period for the regulations or, in the case of an advanced notice of proposed rulemaking, if issued, not later than 24 months after the date of publication in the Federal Register of notice of the proposed rulemaking.

(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—(i) The Administrator may not issue a proposed regulation or final regulation that is likely to result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996) in any year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation is likely to—

(I) have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(II) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(III) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(IV) raise novel legal or policy issues arising out of legal mandates.

(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is is-

sued and shall be rescinded by the Administrator within 5 days (excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

(C) PERIODIC REVIEW.—(i) Beginning on the date which is 3 years after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall review any unusually burdensome regulation issued by the Administrator after such date of enactment beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that were issued before the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and that have been in force for more than 3 years.

(iii) For purposes of this subparagraph, the term “unusually burdensome regulation” means any regulation that results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$25,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Act of 1996) in any year.

(iv) The periodic review of regulations may be performed by advisory committees and the Management Advisory Council established under subsection (p).

(4) DEFINITION OF POLITICAL APPOINTEE.—For purposes of this subsection, the term “political appointee” means any individual who—

(A) is employed in a position listed in sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(g) DUTIES AND POWERS OF ADMINISTRATOR.—(1) Except as provided in paragraph (2) of this subsection, the Administrator shall carry out—

(A) duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in sections 308(b), 1132(c) and (d), 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b), and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304, 46104, 46301(d) and (h)(2), 46303(c), 46304–46308, 46310, 46311, and 46313–46316, chapter 465, and sections 47504(b) (related to flight procedures), 47508(a), and 48107 of this title; and

(B) additional duties and powers prescribed by the Secretary of Transportation.

(2) In carrying out sections 40119, 44901, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, 44938(a) and (b), and 48107 of this title, paragraph (1)(A) of this subsection does not apply to duties and powers vested in the Director of Intelligence and Security by section 44931 of this title.

(h) Section 40101(d) of this title applies to duties and powers specified in subsection (g)(1) of this section. Any of those duties and powers may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers is administratively final.

(i) The Deputy Administrator shall carry out duties and powers prescribed by the Administrator. The Deputy Administrator acts for the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant.

(j) There is established within the Federal Aviation Administration an institute to conduct civil aeromedical research under section 44507 of this title. Such institute shall be known as the “Civil Aeromedical Institute”. Research conducted by the institute should take appropriate advantage of capabilities of other government agencies, universities, or the private sector.

(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—There is authorized to be appropriated to the Secretary of Transportation for operations of the Administration \$5,158,000,000 for fiscal year 1997 and \$5,344,000,000 for fiscal year 1998.

(l) PERSONNEL AND SERVICES.—

(1) OFFICERS AND EMPLOYEES.—Except as provided in section 40122(a) of this title and section 347 of Public Law 104–50, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type of bargaining, except to the extent provided for in section 40122(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

(2) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5.

(3) TRANSPORTATION AND PER DIEM EXPENSES.—The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

(4) USE OF PERSONNEL FROM OTHER AGENCIES.—The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

(5) VOLUNTARY SERVICES.—

(A) GENERAL RULE.—In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) INCIDENTAL EXPENSES.—The Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence, for volunteers who provide voluntary services under this subsection.

(C) LIMITED TREATMENT AS FEDERAL EMPLOYEES.—An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.

(6) CONTRACTS.—The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.

(m) COOPERATION BY ADMINISTRATOR.—With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in section 551(1) of title 5) and any other public or private entity. The Administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer

to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.

(n) ACQUISITION.—

(1) IN GENERAL.—The Administrator is authorized—

(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

(i) air traffic control facilities and equipment;

(ii) research and testing sites and facilities; and

(iii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

(B) to lease to others such real and personal property; and

(C) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.

(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

(o) TRANSFERS OF FUNDS.—The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator on or after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996.

(p) MANAGEMENT ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Within 3 months after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the “Council”). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.

(2) MEMBERSHIP.—The Council shall consist of 15 members, who shall consist of—

(A) a designee of the Secretary of Transportation;

(B) a designee of the Secretary of Defense; and

(C) 13 members representing aviation interests, appointed by the President by and with the advice and consent of the Senate.

(3) QUALIFICATIONS.—No member appointed under paragraph (2)(C) may serve as an officer or employee of the United States Government while serving as a member of the Council.

