

United States Code

TITLE 49 – TRANSPORTATION

SUBTITLE I – DEPARTMENT OF TRANSPORTATION

CHAPTER 3 – GENERAL DUTIES AND RESPONSIBILITIES

Sec. 322. General powers

(a) The Secretary of Transportation may prescribe regulations to carry out the duties and powers of the Secretary. An officer of the Department of Transportation may prescribe regulations to carry out the duties and powers of the officer.

(b) The Secretary may delegate, and authorize successive delegations of, duties and powers of the Secretary to an officer or employee of the Department. An officer of the Department may delegate, and authorize successive delegations of, duties and powers of the officer to another officer or employee of the Department. However, the duties and powers specified in sections 103(c)(1), 104(c)(1), and 106(g)(1) of this title may not be delegated to an officer or employee outside the Administration concerned.

(c) On a reimbursable basis when appropriate, the Secretary may, in carrying out aviation duties and powers -

(1) use the available services, equipment, personnel, and facilities of other civilian or military departments, agencies, and instrumentalities of the United States Government, with their consent;

(2) cooperate with those departments, agencies, and instrumentalities in establishing and using aviation services, equipment, and facilities of the Department; and

(3) confer and cooperate with, and use the services, records, and facilities of, State, territorial, municipal, and other agencies.

(d) The Secretary may make expenditures to carry out aviation duties and powers, including expenditures for -

(1) rent and personal services;

(2) travel expenses;

(3) office furniture, equipment, supplies, lawbooks, newspapers, periodicals, and reference books, including exchanges;

(4) printing and binding;

(5) membership in and cooperation with domestic or foreign organizations related to, or a part of, the civil aeronautics industry or the art of aeronautics;

(6) payment of allowances and other benefits to employees stationed in foreign countries to the same extent authorized for members of the Foreign Service of comparable grade;

(7) investigations and studies about aeronautics; and

(8) acquiring, exchanging, operating, and maintaining

passenger-carrying aircraft and automobiles and other property.
 (e) The Secretary may negotiate, without advertising, the purchase of technical or special property related to air navigation when the Secretary decides that -

- (1) making the property would require a substantial initial investment or an extended period of preparation; and
- (2) procurement by advertising would likely result in additional cost to the Government by duplication of investment or would result in duplication of necessary preparation that would unreasonably delay procuring the property.

Source

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2422.)

Historical and Revision Notes

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 322(a) | 49:1657(e)(1) (last 19 words), (2) (last 19 words), (f), (g). | Oct. 15, 1966, Pub. L. 89-670, Sec. 9(e)-(g), 80 Stat. 944. |
| 322(b) | 49:1344(d) (less words after semicolon). 49:1657(e)(1) (less last 19 words), (2) (less last 19 words), (3). 5 App. U.S.C. | Aug. 23, 1958, Pub. L. 85-726, Sec. 302(k), 303(a), (d) (less words after semicolon), 80 Stat. 747, 749. Reorg. Plan No. 2 of 1968, eff. July 1, 1968, Sec. 2, 82 Stat. 1369. |
| 322(c) | 49:1343(i). | |
| 322(d) | 49:1344(a). | |
| 322(e) | 49:1344(e). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, Sec. 303(e); added May 21, 1970, Pub. L. 91-258, Sec. 51(a)(1), 84 Stat. 234; July 12, 1976, Pub. L. 94-353, Sec. 16, 90 Stat. 882; Oct. 19, 1980, Pub. L. 96-470, Sec. 112(e), 94 Stat. 2240. |

 In the chapter, the words "Secretary of Transportation" and "Secretary" are substituted for "Administrator" in the

provisions of the Federal Aviation Act of 1958 (Pub. L. 85-726, 72 Stat. 731) restated in the revised chapter because of the transfer of aviation functions to the Secretary under 49:1655(c)(1).

In subsection (a), the words "may prescribe regulations to carry out the duties and powers" are substituted for "may make such rules and regulations as may be necessary to carry out . . . functions, powers, and duties" for consistency and to eliminate unnecessary words. The text of 49:1657(f) and (g) is omitted as executed because the transfer of personnel, assets, and liabilities, etc., has been accomplished.

