

103D CONGRESS
1ST SESSION

H. R. 3127

To transfer to the Secretary of Transportation the functions of the Interstate
Commerce Commission.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1993

Mr. KASICH introduced the following bill; which was referred jointly to the
Committees on Public Works and Transportation and Energy and Commerce

A BILL

To transfer to the Secretary of Transportation the functions
of the Interstate Commerce Commission.

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 “Interstate Commerce
5 Efficiency and Safety Improvement Act of 1993”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to promote fiscal respon-
8 sibility by transferring the functions of the Interstate
9 Commerce Commission to the Department of Transpor-
10 tation and to advance safety on the highways of the

1 United States by consolidating the regulation of motor
2 carrier safety in the Department of Transportation.

3 **SEC. 3. DEFINITIONS.**

4 In this Act, the term—

5 (1) “Commission” means the Interstate Com-
6 merce Commission;

7 (2) “function” means a function, power, or
8 duty; and

9 (3) “Secretary” means the Secretary of Trans-
10 portation.

11 **SEC. 4. TRANSFER OF AUTHORITY TO SECRETARY OF**
12 **TRANSPORTATION.**

13 (a) IN GENERAL.—There are transferred to the Sec-
14 retary, effective October 1, 1993, all functions of the Com-
15 mission.

16 (b) AUTHORITY OF OFFICE OF MANAGEMENT AND
17 BUDGET.—The Director of the Office of Management and
18 Budget, in consultation with the Commission and the Sec-
19 retary, may make such determinations as may be nec-
20 essary with regard to the functions transferred by this
21 Act, and to make such additional incidental dispositions
22 of assets, liabilities, contracts, property, and records, as
23 may be necessary to carry out the provisions of this Act.
24 The unobligated funds of the Commission shall not be
25 transferred to the Department of Transportation in order

1 to carry out the transfer of functions under this Act, and
2 the number of fulltime employee positions within the De-
3 partment of Transportation shall not be increased as a
4 result of such transfer of functions.

5 (c) JOINT PLANNING FOR TRANSFER.—The Chair-
6 man of the Commission and the Secretary shall, beginning
7 as soon as practicable after the date of enactment of this
8 Act, jointly plan for the orderly transfer of functions
9 under this Act.

10 (d) INTERIM USE OF INTERSTATE COMMERCE COM-
11 MISSION PERSONNEL.—Prior to October 1, 1993, and
12 with the consent of the Commission, the Secretary may
13 use the services of officers, employees, and other personnel
14 of the Commission under such terms and conditions as
15 will reasonably facilitate the orderly transfer of functions
16 under this Act.

17 **SEC. 5. SAVINGS PROVISIONS.**

18 (a) IN GENERAL.—All orders, determinations, rules,
19 regulations, permits, contracts, certificates, licenses, and
20 privileges—

21 (1) which have been issued, made, granted, or
22 allowed to become effective by any agency or official
23 thereof, or by a court of competent jurisdiction, in
24 the performance of any function which is transferred

1 by this Act to the Secretary from the Commission;
2 and

3 (2) which are in effect immediately before the
4 transfer of functions by this Act,

5 shall continue in effect according to their terms until
6 modified, terminated, superseded, set aside, or revoked in
7 accordance with law by the Secretary or any other duly
8 authorized official, by any court of competent jurisdiction,
9 or by operation of law.

10 (b) CONTINUATION OF PROCEEDINGS.—The transfer
11 of functions by this Act shall not affect any proceedings,
12 including rulemaking proceedings, or any application for
13 any license, permit, or certificate, pending before the Com-
14 mission immediately before the transfer takes effect. Such
15 proceedings and applications shall be continued at the De-
16 partment of Transportation. Orders shall be issued in such
17 proceedings, and appeals shall be taken therefrom, as if
18 this Act had not been enacted; and orders issued in any
19 such proceedings shall continue in effect until modified,
20 terminated, superseded, or revoked by the Secretary of
21 Transportation, by a court of competent jurisdiction, or
22 by operation of law. Nothing in this subsection shall be
23 deemed to prohibit the discontinuance or modification of
24 any such proceeding under the same terms and conditions
25 and to the same extent that such proceeding could have

1 been discontinued or modified if this Act had not been
2 enacted.