(4) FUNCTIONS.—

(A) IN GENERAL.—(i) The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

(ii) The Council shall review the rule-making cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.

(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.

(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the “Freedom of Information Act”), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council or such aviation rulemaking committees as the Administrator shall designate.

(6) ADMINISTRATIVE MATTERS.—

(A) TERMS OF MEMBERS.—(i) Except as provided in subparagraph (B), members of the Council appointed by the President under paragraph (2)(C) shall be appointed for a term of 3 years.

(ii) Of the members first appointed by the President—

(I) 4 shall be appointed for terms of 1 year;

(II) 5 shall be appointed for terms of 2 years; and

(III) 4 shall be appointed for terms of 3 years.

(iii) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(iv) A member whose term expires shall continue to serve until the date on which the member's successor takes office.

(B) CHAIRMAN; VICE CHAIRMAN.—The Council shall elect a chair and a vice chair from

among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.

(C) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

(D) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.

(q) AIRCRAFT NOISE OMBUDSMAN.—

(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

(A) be appointed by the Administrator;

(B) serve as a liaison with the public on issues regarding aircraft noise; and

(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

(3) NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES.—The appointment of an Ombudsman under this subsection shall not result in an increase in the number of full-time equivalent employees in the Administration.

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2416; Pub. L. 98–216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 100–591, §5(a), Nov. 3, 1988, 102 Stat. 3013; Pub. L. 101–508, title IX, §9106, Nov. 5, 1990, 104 Stat. 1388–355; Pub. L. 101–604, title I, §101(c), Nov. 16, 1990, 104 Stat. 3068; Pub. L. 102–581, title I, §104, Oct. 31, 1992, 106 Stat. 4877; Pub. L. 103–272, §§4(j)(3), 5(m)(4), July 5, 1994, 108 Stat. 1365, 1375; Pub. L. 103–305, title I, §103, title II, §201, Aug. 23, 1994, 108 Stat. 1571, 1581; Pub. L. 104–264, title I, §103(a), title II, §§223(a), 224–230, 276(c), title XII, §1210, Oct. 9, 1996, 110 Stat. 3216, 3229–3234, 3282; Pub. L. 104–287, §5(1), Oct. 11, 1996, 110 Stat. 3388; Pub. L. 105–102, §3(c)(3), Nov. 20, 1997, 111 Stat. 2215.)

HISTORICAL AND REVISION NOTES PUB. L. 97–449

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106(a)	49:1341(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §§301(a), (b), 302(a), (b), 72 Stat. 744; Aug. 14, 1964, Pub. L. 88–426, §305(16) (B), (C), 78 Stat. 424.
	49:1652(e)(1) (related to FAA).	Oct. 15, 1966, Pub. L. 89–670, §3(e) (related to FAA), 80 Stat. 932.
106(b)	49:1341(a) (2d sentence), (b) (1st sentence less 1st–10th words).	
	49:1342(a) (1st sentence), (b) (1st sentence less 1st–11th words).	
	49:1652(e) (related to FAA) (1) (less 1st sentence), (3) (last sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED PUB. L. 97–449

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106(c)	49:1341(b) (1st sentence 1st–10th words, 2d sentence).	
	49:1652(e)(2) (related to Administrator).	
106(d)	49:1342(b) (1st sentence 1st–11th words, 2d sentence, 4th–6th sentences).	
	49:1652(e)(2) (1st sentence less Administrator).	
	49:1343(a)(2) (related to Deputy Administrator).	Aug. 23, 1958, Pub. L. 85–726, §302(c)(2) (related to Deputy Administrator), 72 Stat. 745.
106(e)	49:1341(b) (less 1st, 2d sentences).	
	49:1342(b) (3d sentence).	
106(f)	49:1341(a) (less 1st, 2d sentences).	
106(g)	49:1652(e)(3) (related to FAA) (less last sentence).	
	49:1655(c)(1) (1st sentence proviso).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1) (1st sentence proviso, 2d, last sentences), 80 Stat. 938; Jan. 3, 1975, Pub. L. 93–633, §113(d), 88 Stat. 2163.
106(h)	49:1652(e)(4) (related to FAA).	
	49:1655(c)(1) (2d, last sentences).	
106(i)	49:1342(a) (2d, last sentences).	

In subsections (a) and (b), the source provisions are combined for clarity.

In subsection (a), the words “referred to in this chapter as the ‘Administration’ ” are omitted because of the style of the revised title.