In subsection (b), the words "Except where this chapter vests in any administration, agency or board, specific functions, powers, and duties" before "the Secretary may" in 49:1657(e)(1) are omitted because of the specific wording of sections 103, 104, and 106 of the revised title. The words "in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to or vested in the Secretary in this chapter" before "delegate" in 49:1657(e)(1) are omitted because the authority of the Secretary to delegate is consolidated in the subsection. The words "the duties and powers of the Secretary" are substituted for "any of his residual functions, powers, and duties" in 49:1657(e)(1) and "any of the functions transferred to him by this reorganization plan" in section 2 of Reorganization Plan No. 2 of 1968 (eff. July 1, 1968, 82 Stat. 1369), for clarity and consistency. The words "as he may designate" and "of such functions, powers, and duties as he may deem desirable" are omitted as surplus each place they appear in 49:1657(e)(1) and (2). The text of section 322(b) (1st sentence) of the revised title is substituted for 49:1344(d) (less words after semicolon) for clarity and because of the transfer of aviation functions to the Secretary of Transportation under 49:1655(c)(1). The text of 49:1657(e)(2) (words before 2d comma) is omitted as unnecessary because the authority of an officer to delegate is consolidated in the subsection. The words "the duties and powers of the officer" are substituted for "such functions, powers, and duties" in 49:1657(e)(2) for clarity and consistency. The words "the duties and powers specified in sections 103(c)(1), 104(c)(1), and 106(g)(1) of this title" are substituted for "any of the statutory duties and responsibilities specifically assigned to them by this chapter" in 49:1657(e)(3) for clarity. The words "may not be delegated to an officer or employee outside the Administration concerned" are substituted for "The Administrators established by section 1652(e) of this title . . . may not delegate . . . outside of their respective administrations" in 49:1657(e)(3) for clarity and because of the restatement of the section.

In subsection (c), before clause (1), the words "aviation duties and powers" are added because the source provisions being restated only applies to carrying out duties and powers related to the Federal Aviation Administration. In clause (2), the words "those departments, agencies, and instrumentalities" are substituted for "such other agencies and instrumentalities" in 49:1343(i) for clarity and consistency. The words "aviation . . . Department" are substituted for "Administration" in 49:1343(i) because of the transfer of aviation functions to the Secretary under 49:1655(c)(1).

In subsection (d), before clause (1), the words "aviation duties

and powers'' are substituted for ''for the exercise and performance of the powers and duties vested in and imposed upon him by law'' in 49:1344(a) because the source provisions being restated only applies to carrying out duties and powers related to the Federal Aviation Administration. The words ''at the seat of government and elsewhere as may be necessary'' after ''expenditures'' and ''and as from time to time may be appropriated for by Congress'' are omitted as surplus. In clause (8), the words ''passenger-carrying aircraft and automobiles'' are substituted for ''passenger-carrying automobiles and aircraft'' in 49:1344(a) for clarity. The words ''such . . . as is necessary in the exercise and performance of the powers and duties of the Secretary'' after ''aircraft'' in 49:1344(a) are omitted as unnecessary because of the restatement of the section. The text of 49:1344(a) (proviso) is omitted as unnecessary.

In subsection (e), before clause (1), the words ''or in support of'' are omitted as surplus. In clause (1), the words ''making the property'' are substituted for ''for manufacture'' for clarity. In clause (2), the word ''formal'' is omitted as unnecessary. The word ''unreasonably'' is substituted for ''unduly'' for consistency.

EXECUTIVE ORDER NO. 11382

Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, as amended by Ex. Ord. No. 11428, Sept. 5, 1968, 32 F.R. 12719, upon establishment of Department of Transportation amended and revoked certain executive orders relating to transportation, and, in addition to any other authority, authorized Secretary of Transportation and Federal Aviation Administrator to redelegate and authorize successive redelegations of any authority conferred in the order or the orders amended by it.