

Office of the Secretary of Transportation

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§ 1.58 Delegations to Assistant Secretary for Budget and Programs.

The Assistant Secretary for Budget and Programs is delegated authority to:

(a) Exercise day-to-day operating management responsibility over the Office of Programs and Evaluation and the Office of Budget.

(b) Direct and manage the Departmental planning, evaluation, and budget activities.

(c) Request apportionment or re-apportionment of funds by the Office of Management and Budget, provided that no request for apportionment or re-apportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

(d) Issue allotments or allocations of funds to components of the Department.

(e) Authorize and approve official travel and transportation for staff members of the Immediate Office of the Secretary including authority to sign and approve related travel orders and travel vouchers, but not including requests for overseas travel.

(f) Issue monetary authorizations for use of reception and representation funds.

(g) Act for the Secretary and Deputy Secretary with respect to certain budgetary and administrative matters relating to the Immediate Office of the Secretary.

(h) Provide Congressional Notification for Energy Savings Performance Contracts (ESPCs) with cancellation ceilings in excess of \$750,000, pursuant to the National Energy Conservation Policy Act, as amended, 42 U.S.C. 8287 et seq.

(i) In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, 104 Stat. 890), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134, 110 Stat. 1321), review, on an annual basis, each of the Department's civil penalty provisions, determine whether adjustment is required, calculate the necessary adjustment, and coordinate with the relevant Operating Administration to ensure that the req-

uisite regulation making the adjustment is issued.

[Amdt. 1-130, 42 FR 58754, Nov. 11, 1977. Re-designated by Amdt. 1-157, 45 FR 83409, Dec. 18, 1980, as amended by Amdt. 1-293, 63 FR 33589, June 19, 1998; 68 FR 12834, Mar. 18, 2003]

§ 1.59 Delegations to the Assistant Secretary for Administration.

The Assistant Secretary for Administration is delegated authority for the following:

(a) *Acquisition.* (1) Exercise procurement authority with respect to requirements of the Office of the Secretary.

(2) Make the required determinations with respect to mistakes in bids relative to sales of personal property conducted by the Office of the Secretary without power of redelegation.

(3) Carry out the functions vested in the Secretary by sections 3 and 4(b) (as appropriate) of Executive Order 11912.

(4) Carry out the functions delegated to the Secretary from time to time by the Administrator of General Services to lease real property for Department use.

(b) *Personnel.* (1) Conduct a personnel management program for the Office of the Secretary with authority to take, direct others to take, recommend or approve any personnel action with respect to such authority.

(2) Serve as Vice Chairman of the Departmental Executive Resources Board and its Executive Resources Review Committee.

(3) Exercise emergency authority to hire without the prior approval of the Deputy Secretary normally required by Departmental procedures implementing general employment limitations when in the judgment of the Assistant Secretary immediate action is necessary to effect the hire and avoid the loss of a well-qualified job applicant, and for similar reasons.

(4) Review proposals of the Office of the Secretary for each new appointment or transfer to:

(i) Verify the essentiality of the position, and

(ii) [Reserved]

(5) Approve employment of experts and consultants in accordance with 5 U.S.C. 3109.

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(6) Serve as Vice Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(7) Issue final interpretations for the Department and its administrations on matters arising under section 7117 of title VII of the Civil Service Reform Act of 1978.

(8) Develop, coordinate, and issue wage schedules for Department employees under the Federal Wage System, except as delegated to the Commandant of the Coast Guard at §1.46.

(c) *Finance.* (1) Administer the financial and fiscal affairs of the Office of the Secretary (other than those for which the Assistant Secretary for Budget and Programs is responsible), in accordance with 31 U.S.C. 3512.

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the Departmental headquarters. (Redelegation to the Director of Financial Management is contained in subpart C, §1.59a.)

(3) In accordance with 31 U.S.C. 3527, grant or recommend relief from accountability for losses or deficiencies of disbursing officers, cashiers, or other accountable officers as follows:

(i) Grant relief for losses or deficiencies of less than \$500 for which charges or exceptions have not been raised by the General Accounting Office.

(ii) Recommend relief by the Comptroller General for all other losses or deficiencies.

(4) Settle and pay claims by employees of the Office of the Secretary, except at the Transportation System Center, for personal property losses, as provided by 31 U.S.C. 241(b).

(5) Waive claims and make refunds in connection with claims of the United States for erroneous payment of pay and allowances or of travel, transportation, and relocation expenses and allowances to an employee of the Office of the Secretary in amounts aggregating not more than \$1,500 without regard to any repayments, and deny requests for waiver of such claims regardless of the aggregate amount of the claim, as provided by 4 CFR parts 91, 92, and 93. This authority may be

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redelgated only to the Director of Financial Management.