In subsection (b), the word “due” in 49:1342(b) (1st sentence less 1st–11th words) is omitted as surplus. The words “the duties and powers” are substituted for “the powers and duties vested in and imposed upon him by this chapter” to eliminate surplus words and for consistency. The word “consider” is substituted for “with . . . regard to” for clarity.

In subsections (c) and (d), the words “At the time of his nomination” are omitted as unnecessary and for consistency.

In subsection (c), the text of 49:1652(e)(2) (last sentence) is omitted as executed.

In subsection (d)(1), the words “Nothing in this chapter or other law shall preclude” in 49:1342(b) (4th sentence) are omitted as unnecessary because of the positive statement of authority. The words “armed force” are substituted for “armed services” to conform to title 10. The words “to the position of” are omitted as surplus.

In subsection (d)(2), the word “continue” is omitted as surplus. The words “pay provided by law for the Deputy Administrator” are substituted for “compensation provided for the Deputy Administrator” in 49:1342(b) because the pay provisions were repealed and replaced by 5:5315. The words “(including personal money allowance)” are omitted as being within the meaning of “allowance” in title 37. The words “as the case may be” are omitted as surplus. The words “of the military grade held” are substituted for “military . . . payable to a commissioned officer of his grade and length of service” to eliminate unnecessary words. The words “Administration” and “military” are added for clarity. The words “to defray” are omitted as surplus.

In subsection (d)(3), the words “acceptance of, and” are omitted as unnecessary. The word “held” is substituted for “may occupy or hold” to eliminate unnecessary words. The words “right or benefit” are substituted for “emolument, perquisite, right, privilege, or

benefit” to eliminate unnecessary words. The words “incident to or” before “arising” are omitted as surplus.

In subsection (f), the word “Secretary” is substituted for “Administrator” because of the transfer of aviation functions to the Secretary under 49:1655(c)(1). The words “In the exercise of his duties and the discharge of his responsibilities under this chapter” are omitted as surplus.

In subsection (g), the words “are hereby transferred to” in 49:1655(c)(1) are omitted as executed. The words “carry out” are substituted for “it shall be his duty to exercise” in 49:1655(c)(1) for clarity, consistency, and to eliminate surplus words. The words “In addition to such functions, powers, and duties as are specified in this chapter” in 49:1652(e)(3) are omitted as unnecessary because of the restatement.

In subsection (h), the first sentence is substituted for 49:1655(c)(1) (2d sentence) for clarity and consistency. The word “law” is substituted for “statute” in 49:1652(e)(4) for consistency. The words “carrying out” in 49:1655(c)(1) (last sentence) are substituted for “the exercise of” for consistency. The words after “administratively final” are omitted as unnecessary because of the restatement of the revised title and those laws giving a right of appeal.

In subsection (i), the words “and exercise the powers of” are omitted as surplus. The words “when the office of the Administrator is vacant” are inserted to conform to section 102 of the revised title.

PUB. L. 103-272

Section 4(j)(3)(B) amends 49:106(g) to list the duties and powers of the Secretary of Transportation that the Administrator of the Federal Aviation Administration carries out. The duties and powers are derived from 2 sources. Some were transferred by former 49 App.:1655(c)(1), restated as 49:106 in section 1 of the Act of January 12, 1983 (Public Law 97-449, 96 Stat. 2417). The others are from laws enacted after October 15, 1966, in which the duties and powers are to be carried out by the Administrator rather than the Secretary.

REFERENCES IN TEXT

The Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (f)(2)(A)(iv), is title II of Pub. L. 104-264, Oct. 9, 1996, 110 Stat. 3227. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 40101 of this title and Tables.

The date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, referred to in subssecs. (f)(3)(B)(i), (C), (o), and (p)(1), is the date of enactment of Pub. L. 104-264, which was approved Oct. 9, 1996.

Section 347 of Public Law 104-50, referred to in subsec. (l)(1), is set out as a note below.

The Federal Advisory Committee Act, referred to in subsec. (p)(5), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1997—Subsec. (g)(1)(A). Pub. L. 105-102 added Pub. L. 104-264, § 276(c). See 1996 Amendment note below.

1996—Subsec. (b). Pub. L. 104-287 substituted “August 23, 1994,” for “the date of the enactment of this sentence”.

