

§ 1.57a

(t) Carry out the functions vested in the Secretary by 49 U.S.C. 40119(b), as implemented by 49 CFR part 15, relating to the determination that information is Sensitive Security Information.

(10 U.S.C. 1552; 49 U.S.C. 1655(b); 49 U.S.C. 322; 49 CFR 1.57(1))

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §1.57, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 1.57a Delegations to Deputy General Counsel.

The Deputy General Counsel is delegated authority to:

(a) Appear on behalf of the Department on the record in hearing cases, and to initiate and carry out enforcement actions on behalf of the Department, under the authority transferred to the Department from the Civil Aeronautics Board as described in §§1.56a(f) and 1.57(s). This includes the authority to compromise penalties under 49 U.S.C. 46301; to issue appropriate orders, including cease and desist orders, under 49 U.S.C. 46101; and to require the production of information, enter carrier property and inspect records and inquire into the management of the business of a carrier under 49 U.S.C. 41711, as appropriate to the enforcement responsibilities. In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

(b) Initiate and carry out enforcement actions relating to:

(1) Foreign airport security on behalf of the Department under 49 U.S.C. 44907; and

(2) The Consumer Credit Protection Act under section 4(a)(5) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443). In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

[Amdt. 1-269, 60 FR 15877, Mar. 28, 1995]

§ 1.57b Delegations to the Assistant General Counsel for Environmental, Civil Rights, and General Law.

Administer 5 U.S.C. 552 and 49 CFR part 7 in connection with the records of

49 CFR Subtitle A (10-1-07 Edition)

the Office of the Secretary (including the Office of the Inspector General) and issue procedures to ensure uniform Departmental implementation of statutes and regulations regarding public access to records.

[Amdt. 1-228, 54 FR 10010, Mar. 9, 1989, as amended by Amdt. 1-261, 59 FR 10064, Mar. 3, 1994]

§ 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

Office of the Secretary of Transportation

§ 1.59

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 requisite regulation making the adjustment is issued.

[Amdt. 1-130, 42 FR 58754, Nov. 11, 1977. Redesignated 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.

(5) Carry out the duties and responsibilities of agency head for departmental procurement within the meaning of the Federal Acquisition Regulation. This authority as agency head for departmental procurement excludes duties, responsibilities, and powers expressly reserved for the Secretary of Transportation.

(6) Serve as Deputy Chief Acquisition Officer.

(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.

(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.