(6) Compromise, suspend collection action on, or terminate claims of the United States not exceeding \$100,000 (excluding interest) which are referred to, or arise out of the activities of, the Office of the Secretary.

(7) Determine the existence and amount of indebtedness and the method of collecting repayments from employees of the Office of the Secretary and collect repayments accordingly, as provided by 5 U.S.C. 5514. This authority may be redelegated only to the Director of Financial Management.

(8) Develop, coordinate, and issue wage schedules for Department employees under the Federal Wage System.

(9) Review and approve for payment any voucher for \$25 or less the authority for payment of which is questioned by a certifying or disbursing officer. (Redelegation to the Director of Financial Management is contained in subpart C, §1.59a.)

(10) Approve cash purchases of emergency passenger transportation services costing over \$100 under FPMR G-72, as amended.

(11) Perform accounting and related functions in support of the essential air service program.

(12) Carry out the functions and obligations assigned to the Secretary with respect to the Prompt Payment Act, Public Law 97-177.

(13) Carry out the functions and duties assigned to the Secretary with respect to the Debt Collection Act of 1982, Public Law 97-365.

(d) *Special funds.* Except as otherwise delegated, establish or operate, or both, such special funds as may be required by statute or by administrative determination. This excludes the Working Capital Fund (49 U.S.C. 327).

(e) *Security.* (1) Represent the Secretary on the National Communications Security Committee and Interdepartmental Committee on Internal Security.

(2) Issue identification media "by direction of the Secretary".

(3) Classify information in the interests of national defense.

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(4) Take certain classified actions on behalf of the Department in connection with counter-audio programs.

(5) Authorize exceptions to investigative standards for National Defense Executive Reservists.

(6) Determine when emergencies, other than attack on the United States, justify activation of Personnel Security Regulations issued by the Secretary.

(7) Approve exceptions to the Personnel Security regulations issued by the Secretary.

(8) Request the Office of Personnel Management to modify investigative requirements in other areas.

(9) Ensure Department-wide compliance with Executive Orders 10450, 12829, 12958, 12968, and related regulations and issuances.

(f) *Printing.* (1) Request approval of the Joint Committee on Printing, Congress of the United States, for any procurement or other action requiring Committee approval.

(2) Certify the necessity for Departmental periodicals and request approval of the Director of the Office of Management and Budget (OMB Circular No. A-3 Revised as of Sept. 8, 1960).

(g) *Document authentication.* Emboss and affix the official Departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(h) *Foreign travel.* Review written requests for modification to the Department's foreign travel plan approved by the Office of Management and Budget.

(i) *Gifts and bequests.* Carry out the functions vested in the Secretary by section 9(m) of the Department of Transportation Act (Pub. L. 89-670).

(j) *Building management.* Carry out the functions vested in the Secretary by sections 1(b) and 4(b) (as appropriate) of Executive Order 11912.

(k) *Privacy.* Issue notices of Department of Transportation systems of records as required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4), (11)).

(l) *Hearings.* Provide logistical and administrative support to the Department's Office of Hearings.

(m) *Paperwork reduction.* Carry out the functions and responsibilities assigned to the Secretary with respect to

the Paperwork Reduction Act of 1980, Public Law 96-511.

(n) *Federal real property management.* Carry out the functions assigned to the Secretary with respect to Executive Order 12512 of April 28, 1985.

(o) *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894.* Except as provided in §§1.45, 1.48 and 49 CFR 25.302, the functions, powers, and duties of the Secretary of Transportation, with respect to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, are delegated to the Assistant Secretary for Administration with respect to programs administered by the Office of the Secretary. This authority is subject to the requirements listed in §1.45 that govern all Operating Administrations' authority with respect to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(p) *Regulations.* Issue Department of Transportation procurement regulations, subject to the following limitation:

(1) *Coordination.* The views of the General Counsel, the interested administrations and other offices will be solicited in the development of the procurement regulations. In commenting upon proposed provisions for the procurement regulations, the administrations will indicate the nature and purpose of any additional implementing or supplementing policy guidances which they propose to issue at the administration level.

(2) [Reserved]

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §1.59, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 1.59a Redelegations by the Assistant Secretary for Administration.

(a) The Assistant Secretary for Administration has redelegated to the Director of Acquisition and Grant Management authority to procure and authorize payment for property and services for the Office of the Secretary, with power to redelegate and authorize successive redelegations.