Pub. L. 104-264, § 223(a)(1), substituted “Except as provided in subsection (f) or in other provisions of law, the Administrator” for “The Administrator”.

Subsec. (f). Pub. L. 104-264, § 223(a)(2), inserted subsec. heading, designated existing provisions as par. (1), inserted par. (1) heading, substituted “Except as provided in paragraph (2), the Secretary” for “The Secretary”, realigned margins, substituted “Neither the Secretary nor the Administrator may” for “The Secretary may not” and “or be bound” for “nor be bound”, and added pars. (2) and (3).

Subsec. (f)(3). Pub. L. 104-264, § 224(2), added par. (3). Former par. (3) redesignated (4).

Subsec. (f)(4). Pub. L. 104-264, § 224(1), redesignated par. (3) as (4).

Subsec. (g)(1)(A). Pub. L. 104-264, § 276(c), as added by Pub. L. 105-102, substituted “45302-45304” for “45302, 45303”.

Subsec. (k). Pub. L. 104-264, § 103(a), substituted “\$5,158,000,000 for fiscal year 1997 and \$5,344,000,000 for fiscal year 1998.” for “\$4,088,000,000 for fiscal year 1991, \$4,412,600,000 for fiscal year 1992, \$4,716,500,000 for fiscal year 1993, \$4,576,000,000 for fiscal year 1994, \$4,674,000,000 for fiscal year 1995, and \$4,810,000,000 for fiscal year 1996.”

Subsec. (l). Pub. L. 104-264, § 225, added subsec. (l).

Subsec. (l)(6). Pub. L. 104-264, § 226, added par. (6).

Subsec. (m). Pub. L. 104-264, § 227, added subsec. (m).

Subsec. (n). Pub. L. 104-264, § 228, added subsec. (n).

Subsec. (o). Pub. L. 104-264, § 229, added subsec. (o).

Subsec. (p). Pub. L. 104-264, § 230, added subsec. (p).

Subsec. (q). Pub. L. 104-264, § 1210, added subsec. (q).

1994—Subsec. (b). Pub. L. 103-305, § 201, inserted at end “The term of office for any individual appointed as Administrator after the date of the enactment of this sentence shall be 5 years.”

Subsec. (f). Pub. L. 103-272, § 4(j)(3)(A), substituted “Secretary of Transportation shall” for “Secretary shall”.

Subsec. (g). Pub. L. 103-272, § 4(j)(3)(B), inserted heading and amended text generally. Prior to amendment, text read as follows: “The Administrator shall carry out—

“(1) duties and powers of the Secretary related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous materials) and vested in the Secretary by section 308(b) of this title and sections 306-309, 312-314, 315-316 (except for the duties and powers vested in the Director of Intelligence and Security by or under section 101 of the Aviation Security Improvement Act of 1990), 1101, 1105, and 1111 and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958 (49 App. U.S.C. 1347-1350, 1353-1355, 1421 et seq., 1441 et seq., 1471 et seq., 1501, 1505, 1511, and 1521 et seq.); and

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

Subsec. (h). Pub. L. 103-272, § 5(m)(4)(A), substituted “Section 40101(d) of this title” for “Section 103 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1303)”.

Subsec. (j). Pub. L. 103-272, § 5(m)(4)(B), substituted “section 44507 of this title” for “section 312(e) of the Federal Aviation Act of 1958”.

Subsec. (k). Pub. L. 103-305, § 103, substituted “, \$4,576,000,000 for fiscal year 1994, \$4,674,000,000 for fiscal year 1995, and \$4,810,000,000 for fiscal year 1996” for “, \$5,100,000,000 for fiscal year 1994, and \$5,520,000,000 for fiscal year 1995”.

Pub. L. 103-272, § 4(j)(3)(C), inserted “to the Secretary of Transportation” after “appropriated”.

1992—Subsec. (k). Pub. L. 102-581 substituted “1991,” for “1991 and” and inserted before period at end “, \$4,716,500,000 for fiscal year 1993, \$5,100,000,000 for fiscal year 1994, and \$5,520,000,000 for fiscal year 1995”.

1990—Subsec. (g)(1). Pub. L. 101-604 inserted “315-316 (except for the duties and powers vested in the Director of Intelligence and Security by or under section 101 of the Aviation Security Improvement Act of 1990),” after “312-314.”

Subsec. (k). Pub. L. 101-508 added subsec. (k).

