

Dates of 2012 Amendment note under section 101 of Title 23, Highways.

**§ 6313. Mandatory response authority for freight data collection**

(a) FREIGHT DATA COLLECTION.—

(1) IN GENERAL.—An owner, official, agent, person in charge, or assistant to the person in charge of a freight corporation, company, business, institution, establishment, or organization described in paragraph (2) shall be fined in accordance with subsection (b) if that individual neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau to submit data under section 6302(b)(3)(B)—

(A) to answer completely and correctly to the best knowledge of that individual all questions relating to the corporation, company, business, institution, establishment, or other organization; or

(B) to make available records or statistics in the official custody of the individual.

(2) DESCRIPTION OF ENTITIES.—A freight corporation, company, business, institution, establishment, or organization referred to in paragraph (1) is a corporation, company, business, institution, establishment, or organization that—

(A) receives Federal funds relating to the freight program; and

(B) has consented to be subject to a fine under this subsection on—

(i) refusal to supply any data requested; or

(ii) failure to respond to a written request.

(b) FINES.—

(1) IN GENERAL.—Subject to paragraph (2), an individual described in subsection (a) shall be fined not more than \$500.

(2) WILLFUL ACTIONS.—If an individual willfully gives a false answer to a question described in subsection (a)(1), the individual shall be fined not more than \$10,000.

(Added Pub. L. 112-141, div. E, title II, §52011(a), July 6, 2012, 126 Stat. 895.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

**§ 6314. Port performance freight statistics program**

(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

(1) the Nation's top 25 ports by tonnage;

(2) the Nation's top 25 ports by 20-foot equivalent unit; and

(3) the Nation's top 25 ports by dry bulk.

(b) REPORTS.—

(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and

throughput at the ports described in subsection (a).

(2) PORT PERFORMANCE MEASURES.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a) that—

(A) receives Federal assistance; or

(B) is subject to Federal regulation to submit necessary information to the Bureau that includes statistics on capacity and throughput as applicable to the specific configuration of the port.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall obtain recommendations for—

(A) port performance measures, including specifications and data measurements to be used in the program established under subsection (a); and

(B) a process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Transportation for Tomorrow Act of 2015, the Director shall commission a working group composed of—

(A) operating administrations of the Department;

(B) the Coast Guard;

(C) the Federal Maritime Commission;

(D) U.S. Customs and Border Protection;

(E) the Marine Transportation System National Advisory Council;

(F) the Army Corps of Engineers;

(G) the Saint Lawrence Seaway Development Corporation;

(H) the Bureau of Labor Statistics;

(I) the Maritime Advisory Committee for Occupational Safety and Health;

(J) the Advisory Committee on Supply Chain Competitiveness;

(K) 1 representative from the rail industry;

(L) 1 representative from the trucking industry;

(M) 1 representative from the maritime shipping industry;

(N) 1 representative from a labor organization for each industry described in subparagraphs (K) through (M);

(O) 1 representative from the International Longshoremen's Association;

(P) 1 representative from the International Longshore and Warehouse Union;

(Q) 1 representative from a port authority;

(R) 1 representative from a terminal operator;

(S) representatives of the National Freight Advisory Committee of the Department; and

(T) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine.

(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Transportation for Tomorrow Act of 2015, the working group commissioned under paragraph (2) shall submit its recommendations to the Director.

(d) ACCESS TO DATA.—The Director shall ensure that—