3 (c) EFFECT ON PENDING CIVIL ACTIONS.—Except
4 as provided in subsection (e)—

5 (1) the transfer of any function under this Act
6 shall not affect any civil action relating to such func-
7 tion which is commenced prior to the date the trans-
8 fer takes effect; and

9 (2) in all such actions, proceedings shall be had,
10 appeals taken, and judgments rendered, in the same
11 manner and effect as if this Act had not been
12 enacted.

13 (d) NONABATEMENT OF ACTIONS.—No action or
14 other proceeding commenced by or against any officer in
15 that officer's official capacity as an officer of the Commis-
16 sion shall abate by reason of the transfer of any function
17 under this Act. No cause of action by or against the Com-
18 mission, or by or against any officer thereof in that offi-
19 cer's official capacity, shall abate by reason of the transfer
20 of any function under this Act.

21 (e) JUDICIAL ADMINISTRATIVE PROVISION.—If im-
22 mediately before the transfer of functions by this Act the
23 Commission or any officer thereof in that officer's official
24 capacity is a party to an action relating to a function
25 transfer by this Act, then such action shall be continued

1 with the Secretary or other appropriate official of the De-
2 partment of Transportation substituted or added as a
3 party.

4 (f) REFERENCES.—With respect to any function
5 transferred by this Act and performed on or after the ef-
6 fective date of the transfer, reference in any Federal law
7 to the Interstate Commerce Commission or the Commis-
8 sion (insofar as such term refers to the Interstate Com-
9 merce Commission), or to any officer or office thereof,
10 shall be deemed to refer to the Department of Transpor-
11 tation, or other official or component of the Department
12 of Transportation in which such function vests.

13 (g) EXERCISE OF FUNCTIONS BY SECRETARY.—In
14 the exercise of any function transferred by this Act, the
15 Secretary shall have the same authority as that vested in
16 the Commission with respect to such function immediately
17 preceding its transfer, and actions of the Secretary shall
18 have the same force and effect as when exercised by the
19 Commission. Orders and actions of the Secretary in the
20 exercise of the functions transferred under this Act shall
21 be subject to judicial review to the same extent and in
22 the same manner as if such orders and actions had been
23 by the Commission in the exercise of such functions imme-
24 diately preceding their transfer. Any statutory require-
25 ments relating to notice, hearings, actions upon the

1 record, or administrative review that apply to any func-
2 tions transferred by this Act shall apply to the exercise
3 of such functions by the Secretary.

4 **SEC. 6. REPORT TO CONGRESS.**

5 No later than March 31, 1994, the Secretary shall
6 submit to the appropriate committees of Congress a report
7 on the functions transferred from the Commission to the
8 Department of Transportation under this Act. The report
9 shall include—

10 (1) an assessment of benefits compared to costs
11 associated with each of these functions, both with re-
12 spect to persons affected directly and to the public
13 generally;

14 (2) recommendations for the elimination of
15 functions identified as redundant, or substantially
16 the same as functions or services which are per-
17 formed by the Department of Transportation or
18 other public or private organizations prior to the
19 transfer of functions under this Act; and

20 (3) recommendations to modify or eliminate
21 those functions that do not provide substantial eco-
22 nomic or safety benefits to the general public.

1 **SEC. 7. CONFORMING AMENDMENTS.**

2 (a) EXECUTIVE LEVEL PAY RATES.—(1) Section
3 5314 of title 5, United States Code, is amended by strik-
4 ing “Chairman, Interstate Commerce Commission.”.

5 (2) Section 5315 of title 5, United States Code, is
6 amended by striking “Members, Interstate Commerce
7 Commission.”.

8 (b) TERMINATION OF COMMISSION.—Sections 10301
9 through 10308 of title 49, United States Code, are
10 repealed.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall become effective on October 1, 1993.

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