1988—Subsec. (j). Pub. L. 100-591 added subsec. (j).

1984—Subsecs. (g)(1), (h). Pub. L. 98-216 substituted “49 App. U.S.C.” for “49 U.S.C.”.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, § 3(c), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(c)(3) is effective Oct. 9, 1996.

Pub. L. 105-102, § 3(f), Nov. 20, 1997, 111 Stat. 2216, provided that: “The amendments made by subsections (a) through (d) of this section [amending this section and

sections 5302, 30501 to 30504, 45301, 46301, 46316, 47117, and 47128 of this title, renumbering section 40121 of this title as 40124 of this title, and amending provisions set out as notes under sections 5303 and 47117 of this title] shall take effect as if included in the provisions of the Acts to which the amendments relate.”

EFFECTIVE DATE OF 1996 AMENDMENT

Section 3 of Pub. L. 104-264 provided that:

“(a) IN GENERAL.—Except as otherwise specifically provided, this Act [see Tables for classification] and the amendments made by this Act apply only to fiscal years beginning after September 30, 1996.

“(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1996.”

Section 203 of title II of Pub. L. 104-264 provided that: “The provisions of this title [enacting sections 40121, 40122, 45301, 45303, 48111, and 48201 of this title, amending this section and section 41742 of this title, renumbering section 45303 of this title as section 45304, repealing section 45301 of this title, and enacting provisions set out as notes under this section and sections 40101, 40110, and 41742 of this title] and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act [Oct. 9, 1996].”

FINDINGS

Section 221 of Pub. L. 104-264 provided that: “Congress finds the following:

“(1) In many respects the Administration is a unique agency, being one of the few non-defense government agencies that operates 24 hours a day, 365 days of the year, while continuing to rely on outdated technology to carry out its responsibilities for a state-of-the-art industry.

“(2) Until January 1, 1996, users of the air transportation system paid 70 percent of the budget of the Administration, with the remaining 30 percent coming from the General Fund. The General Fund contribution over the years is one measure of the benefit received by the general public, military, and other users of Administration’s services.

“(3) The Administration must become a more efficient, effective, and different organization to meet future challenges.

“(4) The need to balance the Federal budget means that it may become more and more difficult to obtain sufficient General Fund contributions to meet the Administration’s future budget needs.

“(5) Congress must keep its commitment to the users of the national air transportation system by seeking to spend all moneys collected from them each year and deposited into the Airport and Airway Trust Fund. Existing surpluses representing past receipts must also be spent for the purposes for which such funds were collected.

“(6) The aviation community and the employees of the Administration must come together to improve the system. The Administration must continue to recognize who its customers are and what their needs are, and to design and redesign the system to make safety improvements and increase productivity.

“(7) The Administration projects that commercial operations will increase by 18 percent and passenger traffic by 35 percent by the year 2002. Without effective airport expansion and system modernization, these needs cannot be met.

“(8) Absent significant and meaningful reform, future challenges and needs cannot be met.

“(9) The Administration must have a new way of doing business.

“(10) There is widespread agreement within government and the aviation industry that reform of the Administration is essential to safely and efficiently accommodate the projected growth of aviation within the next decade.

“(11) To the extent that Congress determines that certain segments of the aviation community are not required to pay all of the costs of the government services which they require and benefits which they receive, Congress should appropriate the difference between such costs and any receipts received from such segment.

“(12) Prior to the imposition of any new charges or user fees on segments of the industry, an independent review must be performed to assess the funding needs and assumptions for operations, capital spending, and airport infrastructure.

“(13) An independent, thorough, and complete study and assessment must be performed of the costs to the Administration and the costs driven by each segment of the aviation system for safety and operational services, including the use of the air traffic control system and the Nation’s airports.

“(14) Because the Administration is a unique Federal entity in that it is a participant in the daily operations of an industry, and because the national air transportation system faces significant problems without significant changes, the Administration has been authorized to change the Federal procurement and personnel systems to ensure that the Administration has the ability to keep pace with new technology and is able to match resources with the real personnel needs of the Administration.

“(15) The existing budget system does not allow for long-term planning or timely acquisition of technology by the Administration.

“(16) Without reforms in the areas of procurement, personnel, funding, and governance, the Administration will continue to experience delays and cost overruns in its major modernization programs and needed improvements in the performance of the air traffic management system will not occur.

“(17) All reforms should be designed to help the Administration become more responsive to the needs of its customers and maintain the highest standards of safety.”

PURPOSES

Section 222 of title II of Pub. L. 104-264 provided that: “The purposes of this title [see Effective Date of 1996 Amendment note set out above] are—

“(1) to ensure that final action shall be taken on all notices of proposed rulemaking of the Administration within 18 months after the date of their publication;

“(2) to permit the Administration, with Congressional review, to establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

“(3) to establish a more autonomous and accountable Administration within the Department of Transportation; and

“(4) to make the Administration a more efficient and effective organization, able to meet the needs of a dynamic, growing industry, and to ensure the safety of the traveling public.”

PRESERVATION OF EXISTING AUTHORITY

Section 223(b) of title II of Pub. L. 104-264 provided that: “Nothing in this title [see Effective Date of 1996 Amendment note set out above] or the amendments made by this title limits any authority granted to the Administrator by statute or by delegation that was in effect on the day before the date of the enactment of this Act [Oct. 9, 1996].”

PERSONNEL MANAGEMENT SYSTEM FOR FEDERAL AVIATION ADMINISTRATION

Pub. L. 104-50, title III, §347, Nov. 15, 1995, 109 Stat. 460, as amended by Pub. L. 104-122, Mar. 29, 1996, 110 Stat. 876, provided that:

“(a) In consultation with the employees of the Federal Aviation Administration and such non-govern-

mental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5, United States Code, and other Federal personnel laws, the Administrator of the Federal Aviation Administration shall develop and implement, not later than January 1, 1996, a personnel management system for the Federal Aviation Administration that addresses the unique demands on the agency's workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

“(b) The provisions of title 5, United States Code, shall not apply to the new personnel management system developed and implemented pursuant to subsection (a), with the exception of—

“(1) section 2302(b), relating to whistleblower protection;

“(2) sections 3308–3320, relating to veterans' preference;

“(3) chapter 71, relating to labor-management relations;

“(4) section 7204, relating to antidiscrimination;

“(5) chapter 73, relating to suitability, security, and conduct;

“(6) chapter 81, relating to compensation for work injury; and

“(7) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage.

“(c) This section shall take effect on April 1, 1996.”

DEPENDENTS OF FEDERAL AVIATION ADMINISTRATION PERSONNEL

Provisions authorizing the expenditure of certain funds appropriated for the Federal Aviation Administration for (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965, see 20 U.S.C. 7701 et seq., expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis, were contained in the following appropriation acts:

Oct. 27, 1997, Pub. L. 105–66, title III, § 303, 111 Stat. 1441.

Sept. 30, 1996, Pub. L. 104–205, title III, § 303, 110 Stat. 2968.

Nov. 15, 1995, Pub. L. 104–50, title III, § 303, 109 Stat. 453.

Sept. 30, 1994, Pub. L. 103–331, title III, § 303, 108 Stat. 2488.

Oct. 27, 1993, Pub. L. 103–122, title III, § 303, 107 Stat. 1219.

Oct. 6, 1992, Pub. L. 102–388, title III, § 303, 106 Stat. 1543.

Oct. 28, 1991, Pub. L. 102–143, title III, § 303, 105 Stat. 939.

Nov. 5, 1990, Pub. L. 101–516, title III, § 303, 104 Stat. 2178.

Nov. 21, 1989, Pub. L. 101–164, title III, § 303, 103 Stat. 1091.

Sept. 30, 1988, Pub. L. 100–457, title III, § 303, 102 Stat. 2146.

Dec. 22, 1987, Pub. L. 100–202, § 101(i) [title III, § 303], 101 Stat. 1329–358, 1329–377.

Oct. 18, 1986, Pub. L. 99–500, § 101(i) [H.R. 5205, title III, § 303], 100 Stat. 1783–308, and Oct. 30, 1986, Pub. L. 99–591, § 101(i), 100 Stat. 3341–308.

Dec. 19, 1985, Pub. L. 99–190, § 101(e) [title III, § 303], 99 Stat. 1267, 1284.

Oct. 12, 1984, Pub. L. 98–473, title I, § 101(i) [title III, § 303], 98 Stat. 1944, 1961.

Aug. 15, 1983, Pub. L. 98–78, title III, § 303, 97 Stat. 470.
Dec. 18, 1982, Pub. L. 97–369, title III, § 306, 96 Stat. 1781.

Dec. 23, 1981, Pub. L. 97–102, title III, § 306, 95 Stat. 1458.

Oct. 9, 1980, Pub. L. 96–400, title III, § 306, 94 Stat. 1695.
Nov. 30, 1979, Pub. L. 96–131, title III, § 307, 93 Stat. 1037.

Aug. 4, 1978, Pub. L. 95–335, title III, § 310, 92 Stat. 448.
Aug. 2, 1977, Pub. L. 95–85, title III, § 310, 91 Stat. 416.

Aug. 14, 1976, Pub. L. 94–387, title III, § 312, 90 Stat. 1185.

Nov. 24, 1975, Pub. L. 94–134, title III, § 310, 89 Stat. 711.
Aug. 28, 1974, Pub. L. 93–391, title III, § 311, 88 Stat. 780.

Aug. 16, 1973, Pub. L. 93–98, title III, § 313, 87 Stat. 340.
Aug. 22, 1972, Pub. L. 92–398, title III, § 313, 86 Stat. 591.

Aug. 10, 1971, Pub. L. 92–74, title I, 85 Stat. 203.
Dec. 26, 1969, Pub. L. 91–168, title I, 83 Stat. 455.

Aug. 8, 1968, Pub. L. 90–464, title I, 82 Stat. 655.
Oct. 23, 1967, Pub. L. 90–112, title I, 81 Stat. 312.

June 29, 1966, Pub. L. 89–474, title I, 80 Stat. 223.
June 30, 1965, Pub. L. 89–57, title I, 79 Stat. 197.

Aug. 1, 1964, Pub. L. 88–392, title I, 78 Stat. 369.
June 13, 1963, Pub. L. 88–39, title I, 77 Stat. 59.

Aug. 6, 1962, Pub. L. 87–575, title I, 76 Stat. 311.
Aug. 21, 1961, Pub. L. 87–159, title I, 75 Stat. 395.

June 30, 1960, Pub. L. 86–561, title I, 74 Stat. 285.
June 11, 1959, Pub. L. 86–39, title I, 73 Stat. 67.

Mar. 28, 1958, Pub. L. 85–354, title I, 72 Stat. 63.
May 27, 1957, Pub. L. 85–37, title I, 71 Stat. 37.

Apr. 2, 1956, ch. 161, title I, 70 Stat. 94.
June 1, 1955, ch. 113, title I, 69 Stat. 74.

May 28, 1954, ch. 242, title I, 68 Stat. 146.
June 18, 1953, ch. 132, title I, 67 Stat. 69.

AVIATION SAFETY COMMISSION

Pub. L. 99–500, title V, §§ 501–507, Oct. 18, 1986, 100 Stat. 1783–370 to 1783–373, and Pub. L. 99–591, title V, §§ 501–507, Oct. 30, 1986, 100 Stat. 3341–373 to 3341–376, known as the Aviation Safety Commission Act of 1986, established Aviation Safety Commission, directed Commission to study organization and functions of Federal Aviation Administration and means by which it could most efficiently and effectively perform its responsibilities and increase aviation safety and to submit reports to the President and the two houses of Congress within 9 months after Oct. 18, 1986, and within 18 months after Oct. 18, 1986, and provided that Commission was to cease to exist 18 months after Oct. 18, 1986.

APPOINTMENT OF RETIRED MILITARY OFFICER AS ADMINISTRATOR

Pub. L. 102–308, June 26, 1992, 106 Stat. 273, provided: “That notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General Thomas C. Richards, United States Air Force, Retired, to the Office of Administrator of the Federal Aviation Administration. General Richards' appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he shall hold as an officer on the retired list of the United States Air Force, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that subchapter IV of chapter 55 of title 5, United States Code, affects the amount of retired pay to which he is entitled by law during his service as Administrator. So long as he serves as Administrator, General Richards shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Air Force, shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Air Force, shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is enti-

tled by law, subject to the provisions of subchapter IV of chapter 55 of title 5, United States Code.

“SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, General Richards shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Air Force.

“SEC. 3. Nothing in this Act shall be construed as approval by the Congress of any future appointments of military persons to the Office of Administrator of the Federal Aviation Administration.”

Prior provisions authorizing the appointment of a retired military officer as Administrator were contained in the following acts:

Pub. L. 102-223, Dec. 11, 1991, 105 Stat. 1678.

Pub. L. 101-47, June 30, 1989, 103 Stat. 134.

Pub. L. 98-256, Apr. 10, 1984, 98 Stat. 125.

Pub. L. 89-46, June 22, 1965, 79 Stat. 171.

DEFINITIONS

Section 202 of title II of Pub. L. 104-264 provided that: “In this title [see Effective Date of 1996 Amendment note set out above], the following definitions apply:

“(1) ADMINISTRATION.—The term ‘Administration’ means the Federal Aviation Administration.

“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 322, 44507, 50101, 50102, 50105 of this title.

§ 107. Federal Transit Administration

(a) The Federal Transit 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 Senate. The Administrator reports directly to the Secretary of Transportation.

(c) The Administrator shall carry out duties and powers prescribed by the Secretary.

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2417; Pub. L. 102-240, title III, § 3004(c)(1), (2), Dec. 18, 1991, 105 Stat. 2088.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107	49:1608 (note).	Reorg. Plan No. 2 of 1968, eff. July 1, 1968, § 3, 82 Stat. 1369.

In subsection (b), the words “and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314)” are omitted as surplus because of 5:5314.

AMENDMENTS

1991—Pub. L. 102-240 substituted “Federal Transit Administration” for “Urban Mass Transportation Administration” in section catchline and subsec. (a).

CHANGE OF NAME

Section 3004(a), (b) of Pub. L. 102-240 provided that:

“(a) REDESIGNATION OF UMTA.—The Urban Mass Transportation Administration of the Department of Transportation shall be known and designated as the ‘Federal Transit Administration’.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United

States to the Urban Mass Transportation Administration shall be deemed to be a reference to the ‘Federal Transit Administration’.”

§ 108. Coast Guard

(a)(1) The Coast Guard is a part of the Department of Transportation. The Secretary of Transportation exercises all duties and powers related to the Coast Guard vested in the Secretary of the Treasury, and other officers and offices of the Department of Treasury, immediately before April 1, 1967.

(2) Notwithstanding paragraph (1) of this subsection, the Coast Guard, together with the duties and powers of the Coast Guard, shall operate as a service in the Navy as provided under section 3 of title 14.

(b) The Commandant is the Chief of the Coast Guard. In addition to carrying out the duties and powers specified by law, the Commandant shall carry out duties and powers prescribed by the Secretary of Transportation. The Commandant reports directly to the Secretary.

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2417; Pub. L. 103-272, § 4(j)(4), July 5, 1994, 108 Stat. 1365.)

HISTORICAL AND REVISION NOTES

PUB. L. 97-449

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
108(a)	49:1655(b)(1), (2).	Oct. 15, 1966, Pub. L. 89-670, §§ 3(e)(3) (related to USCG), 6(b)(1), (2), 80 Stat. 932, 938.
108(b)	49:1652(e)(3) (related to USCG).	

Subsection (a) reflects the transfer of the Coast Guard to the Department of Transportation as provided by the source provisions and 14:1. The words “Except when operating as a service of the Navy” are substituted for 49:1655(b)(2) because of 14:3. The words “The Secretary of Transportation exercises . . . vested in the Secretary of the Treasury . . . immediately before April 1, 1967” are substituted for “and there are hereby transferred to and vested in the Secretary . . . of the Secretary of the Treasury” to reflect the transfer of duties and powers to the Secretary of Transportation on April 1, 1967, the effective date of the Department of Transportation Act (Pub. L. 89-670, 80 Stat. 931).

In subsection (b), the first sentence is included to provide the name of the officer in charge of the Coast Guard, as reflected in 14:44. In the 2d sentence, the words “carrying out the duties and powers specified by law” are substituted for “such functions, powers, and duties as are specified in this chapter to be carried out”, and the words “carry out duties and powers prescribed” are substituted for “carry out such additional functions, powers, and duties as”, for consistency.

PUB. L. 103-272

Section 4(j)(4) amends 49:108(a) to reflect the intent of 49 App.:1655(b)(2), on which 49:108(a) was based.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-272 designated existing provisions as par. (1), substituted “The Coast Guard” for “Except when operating as a service in the Navy, the Coast Guard”, and added par. (2).

§ 109. Maritime Administration

(a) The Maritime Administration transferred by section 2 of the Maritime Act of 1981 (46 App. U.S.C. 1601) is an administration in the Department of Transportation.